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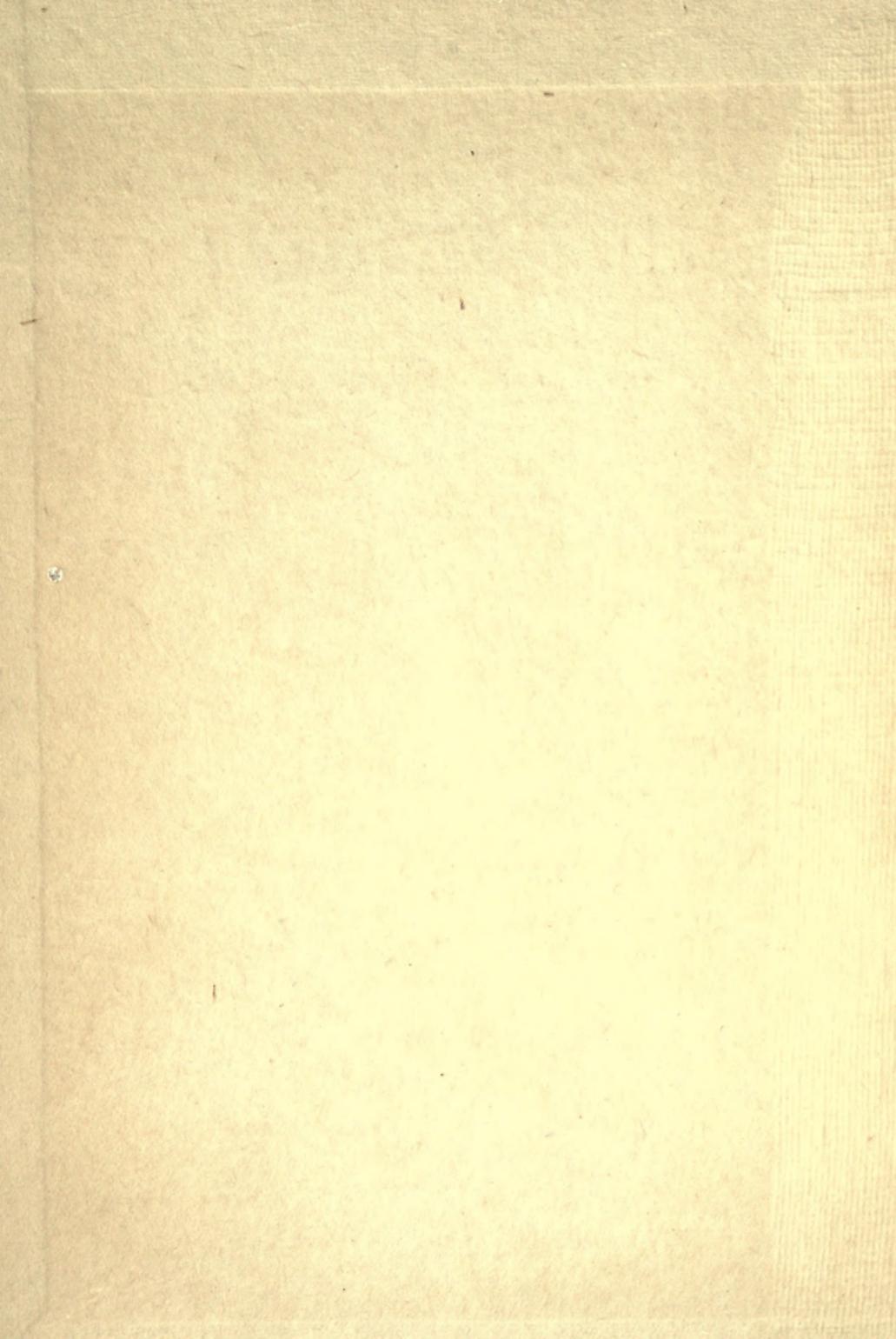
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HENRY VII

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NEW YORK

1850

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PART I. CONSTITUTIONAL DOCUMENTS.

A. GENERAL COMMENTS ON HENRY'S GOVERNMENT.

1.

[Edmund Dudley's "Tree of the Commonwealth," ed. 1859, pp. 8-9.]

And nowe to speake of the Tree of commonwealth. It is that thinge, for the w^{ch} all true englishmen haue greate neede to praie to god, that our Lorde and Kinge will thereon haue a singuler regarde and favor, for principallie by god and him yt must be holpen. And therefore god hath ordayned him to be our Kinge, and thereto is euery Kinge bounde, for that is his chardge. For as the subiectes are bounde to their prince of their allegiaunce, to loue, dreade, serue and obey him, or else to be punished by him, as straightlie is the Prince bounde to god to maintaine and supporte as farre as in him is or lieth, the commonwealth of his subiectes. And all they abide and see the punishment of god, for though the people be Subiectes to their Kinge, yet they be the people of god. And god hath ordained their Prince to protecte them, and they to obey their Prince.

(*Ibid.* p. 25.) For whoe of his subiectes maie mynister anie pointe of Justice betwene partie and partie, except he haue his auctoritie from his Soueraigne? and this be twoe of the highest of his Regallities, and given to him onlie from aboue.

2.

[Ayala to Ferdinand and Isabella, 25 July, 1498, "Spanish Cal."
i. 177-8.]

His crown is, nevertheless, undisputed, and his government is strong in all respects. He is disliked, but the Queen beloved, because she is powerless. They love the Prince as much as themselves, because he is the grandchild of his grandfather [Edward IV]. Those who know him love him also for his own virtues. The King looks old for his years, but young for the sorrowful life he has led. One of the reasons why he leads a good life is that he has been brought up abroad. He would like to govern England in the French fashion, but he cannot. He is subject to his Council, but has already shaken off some, and got rid of some part of this subjection. Those who have received the greatest favours from him are the most discontented. He knows all that. The King has the greatest desire to employ foreigners in his service. He cannot do so; for the envy of the English is diabolical, and, I think, without equal. He likes to be much spoken of, and to be highly appreciated by the whole world. He fails in this because he is not a great man. Although he professes many virtues, his love of money is too great.

He spends all the time he is not in public or in his Council, in writing the accounts of his expenses with his own hand. . . .

The King is much influenced by his mother and his followers in affairs of personal interest and in others. The Queen, as is generally the case, does not like it. There are other persons who have much influence in the government, as, for instance, the Lord Privy Seal,¹

¹ The passage is misleading, as printed in the "Calendar"; Richard Foxe was both Lord Privy Seal and Bishop of Durham.

the Bishop of Durham, the Chamberlain¹ and many others.

3.

[The following is an interesting, though not strictly contemporary extract from the declaration of the rebels at Pontefract in 1536, "Letters and Papers of Henry VIII," Vol. XI, No. 1244. Henry VII's government is used by the rebels as a foil to that of Cromwell.]

If the King will be rich, let him follow the trade of his father, the second Solomon, who inanced his riches by wisdom and mercy. If a man had deserved death he might have his pardon for money, . . . "yf the falter had amend hys cundesyon and grewyn to be a god man agayne, when he had mendyd the Kyng wolde have withdrawe hys wroth, [and] be² oyne mene or other have lukyd so off hym that he schulde have had suche a thyng as schulde helpe hym as mysche as hys fyne hyndered hym; and a noder cast he had when a bysshopprike fell, he woylde promoyte hys chaplayne, and therby be susche exchange he woylde have the profet of the temperalytes off all the feys in the realm, and contente all hys prelaytes be the sayme; for he amendyd al ther lynage therby, and hurt none, and zyt incresyd hys owyn rychys mervelously. And when marchans that went over se, he wolde cherysche thayme that brougth in buloyn and suche thyng as incresyd the rychys of the reyme. Wherefore he was boythe luffyd and dred, the reyme so inrychde and hymselfe also that yt was spokyn to the worldes end that in thys reyme was the goldyn hyll."³

¹ Giles, Lord Daubeney.

² by.

³ Cf. Bernard André's remark: "Nostrum autem, cui Aureus Mons agnomento est, Saturno felicior sapientiorque, regnandi sua tempora in ævum prorogabit" (Gairdner, "Memorials of Henry VII," p. 64). "Aureus Mons" was André's translation of Richmond.

B. HENRY'S TITLE TO THE THRONE.

4.

[Legitimation of the Beauforts by Richard II in 1397, "Rotuli Parliamentorum," iii. 343. This document is generally called an "Act of Parliament"; but it was not enrolled on the Statute Roll, and many things were done as late as Richard II's reign *in* Parliament that were not Acts of Parliament.]

Fait a remembrer, que le Maresdy, le quinzisme jour de Parlement, le Chaunceller, du comandement de Roy, declara, coment nostre seint pere le Pape, al reverence de la tres excellent persone du Roy et de son honorable uncle le Duc de Guyen & de Lancastre, & de son sank, ad habliez & legitimez Mon Seigneur Johan de Beaufort, ses freres et sa soer.¹ Et pur ceo nostre Seigneur le Roy, come entier Emperour de son Roialme d'Engleterre, pur honour de son sank, voet, & ad de sa plenir Roial poiar habilie, & fait muliere, de sa propre auctorite, le dit Johan, ses ditz freres et soer. Et aussi pronuncia & puplist l'abilite & legitimation, solone la fourme de la chartre du Roy ent faite. Laquele chartre feust lue en pleine Parlement, & baillez a le dit duc, pere a dit Johan, & ses ditz freres & soer, le tenour de quele chartre s'enfuit: Ricardus, Dei gratia, rex Angliae & Franciae & dominus Hiberniae, carissimis consanguineis nostris nobilibus viris Johanni, militi, Henrico, clerico, Thome, domicello, ac dilecte nobis nobili mulieri, Johanne Beauford, domicelle, germanis praecarissimi avunculi nostri nobilis viri Johannis Ducis Lancastriae natis, ligeis nostris, salutem & benevolentiam nostre Regie Magestatis. Dum interna consideracione pensamus, quot

¹ The marriage of John of Gaunt and Catherine Swynford would in any case—according to Canon Law—have legitimated the children born before it.

incessanter & quantis honoribus, parentili & sincera dilectione praefati avunculi nostri & sui maturitate consilii, undique decoramur, congruum arbitramur & dignum, ut meritorum suorum intuitu, ac grac¹ contemplatione personarum, vos, qui magne probitatis ingenio, vite ac morum honestate fulgetis & ex regali estis prosapia propagati, pluribusque virtutibus munereque insigniti divino, specialis prerogative munimine favoris & gratie fecundemus.² Hinc est, quod dicti avunculi nostri, genitoris vestri, precibus inclinati, vobiscum qui, ut asseritur, defectum natalium patimini, ut hujusmodi defectu, quem ejusque qualitates quas-cumque presentibus³ volumus pro sufficienter expressis, non obstante, quod⁴ quecumque honores, dignitates, pre-eminencias, status, gradus, & officia publica & privata, tam perpetua quam temporalia, atque feudalia & nobilia, quibuscumque nominibus nuncupentur, etiamsi ducatus, principatus, comitatus, baronie, vel alia feuda fuerint, etiamsi mediate vel immediate a nobis dependeant seu teneantur, prefici, promoveri, eligi, assumi, & admitti, illaque recipere, retinere, gerere, & exercere, provide,⁵ libere & licite,⁶ ac si de legitimo thoro nati existeretis, quibuscumque statutis seu consuetudinibus regni nostri Anglie in contrarium editis, seu observatis, que hic habemus pro totaliter expressis, nequaquam obstantibus, de plenitudine nostre regalis potestatis, & de assensu Parlamenti nostri, tenore presentium dispensamus. Vosque & vestrum quemlibet natalibus restituimus & legitimamus.

¹ *Vestrarum ac*, as in No. 5.

² ? *secundemus*.

³ *Supply haberi*.

⁴ *ad*.

⁵ *Perinde*.

⁶ *Supply valeatis*. This passage illustrates the corruption of the printed text of the "Rotuli Parliamentorum"; *parentili* on the first line should probably be *perutili*.

5.

[Henry IV's confirmation of the legitimization of the Beauforts by letters patent, 8 Henry IV, pars. 1, membrane 14. The famous limitation "excepta dignitate regali" was inserted by means of interlineation and in a later hand on the enrolment of Richard II's grant in the Patent Rolls, and was incorporated in the text of Henry IV's exemplification of the grant for the Earl of Somerset in 1407. But the record of Richard II's grant embodied in the Rolls of Parliament stood unaltered; and Henry IV's limitation was therefore of doubtful legality. Its motive is said (Bentley's "Excerpta Historica," p. 153) to have been to prevent Somerset from claiming the throne as the eldest son of John of Gaunt; but Henry IV was born in 1367 and Somerset not till about 1373. The exception, moreover, while not stated, is clearly implied in the language of Richard's grant.]

Rex omnibus ad quos etc. salutem—Constat nobis per inspectionem Rottulorum Cancellarum Domini Ricardi nuper regis Anglie secundi post Conquestum quod idem nuper rex literas suas patentes fieri fecit in hec verba: Ricardus Dei gratia rex Anglie et Francie et dominus Hiberniæ carissimis consanguineis nostris, nobilibus viris Johanni militi, Henrico clerico Thome domicello, ac dilecte nobis nobili mulieri Johanne Beauford domicelle, germanis precarissimi avunculi nostri nobilis viri Johannis Ducis Lancastriæ, natis ligeis nostris, salutem et benevolentiam nostre regie Majestatis. Dum interna consideratione pensamus quot incessanter et quantis honoribus, perutili¹ et sincera dilectione præfati avunculi nostri et sui maturitate consilii, undique decoramur, congruum arbitramur et dignum ut meritorum suorum intuitu, vestrarum ac contemplatione personarum, vos qui magne probitatis ingenio, vite ac morum honestate fulgetis, et ex regali estis

¹ *Parentili* in No. 4.

prosapia propagati, pluribusque virtutibus munire ¹ insigniti divino, specialis prerogative munimine favoris et gracie fecundemus ²; hinc est quod dicti avunculi nostri, genitoris vestri, precibus inclinati, vobiscum, qui ut asseritur defectum natalium patrium, ³ ut hujus modi defectu, quem ejusque qualitates quascunque presentibus haberi volumus pro sufficienter expressis, non obstante, ad quecunque honores dignitates (excepta dignitate regali) preminentias status gradus et officia publica et privata tam perpetua quam temporalia atque feudalia et nobilia, quibuscunque nominibus nuncupentur, etiam si ducatus principatus comitatus baronie vel alia feuda fuerint, etiam si mediate vel immediate a nobis dependeant seu teneantur, prefici promoveri eligi assumi et admitti, illaque recipere retinere gerere et exercere perinde libere et licite valeatis ac si legitimo thoro nati existeretis, quibuscunque statutis consuetudinibus regni nostri Anglie in contrarium editis seu observatis, que hic habemus pro totaliter expressis, nequaquam obstantibus, de plenitudine nostre regalis potestatis et de assensu Parlamenti nostri tenore presentium dispensamus, vosque et vestrum quemlibet natalibus restituimus et legitimamus. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westmonasterium nono die Febr. anno regni nostro vicesimo. Nos autem tenorem irrotulamenti literarum predictarum ad requisitionem carissimi fratris nostri Johannis comitis Somerset, duximus exemplificandum per presentes. In cujus etc. Teste Rege apud Westmonasterium 10 die Febr.

¹ ? virtutibus, munereque, as in No. 4.

² ? Secundemus.

³ Patimini, as on p. 7.

6.

[Opinion of the Judges on the effect of Henry's attainder under the Yorkists upon his title to the throne and the validity of his first Parliament, "Year Books," ed. 1679, 1 Henry VII, p. 4.]

1485.

Un question fuit mouve des Justices. Quel ordre sera in ce parlement de proceder de anuller certain attaindors, en tant que plusors que furent in le Parlement furent attaints. Memorandum quod primo die Parliamenti Regis Hen. 7 videlicet septimo die Novembris anno regni sui primo, Justiciarij in Camera vocata l'Eschequer Chambre accorderent, que tous ceux qui furent attaints, & furent nomes Chevalers des Counties ou Citizens ou Burgesses a ce Parlement, ceo Acte de attainder sera primes revoque ou anulle; et que ceux mesmes attaints ne seront in le Parliament ale reversel dele Acte, & tantost come les Acts de attainder vers eux furent reverses & anulles, ils tout & chescun de eux, cestassavoir, Seigniors & Commons viendront in leur lieux, & donc procederont loialment, & per loials persons: car il n'est convenient que ceux qui sont attaints etc. seront loials juges. Et donq fuit mouve un question, que sera dit pur le Roy mesme, pur ceo que il fuit attaint, & puis, communication eue enter eux, tous accorderent que le Roy fuist personable & discharge dascun attainter eo facto que il prist sur luy le raigne & este Roy. Et issint fuit opinion Sir Richard Choke, & de auters Juges devant, come fuit dit.

Townsend dit que le Roy H. 6 in son redemption teignoit son parlement; et & ne fuit reverse. Et lez auters Justices disent que il ne fuit attaint, mes disable de son corone, regne, dignite, terres et tenementes; et disent que, eo facto que il prist sur luy le Roial dignite, este Roy, tout ce fuit void; et issint icy le Roy puit luy

mesme inabler, & ne besoigne ascun Acte de le reversel de son atteindre.

Hussey Chief Justice disoit que Sir John Markam disoit au Roy E le 4 que il ne poit arrestre un homme sur suspeceon de treason ou felony, sicomme ascuns de ses liges puissent, parceque s'il face tort, le party ne poit avoir accion. Comme fuist in le cas Sir Thomas Thresam qui fuit attaint de treason ; et fuit intend que il sera Speaker de le Parlement. Quod Nota. Donq icy fuist mouve coment sera de le Speaker s'il fuit atteint. Ad quod non fuit responsum. Thomas Lovells Cas.

7.

[Opinion of the Judges on the question whether a new settlement of the crown involved a resumption of grants, "Year Books," ed. 1679, 1 Henry VII, p. 12.]

Un grande question fuit demande per le Chancelier 1485. de Angleterre de tous les Justices, de ceo que on bill fuit mis en le Common hous a les Seigniours en le Parlement, eux priant de assestre etc. Et l'effect de le dit bill fuit que le' enheritance de le Corone d'Angleterre & de France ove [avec] tous preeminences et prerogatives soit a nostre Seigneur le Roy Henry le VII & a ses heres de son corps loialment engendres etc. Et in effect selonque l'Acte fait An 7 H 4 ca 2.¹ Et le question fuit, si les Franchises & Liberties de tous maners personnes soient per cele resumes ou nemy. Et dit fuit que non.

8.

[An Act declaring the inheritance of the crowns of England and France to be vested in Henry VII, 1 Henry VII, c. 1, "Statutes of the Realm," ii. 499.]

To the pleasure of Almighty God the welthe prosperitie and seurte of this realme of Englund to the ^{Titulus Regis.}

¹ An Act entailing the succession upon Henry IV's sons.

synguler comforth of all the Kyngs subgetts of the same and in avoydyng of all ambiguyties and questions, [Be it] ¹ ordeyned establisshed and enacted by auctoritie of this present parliament that thenheretaunce of the crounez of the realmes of England and of Fraunce, w^t all the premynence and dignitie Roiall to the same perteyning, and all other Seigniuriez to the Kyng belonging beyond the See w^t thappertenaunces therto in any wise due or perteyning, be rest remayne and abyde in the most Royall person of oure now Soverain Lord King Henry the vijth and in the heires of his body lafully comyng perpetuelly with the grace of God so to endure and in noon other.

9.

[An Act declaring obedience to a *de facto* King not to be treason
11 Henry VII, c. 1, "Statutes of the Realm," ii. 568.]

1495.

Be it therefore ordained, enacted, and established by the King our Sovereign Lord, by the advice and assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That from henceforth no manner of person or persons, whatsoever he or they be, that attend upon the King and Sovereign Lord of this land for the time being, in his person, and do him true and faithful service of allegiance in the same, or be in other places by his commandment in his wars, within this land or without, that for the said deed and true duty of allegiance he or they be in no wise convict or attainit of high treason ne of other offences for that cause by act of Parliament or otherwise by any process of law, whereby he or any of them shall lose or forfeit life,

¹ Another MS. has "With the assent of the Lords Spiritual and Temporal, and at the request of the Commons, It is".

lands, tenements, rents, possessions, hereditaments, goods, chattels or any other things; but to be for that deed and service utterly discharged of any vexation, trouble, or loss. And if any Act or Acts or other process of the law hereafter thereupon for the same happen to be made, contrary to this ordinance, that then that Act or Acts or other process of the law, whatsoever they shall be, stand and be utterly void, Provided alway that no person shall take any benefit or advantage by this Act, which shall hereafter decline from his or their said allegiance.

10.

C. PARLIAMENTARY PRACTICE.

[Procedure by writs of error in Parliament, "Year Books," 1 Henry VII, p. 19; cf. Rolle's "Abridgement" i. 745-53. The importance of the question lies in the connexion between procedure by writ of error in Parliament and its appellate jurisdiction.]

Johannes Flourdew fuit condemnatus in brevi de transgresso in Banco Domini Regis cuidam Richardo Pind, & in executione deliberatus marescallo; & postea eodem termino & Parlamento tunc apud Westmonasterium idem Johannes Flourdew protulit Capitali Justitiae. [? *Quaestio erat,*] si idem Johannes Flourdew prius de jure monstrare debuisset curiæ p̄gnantē [*pregnantem*] errorem in recordo, [nec] necne; quia aliter omnia recorda de Banco Regis per breve de errore sic potuissent poni in Parlamento & ibi fiet quera [*querens*?] in prima actione sine executione etc. Et postea per avisamentum omnium Justiciarum in Camera Scaccarii existentur [*existentium*] & congregatorum pro eadem materia & errore illo corrigendo, sic intelligendum est. Si Parliamentum sit apud Westmonasterium, tunc oportet partem habere billam de Rege indorsatam; & super hoc



Cancellarius sibi faciet breve de errore: & tunc Capitalis Justicia de Banco Regis secum adducet in Parlamento in Camera Parlamenti intra Dominos ad tunc breve predictum de errore, & prædictam billam sic indorsatam, ac totum rotulum in quibus continentur placita & processus in quibus supponitur error: & ibidem relinquet transcriptum totius recordi & processus etc. cum Clerico Parlamenti simul cum predicto brevi de errore in Parlamento. Et predictus J. Flourdew assignavit errores suos; videlicet quod ubi partes predictæ fuerunt ad exitum patriæ, & juratum ponitur in respecta a 15 Hillarii anno etc. usque tres septem Pascæ. Et continuatum ulterius ab eisdem tribus septem usque diem Martis proximo post 15 Paschæ tunc proximo sequenti etc. Et errores illos oportet poni ibidem inscripti [? *inscriptos*], & ibidem cum Clerico Parlamenti relinqui etc; & Capitalis Justicia adducet, & reportabit omnes rotulos predictos etc. in Banco Regis pro eo quod rotuli illi concernant alias materias, etc. & similiter pro eo quod Curia de Banco Regis postea (si iudicium affirmatur) potest progredi ad executionem, si executio inde facta non fuit etc. Et causa, quia transcriptum recordi cum autoritate illa, & non ipsum recordum per tale breve de errore [non] erit missum in Parlamento, est hæc. Quandocumque recordum de inferiori curia ad superiorem mittitur, licet sit per breve de errore, sive aliter, nunquam reducetur ad inferiorem curiam. Et si recordum illud expectaret in Parlamento, tunc si iudicium inde fuerit affirmatum, & Parliamentum dissolutum, pars quare [*querens*?] esset sine remedio etc. Pari forma si finis levetur de terra etc. in Communi Banco, etc. & error inde continuat, si pars gravata tulerit breve de errore in Banco Regis etc. Justicie de Communi Banco mittunt transcriptum finis & non finem, quia si finis ille affirmatur per Curiam de Banco Regis, curia illa non potest pergradi

ad executionem, & [si?] finis ille per errorem annullatur, tunc Justiciæ de Banco Regis scribent Justiciæ de Communi Banco, ubi recordum finis restat, de eorum correctione & annullatione & ad cancellandum finem illum, vel aliter ad mittendum finem illum in Bancum Regis & ibidem cancellandum, etc. Et quam cito billa sic indorsata fuit, & breve de errore & transcripta predicta in Parlamento deliberentur, Clericus Parlamenti habebit custodiam inde, & per Dominos tantum & non per Communitatem assignabitur Senescallus, qui cum Dominis spiritualibus & temporalibus per consilium Justiciarum precedent ad errorem corrigendum. Et postea quam cito errores illi fuerint assignati, predictus J. Flourdew obtulit sufficientem securam recognitionem faciendam in Parlamento de summa condemnationis etc. ad satisficiendum parti, si judicium affirmatur, vel corpus suum iterum reddi prisona Mareschalli, ubi prius etc. eisdem modo & forma, prout Justiciæ de Banco Regis faciunt in breve de errore extra Commune [m] Bancum, ubi talis condemnatus fuerit prius in executione etc. Ad quod respondetur per advisamentum omnium Justiciarum, quod in isto casu pars condemnata non deliberabitur extra prisonam per recognitionem etc. non pro eo quod recognitio non potest capi in Parlamento, quia habent potestatem, Parlamento sedente, capere recognitionem: & similiter Cancellarius Angliæ habet potestatem, sed illam non auctoritate Parlamenti. Sed si talis recognitio capta fuerit in Parlamento, illa recognitio restat in duobus disjunctivis, scilicet si judicium affirmetur, videlicet solvere parti summam, vel eum reddere prisonæ: & si Parliamentus [sic] dissolvetur antequam judicium affirmatur, tunc pars condemnata existit ad largum, & recognitio non forisfacta: & sic queras [querens] sine remedio.

11.

[Legislative forms, "Rot. Parl.," vi. 225, 228.]

MEMORANDUM etiam, quod quedam billa, formam cujusdam Actus conviccionis & attinctionis diversarum personarum in se continens, cum quadam cedula eidem annexa, coram Domino Rege in presenti Parlamento exhibita fuit, sub eo qui sequitur tenore. . . .

QUIBUS quidem billa, cedula & assensu coram Domino Rege in Parlamento predicto lectis, auditis & plenius intellectis, habitaque matura deliberacione super materiis in billa & cedula illis contentis, de avisamento & assensu Dominorum Spiritualium & Temporalium in dicto Parlamento tunc convocatorum, ac Communitatis predictae, necnon auctoritate ejusdem Parlamenti, respondebatur eisdem in forma sequenti.

Le Roy le voet en toutz pointz.

12.

[The King adds provisos to Bills without the participation of Lords or Commons, "Rot. Parl.," vi. 462, 496. The pathetic confession of the Clerk of the Parliaments in the second extract illustrates the casual methods of legislation still in vogue in Henry's reign.]

Item, quedam provisio pro Anthonio Fetiplace facta est per dictum Dominum Regem in Parlamento predicto et bille predictae annexa; cujus tenor est talis. . . .

(*Ibid.* vi. 496.) Item, quedam provisio facta est per Dominum Regem, in Parlamento predicto, pro David Philip armigero, set cui Actui debeat affilari, ignoratur; tenor tamen provisionis illius sequitur & est talis.

Provided alwey, that this present Acte of Parliament for our Sovereign Lord the King, nor noon other Acte

made or hereafter in this present Parliament to be made, be not prejudicial in any wise, nor hurtfull to David Philipp, Esquier for the Body of our Sovereign Lord the King, in any office to hym graunted and gevyn in any of the premysses, or to any fees or annuities to the said David graunted out of the premisses or of any parcell of the same.

13.

[The King authorized to repeal Acts of Attainder, February, 1504, 19 Henry VII, c. 28, "Rot. Parl.," vi. 526; "Statutes of the Realm," ii. 669. This Act was perhaps a precedent for the better-known Act of Henry VIII's reign authorizing that King, within certain limits, to bequeath the crown by will.]

The King Our Sovereigne Lorde consideryng, that divers and many persones, wherof some of them, and some of their Auncestres, were and be atteynted of High Treason, for divers offenses by them comitted and doon ayenst their naturalle duetie of their Allegiaunce, make and have made instaunte and diligente pursuyte in the moste humble wyse to his Highnesse, of his mercy and pitie, to have the said Attayndours reversed, and the same persones so attaynted, to be severally restored; that is to say, Humfrey Stafforde, sone of Humfrey Stafforde esqyer, John Baynton, sonne of Robert Baynton, late of Fallesdon in the Countie of Wiltes, Robert Ratclyff, sone to John Ratclyff knight, late Lord Fitzwater, Thomas Mountforde, sonne and heyre to Simon Mountford knyght, Thomas Wyndham, sonne to John Wyndham knyght, Thomas Tyrell, sonne to James Tyrell knyght, John Charleton, sonne to Richarde Charleton knyght, Charles Clyfforde, sonne and heyre to Jane, sustre and heyre to Thomas Courteney late Erle of Devonshire, John Malory of Lychebarowe in the Countie of Northampton gentil-

man: the King Highnes of his especiall grace, mercy and petie, beyng sory for eny suche untroughth and fall of any of his subgiects in suche case, is therfore enclyned to here, and spede resonably the said petitioners, so yf there were convenyent tyme and space in this present Parliament, as yt is nott, for the great and weyghtye maters concernyng the commen weale of this lande treated in the same, and that the said Parliament draweth so nere to the ende, and that after the same, his Highness is not mynded, for the eas of his subgiects, without grete necessarye and urgent causes, of longe tyme to calle and sommone a newe Parliament, by whiche longe tracte of tyme, the said sueters and petitioners, were and shulde be discomfooted, and in dispayre of expedicion of their suites petitions and causes, onelesse convenient remydie for them were purveyde in this behaulfe. Wherefore and in consideration of the premisses, the Kyngs Highnesse is agreed and contented that it be enacted by the assent of the Lordes Spirituells and Temporells, and the Commons, in this present Parliament assembled, and by auctorite of the same, that the Kings Highnesse from thensforthe, duryng his lyffe, shall have playne and full auctorite and power, by his Lettres Patents under his gret Seale, to reverse, annull, repele and avoyde, all the attayndours of the said persones and every of them, and the heyres of every of them, and of all other persones, and the heyres of suche persones and every of them, and the heyres of every of them, and of all other persones, and the heyres of suche persones and every of them, as hath be atteynted of high treason, by Acte of Parliament or by the common lawe, at any tyme fro the xxii^{de} day of August, the firste yere of his moste noble reigne, to the fyrste day of this present Parliament, and also of all other persones attainted in

and by the present Parliament and also of all other persones atteynted of treason, at any tyme duryng the reigne of King Richarde the therd, as well by the cowers and ordre of the common lawes, as by auctorite of Parliament or otherwise. And furthermore the Kings Grace, by his Lettres Patentes under his said grete Seall, to have full auctorite and power, to restore the same persones so attaynted and their heyres and every of theme, and so to enable them in name, bloode and inheritaunce, as yf the said attayndres or any of them, hade never be hade ne made; and that the said Lettres Patents, rehersyng the said reversall, repelle, adnulation and avoydaunce, of this said Acte of Attayndours or any of them, and the restitucions and enhablementes of the said persones or any of them, and the enheritaunce conteyned in any of the Kings said Lettres Patents, at any tyme hereafter to be made, accordyng to the effecte of this Acte, be as good, effectuall and advayllable in the lawe, to every of the same persons to whome they shall be made, after the effecte, tenour, purport, graunt and wordes in the same so made, accordyng to the effecte of this Acte, as yf the same maters, words, tenoures and purportes, conteyned in eny of the said Lettres Patentes so made, were fully enacted, established and auctorised by auctoritie of Parliament.

14.

[Share of the Commons in legislation; opinion of the Judges, contrary to that of the king, that the participation of the Commons is necessary to an Act of Attainder, "Year Books," 4 Henry VII, p. 18.]

En le Parlement le Roy voule que un tiel soit attaint & perde ses terres, & les Seigneurs assentent & rien fuit parle des Comons. Pourquoi tous les Justices tenent clerement que ce ne fuit Acte. Pourquoi il fuit restore etc.

15.

[Extracts illustrating the variety in the number of times Bills might be read, "Rot. Parl.," vi. 479.]

Cui Bille, postquam sepius lecta fuit & plene intellecta, per dictum Dominum Regem, assensu & auctoritate predictis, taliter responsum est.

Soit fait come il este desire.

(*Ibid.* p. 480.) Qua Billa in forma predicta lecta & ad plenum intellecta, per prefatum Regem, assensu & auctoritate predictis, ut sequitur responsum est eidem.

Le Roy le veult.

(*Ibid.* p. 482.) Que Peticio sepius lecta erat ac mature intellecta, & eidem per dictum Dominum Regem, assensu & auctoritate predictis, ut sequitur responsum est.

Soit faite come il este desire.

(*Ibid.* p. 485.) Qua Peticione persepe lecta & mature intellecta, per Dominum Regem, de assensu & auctoritate predictis, ut sequitur responsum est eidem.

Soit faite come il este desire.

(*Ibid.* p. 490.) Cui Bille perlecte & intellecte per Dominum Regem, dictis assensu & auctoritate ut sequitur responsum est.

Soit faite come il este desire.

Cui Peticione postquam plerique lecta est & ad plenum intellecta, per dictum Dominum Regem, ex dictis assensu & auctoritate taliter respondebatur.

Soit faite come il est desire.

(*Ibid.* p. 492.) Que petitione sepius lecta & materia in eadem plenius intellecta, per dictum Dominum Regem,

de assensu & auctoritate predictis, eidem ita responsum est.

Soit faite come il este desire.

(*Ibid.* p. 493.) Cui vero Bille ter lecte & plenius intellecte, per prefatum Dominum Regem, assensu & auctoritate predictis, talis ut sequitur fiebat responsio.

Soit faite come il este desire.

Et huic Bille trina vice lecte & intellecte, per prefatum Regem de assensu & auctoritate predictis ita respondebatur.

Soit faite come il est desire.

16.

[The Speaker's salary, Campbell's "Materials," ii. 217.]

Mandate to the treasurer and chamberlains of the Exchequer, to pay to the trusty and well-beloved John Mordaunt "late speker of this oure parliament last holden at Westminster," the sum of one hundred pounds, granted to the said John Mordaunt in consideration of laudable service, and by way of reward. Given at the manoir of Grenewich.

D. REVENUE AND TAXATION.

17.

[Ayala's account of Henry's resources, 25 July, 1498, "Spanish Cal.," i. 177-8.]

The King of England is less rich than is generally said. He likes to be thought very rich, because such a belief is advantageous to him in many respects. His revenues are considerable, but the custom house revenues, as well as the land rents diminish every day.

As far as the customs are concerned, the reason of their decrease is to be sought in the decay of commerce, caused partly by the wars, but much more by the additional duties imposed by the King. There is, however, another reason for the decrease of trade, that is to say, the impoverishment of the people by the great taxes laid on them. The King himself said to me, that it is his intention to keep his subjects low, because riches would only make them haughty. The rents of the domains which he has confiscated to the crown have much diminished. The reason is that the lords had the administration of them.

18.

[“Italian Relation” (Camden Soc.), p. 46 *sqq.*]

From the time of William the Conqueror to the present, no king has reigned more peaceably than he (Henry VII) has, his great prudence causing him to be universally feared; and, though frugal to excess in his own person, he does not change any of the ancient usages of England at his court, keeping a sumptuous table, as I had the opportunity of witnessing twice that your Magnificence dined there, when I judged that there might be from 600 to 700 persons at dinner. And his people say that his Majesty spends upon his table £14,000 sterling annually, which is equal to 70,000 crowns. And it is possible that his own personal expenses, those of the queen and of his children, and the military escort who compose his guard, and are from 150 to 200 in number, besides the many civilities that he pays to foreigners, may amount to £20,000 sterling, as it is said they do. And, although this appears a large sum, it forms a very small item in the revenue of the crown, which I understand to be as follows:

Eighty thousand marks was the sum appointed in days of yore for the King's maintenance. (A mark being worth thirteen shillings and fourpence sterling, which is equivalent to more than three crowns and a quarter of *our* money; but, as we are only making a rough calculation, we will set the mark at three golden crowns; which would make it 240,000 crowns.)

For the maintenance of the Queen, 10,000 marks were allotted, which according to the aforesaid reckoning, would be 30,000 crowns.

For the King's eldest son i.e. the Prince of Wales, one third more [*less*] than for the Queen was allowed, i.e. 20,000 crowns.

Therefore the ordinary income for the maintenance of the King, Queen, and Prince, amounts to 290,000 crowns of gold.

To this income of 290,000 crowns, another ordinary one is added; of this kind:—When any princes of the realm die without leaving heirs, their military services revert *ipso facto* to the crown; thus, it receives the revenues the Duke of Lancaster possessed, and they are entered into the royal chamber, called the Exchequer, which revenues amounted to a third of the sum allotted to the crown, which would be 80,000 crowns.

It also takes the income of the Duke of York, which is 25,000 marks or 75,000 crowns.

These two immense incomes are not to be wondered at, because those princes were king's sons, and their fathers, though they could not dismember the kingdom, chose that their younger sons should have wherewithal to live according to their rank.

The Duchy of Clarence has also reverted to the crown, which was worth 12,000 marks or 36,000 crowns.

That of Somerset valued at 8,000 marks, 24,000 crowns.

Also that of Gloucester, valued at 6,000 marks, or 18,000 crowns.

That of Exeter, worth 5,000 marks or 15,000 crowns.

The Duchy of Bedford, worth 3,000 marks or 9,000 crowns.

These altogether would yield an ordinary return of 257,000 crowns, which, added to the other [290,000 crowns], form an income of 547,000 crowns.

Several marquises and earldoms, and the fees of many gentlemen, have also fallen to the crown, but these being of small importance, are not noticed here.

The English do not reckon their gabel, which they call *customs*, in the ordinary income. These were originally levied for the supply of the crown, a duty of three pence being paid on every 20 shillings worth of merchandise, that came in or went out of the kingdom. Subsequently, to enable the King to keep the coast free from pirates, this duty was raised from three to fifteen pence. And this gabel or custom produces on an average £20,000 sterling, or 100,000 crowns annually.

In this custom is not included the duty upon wools, which are carried into Europe by sea, and pay the third of their value to the King. This very heavy tax was imposed in order to prevent the raw material being carried out of the country, and to encourage the home manufacture of cloth. This brings in about £40,000 sterling or 200,000 crowns.

All these then, united, form an income of 847,000 crowns.

There is also another duty upon the wools which are taken to Calais, and from thence sent out into Europe by land. This duty is called by these people *the Staple*. But all the proceeds of the said woolstaple were assigned to the maintenance of the guard at Calais and Berwick; and are therefore not included in the revenue.

The King need never be in want of more money still, should he require it, for, whenever any of his feudatories die, leaving their children minors, he takes the charge of the said children till they are of age, keeping in the meantime all the profits of their estates for his own use. And, should the wife of any such feudatory remain a widow without children, his Majesty inherits everything; because, according to the custom of the country no one can marry again without the royal permission, and, to shorten matters, when they wish to obtain such a permission they pay a large sum of money; and I understand that his Majesty makes more than 50,000 crowns per annum, by the widows and wards.

It is no inconsiderable sum either, that he obtains from cathedral churches, monasteries, and other benefices, whose revenues are enjoyed by the crown during vacancy, for which reason such vacancies are not very speedily filled up.

And if the abbeys founded by the crown do not actually pay money to the King, they are obliged to defray the expenses of one, two or three gentlemen, and as many horses, with their keep, at the pleasure of his Majesty.¹ Because, whenever the King wishes to bestow an easy life upon one of his servants, he makes some one of these monasteries pay his expenses.

And all these incomes, ordinary and extraordinary, are collected by the thirty-six sheriffs before named, who are the presidents of the thirty-six shires, into which, as we have already said, the kingdom of England, with the principality of Wales, is divided.²

The customs, however, and the duties upon wools, are collected by persons appointed by the King for that purpose, and these offices are not sold, as in Italy. I had almost forgotten to mention the pension of 10,000

¹ These were called "corrodies".

² See No. 31.

ducats, paid annually by the king of France, which was originally granted by king Louis (the Eleventh) to king Edward the fourth, and was afterwards confirmed by king Charles (the Eighth) to king Henry the Seventh, when he went over into Picardy.

If the king should go to war, he does not content himself with his ordinary income, but he immediately compels the clergy to pay him one, two, or three fifteenths, or tenths, as is the custom with us, and more, if the urgency of the war should require it.

One [clerical] fifteenth net is worth £12,000 sterling, or 5,000 [50,000] crowns.

And if it should be a case of glory, or necessity, such as a war with France or Scotland would be, on the requisition of so wise a king as Henry the Seventh, the three estates before named would always agree to give him one, two, or three fifteenths, and a fifteenth of the three estates is worth £37,930 sterling. And this tithe is not taken according to the real property of either the clergy or the laity, but by an ancient assessment [made in 1334] of the kingdom.

Although the crown has many offices in its gift, both for the service of the public and for the royal household, yet there are some which receive pay from the King, and others which do not; such as the Constable, who is the commander-in-chief of the royal army, and the Marshal, who is at the head of the artillery, the Admiral of the sea, the great Steward of the household, and the Chamberlain; of the other class, which comprises the more useful offices, are the High Chancellor, who is the superintendent of all the justice of the kingdom, (the receipts of this office not only suffice for the wants and remuneration of its possessor, but to pay all the other legal officers besides); also, the President of the Council, the Privy Seal, the Master of Requests, and many others

of a like nature, which are all given by the King for life.

19.

[Tonnage and poundage, Campbell's "Materials," i. 273 ; this petition is dated 4 Feb. 1486.]

Petition to the King from the "inhabitants, merchant adventurers, citizens of the city of London, into the parts of Holland, Seeland, Brabant, and Flaundres" stating that they have had great charges, through paying large sums of money to soldiers to guard their merchandize before the beginning of the present Parliament, as well from hence to the said parts as from thence into this realm ; also that no subsidy of tonnage or poundage has been used to be paid to the king's progenitors before the first day of the Parliament in which the same was granted. They therefore pray a pardon and discharge from every subsidy of poundage of merchandize by them conveyed from the said parts into the river Thames and port of London, that is to say, of all such as were taken up and landed after the first day of the king's reign and before the first day of the present Parliament, and beg that letters of privy seal may be directed to all the different officers who have the carrying out of these matters.

[A footnote indicates that letters have been issued according to the prayer of the petition 4 Feb. 1 Hen. VII, S.B. No. 129.]

20.

[An Act of Parliament granting the king a Fifteenth and a Tenth, January, 1496-7, 12 Henry VII, c. 12, "Statutes of the Realm," ii. 642-3.]

We your humble subgettis in this your present Parliament assembled, well knowyng that a treux and

abstynence of warre bytween youre Highnes on the on partie and the Kyng of Scottes on the othre partie was concluded to have endured duryng certen yeres yet not expired, whiche to be perfourmed, the seid Kyng of Scottes bounde hym by his writyng sealed with his great Seale and subscribed with his own hande, and also in the worde of a Kyng promised to kepe the same, which not withstondyng the same Kyng of Scottis, not fearyng Allmyghty God in breking his seid promyse ner weiyng his Honour in the same, contrary therunto of late in his owne persone with a greate armye with many and diverse habylmentis of warre entred and invaded this youre moost noble realme, and therin hath don greate hurte aswell in murdryng of your liege people and true subgettis men wymen and childeren, as in brennyng of villages brekyng doune of pyles and other fortalices in the same partyes, amonge many other myschevous and cruell dedes, not only to the high displeasure of Almyghty God greate dishonour and shame of the seid Kyng of Scottis, but also contrarye to his alliegeaunce, forasmyche as he ought of dutie to be homyger and holde of you Sovereign Lorde his seid realme as his progenytours have done afore: For due reformacion of which aforseid cruell and myschevous dedes, and for oure necessarie defence, your Highnes hath provyden prepaired and addressed aswell by londe as by see great and myghty armes; and also for the tendre love and zele that youre Highnes berith for the defence of this youre realme not escheuyng any joperdie or perell that myghte ensue to youre moost roiall persone, entende of your noble corage to aredie youre selfe by all meanes possible with odre greate armyes for the reformacion and defence aforseid, in all goodly hast to subdue and anoye, by the myght and helpe of Allmyghty God, the seid Kynge of Scottis and his

realme, to the honour and wele of you Sovereign Lord and the assurance of this your realme, So that your Highnes myght have lovyng assistence and aide of youre seid subgettis towarde youre greate charges in that behalfe ; In consideracion wherof we youre seid Comens by thassent of the Lordes spirituall and temporall in this youre present Parliament assembled, graunten by this present Indenture to you our Sovereign Lorde, for the necessary defence of this youre seid realme, and us youre seid true subgettis of the same, too hoole xv^{mes} and x^{mes}, to be had paied taken and levyed of the movable goodes catallis and other thyngis usuelly to such xv^{mes} and x^{mes} contributorye and charcheable within the Shires Citees Boroughess and Tounes and other places of this your seid realme in maner and fourme afortyme used ; Except the somme of xij M libri thereof fully to be deduct, that is to sey, vj M libri of either of the seid too hoole xv^{mes} and x^{mes} of the somme that a xv^{me} and x^{me} atteynyth unto, in relief comfort and discharge of the power Tounes Citees and Boroughees of this youre seid realme wasted desolate or distroied or overgreatly ympoverysshed, or ellis to suche xv^{me} and x^{me} overgreatly charged, That same somme of xij M libri of the seid too hoole xv^{mes} and x^{mes} that is to sey, severally for every of the seid xv^{mes} and x^{mes} vj M libri after suche rate as was afore this tyme made to every Shire, to be divided in suche manner and fourme as in and upon the laste graunte unto your Highnes as for on hoole xv^{me} and x^{me} was had and divided ; Except also the laye people and inhabitauntis within the Shire of the Citie of Lincoln suberbes and precincte thereof, and the laie people and inhabitauntes within the Toune of Greate Jernemuthe in the Shire of Norfolk or either of theym, or eny of theym, for the goodes and catalles and othir thinges of theirs beyng

within the seid Shire of the Citie of Lincoln the suberbes and precincte therof or within the Toune of Jernemuth and precincte therof, to the payment of the seid too hole xv^{mes} and x^{mes} or any parte thereof in eny wise be not arted ner compellid, but that they and every of theym in the fourme abovesaid of this graunte and every parte therof be utterly quyte and discharged; Except also that the laie people and inhabitauntes within the Borough of Newe Shoreham in the Shire of Sussex nowe greatly wasted by the see, to the payment of the seid too hole xv^{mes} and x^{mes} or eny parte therof concerning the moveable goodes and catellis or other thinges of the said laie people inhabitauntes within the seid Borough of Newe Shoreham being by force of this graunte be nat arted ner compellid, but be thereof utterly quyte and discharged; Also forseen that this present graunt extend not ner in eny wise be prejudiciall to the Maire Baillys and Cominaltie ner ther successeurs of the Towne of Cambrige, as to or for any other charge for any xv^{me} and x^{me} as is aforseid, but after suche rate as was set by an Acte made by auctorite of a parlement holden in the iij^{de} yere of the raigne of King Edward the iiijth that is to sey, xx libri to the graunte of every hoole xv^{me} and x^{me} but that they of any other gretter charge than in the seid Acte ys specified be and stonde utterly quyte and discharged, this present graunte of xv^{mes} and x^{mes} notwithstanding; The seid too hoole xv^{mes} and x^{mes}, the excepcions and deducions aforseid therupon had, to be paied in manner and fourme folouyng, that is to sey, the oon hoole xv^{me} and x^{me} to be paied the laste day of May next comyng and the other secunde hoole xv^{me} and x^{me} to be paied the viijth day of the moneyth of November then next foloweng.

[No M.P. to be a Collector. Separate Collectors for each Fifteenth and Tenth.]

And fether be it ordeyned by the seid auctorite that suche Collectours and every of theym as shalbe assigned for the Colleccion of the seid xv^{mes} and x^{mes} upon the making of their accomptis in your Eschequer be quyte and discharged in the same Eschequer for payment of all maner fees and rewardes ther to be askyd concernyng the same accompte and every parte therof; And also that the seid Collectours and every of theym have like allowance upon ther accompts of fees wagis and rewardis for ther colleccion of every of the seid xv^{mes} and x^{mes} in as large maner and fourme as eny Collectour or Collectours of xv^{mes} and x^{mes} have had at eny seaseone in tyme passed.

And forasmyche as divers Collectours afore tyme in certeyn Shires and other places of this your Realme have refused and wold not make deduccion and abatement as it was set had and made according to the graunte therof, but the hoole sommes of xv^{mes} and x^{me} uppon dyvers Tounes and Burghs lymytted and set have levyed and reared, to the great grugge and hurte of the inhabitauntes of the seid Tounes and other places, and the sommes of suche deduccion and abatement by theym so levyed to ther propre use in dyvere placis wrongfully have applied, it is therfor by the seid advyse and assent ordeyned that yf any of the Collectours deputed for the levy of the seid xv^{mes} and x^{mes} nowe graunted, refuse to allowe any deduccion or abatement beforyme allowed and made, and reare more somme than in that parte owe to be areared in or uppon any Town or place, that then every of the Justices of Peas of the Shire or other place where suche hurte or wronge shall happe to be don, at the complaynte of the Constable or other officer of the seid Towne or place in the name of any party so hurted

or wronged, have power to here and determyne such complaynt aswell by examynacion as by Bill or otherwise, and therin to do as by hym shalbe thought convenient and resonable for the punysshment of the same.

Provided alwey that yf the King our Sovereign Lorde in his moste roiall persone with such armee as ys apoynted to goo and attende upon his Highnes, or in his absence for causes resonable the Kyngis Lieutenant with the same armye, go nat in the same viage roiall, and a perfite peas bytwene the Kyng and this his Realme of Englund and the seid Realme of Scotland be taken had concluded and contynue, that then the seid xv^{me} and x^{me} payable the seid viij day of November be not had payed nor levyed; but that the seid Lordes Comens and Collectours be therof quyte and discharged: And yf the Kyng our Sovereign Lorde in his moste roiall persone with the same armye, or for causes resonable the Kyngis Lyeutenant with the same armye, goo nat in the same viage roiall, and abstynence of werre treux and peas for a tyme, bytwene the Kyng our Sovereign Lorde and this his Realme of Englund and the seid Realme of Scotland, be taken, that then the levyeng and payment of the seid xv^{me} and x^{me} paiable the seid viij^{te} day of November before the tyme of abstynence of werre and peas for a tyme, put in suspence and not levable nor paid.

[If, after a peace or truce, war be renewed, the second xv^{me} and x^{me} shall be levied, provided, and sessed before the feast of St Michael and not collected before Oct. 15th.]

[Names of Collectours of last xv^{me} and x^{me} to be certified to King's Exchequer before Oct. 1st.]

21.

[An Act of Parliament granting the King a Subsidy, Jan., 1496-7, 12 Henry VII, c. 13, "Statutes of the Realm," ii. 644-7.]

Where the Comens in this present parliament assembled, of their feythfull and lovyng myndes to the King our Sovereign Lorde and for their necessarye defence agenst the cruell malyce of the Scottis, have geven and graunten to his Highnes by ther indenture ii hole xv^{mes} and x^{mes} to be had taken paied and levyed in suche wise as by the graunte of the same more at large doth appere, towarde and for mayntenaunce and supportacion of suche greate arrayes as the Kynges Highnes of his great providence hath addressed and prepared as well by se as by lande for the necessarye defence of this noble Realme; And for asmyche as the graunt of the seid too xv^{mes} and x^{mes} doth not suffice nor extende to the behoufull chargis and expencis for the fornysshying and contynuaunce of the same armyes. Therfor it be ordeyened established and enacted by auctorite of this present parliament, that the Kyngis Highnes towarde the accomplisshment and mayntenaunce of the armyes aforseid, and urgent causes concerning the same, shall have an aide and subsidie of as greate and large sommes of money as the seid too xv^{mes} and x^{mes}, if any excempcions or discharges by acte of parlement or otherwise had not be had ne made, shuld have amounted unto, the abatementis and deduccions of xij M libri therof abatid and allowed, the on halfe of the same aide and subsidie to be paied to youre Highnes in your Eschequer by the Collectours to be assigned by the laste day of Maye nexte comyng, and the other halfe therof to be paied by the viijth day of November next ensueying to be ordered assessed and levyed after the fourme folowyng, that is to sey; every

shire chargeable with the seid xv^{mes} and x^{mes} shall pay like sommes of money to the seid Aide and Subsidie as they by the seid too xv^{mes} and x^{mes} shuld have be charged with, if any exempcion or oder discharge had not be had ne made to any place or Tounes within the same Shire not accomptable by theym selfe in the Eschequer for xv^{mes} and x^{mes}, and that the same tounes and places being within the same Shire exempted or discharged of payment to suche xv^{mes} and x^{mes} not therfor by theym selfe accomptable in the seid Eschequer be chargeable with the seid Shires in eide of the same, the severall deduccions of the hole somme of every Shire of the seid xij M libri to be allowed and abated, and all Citees Boroughes and Tounes not contributory ner chargeable to any xv^{mes} and x^{mes} with Shires, and accomptable by themself in the seid Eschequer for any quinsyn and dysme, shalbe charged to the seid aide and subsidie with like and as myche sommes of money as there too xv^{mes} and x^{mes} shuld have amounted unto, if non exempcion ner other discharge had nat be to them had ne made, ther severall deduccions of the seid xij M libri to be abated and allowed; and that to the payment of the seid aide and subsidie every persone and persones havynge londes or tenementis or other hereditamentis or possessions in landes or tenementis in fee simple, fee taill, frehold at will after the custome of the maner, warde, execuccion, or auncien demeane within eny of the seid Shires Citees Burghes or Tounes, to the yerely value of xx^{tis}. above all charges, wherof they or any of theym be seased or possessed or any persone or persones to the use of theym or eny of theym and nat therof chargeable with spirituall dysmes, or eny persone or persones havynge goodes or catallis to their propre use to the value of x marces and above, for the same shalbe chargeable to the seid aide and subsidie,

and none other persone of lesse substaunce in lande or goodes: Whiche aide and subsidie to be levyed in the seid Shires shalbe ordred and assessed by the discrecion of the Justices of the peas of the Shires dwellyng in the same Shires, with other persones whose names appere in a cedula herto annexed or vj of theym at lest, calling to theym oder discrete persones dwelling within the seid Shires such as they shall thinke necessary which shall give to theym ther advyses and assistance for the execucion of the premysses; and in every of the seid Citees and Boroughes, for the levyng of suche sommes as they be chargeable with for the seid aide and subsidie, to be ordred and assessed by the Maires Justices of peas Shirefs Baillefs or other hed officers of the same Citees or Boroughes with suche oder persones whose names appere in a cedula hereto annexed and iiij of theym att lest, calling to theym other discrete persones dwelling within the seid Citees Tounes and Boroughes as they shall thinke necessary, which shall geve to them their advyses and assistance for the execucion of the premysses; And that all persones be charged and bounde by the seid ordring and assessing according to theffecte of the same: And the seid sommes for the seid aide and subsidie, in fourme aforseid ordrid and assessed, aswell the seid orderours and assessours in the seid Shires or vj of theym at lest, as in the seid Citees and Boroughs or iiij of theym att lest, shall name Collectours for the levye of the same aide and subsidie, and certifie undre their seales the names of the seid Collectours for the first halfe of the seid aide and subsidie into the Kingis Eschequer byfore the morowe after the feste of the ascencion of oure Lorde next comyng, and that the Collectours to be named and assigned to gadre and levye the seid aide and subsidie, shall have full auctorite and power after viij daies next ensuyng

the seid assessing, to levy and gadre the same, and for nounpayment therof to distreyne take and appreyse indifferently and sell asmych of the goodes or catallis of every persone within the Shiress Citees or Boroughes where they shalbe Collectours, as shall serve for the payment of suche somme or summes of money which every one of theym shalbe ordred and assessed to pay, not charging eny persone but only for the some uppone hym assessed, and for nounpayment of eny somme of money ordred and asseste in fourme aforseid on eny persone that it shalbe lefull to the seid Collectours to distreyne take appreyse indifferently and sell asmyche of the goodes and catalles, of the fermers and tenauntis of any of the same persones so assessed not paying, as shall serve for the payment of suche sommes of Money as shall upon the seid persones for nat making payment be ordred and assessid, as ferre as the rent or ferme of the seid fermour or tenaunt shall severally extende unto for halfe a yere and nat ferther; And that no persone or persones be distreynded, or his goodes or catalles taken for any somme upon hym ordred and assessed, but after suche rate and in suche Tounes Citees Boroughes and placis where his londes or his goodes be, for which he is assessed; also that the seid sessours in every Shire or vj of theym at lest, and that the Sessours and ordres in every of the seid Citees and Boroughes specified in the seid cedula or iiij of theym at leste, shall by writyng indented undre their sealis delyver to the Collectours of the seid aide and subsidie within viij daies next after the seid assessing the names and somes of every persone which they shalbe appoynted and lymyted to gader by the seid writyng.

And over that yt is ordeyned by the same auctorite, that if the goodes or catalles of eny fermour or tenaunt of any persone assessed to pay to this aide and subsidie

be taken distreyned or sold by the Collectours of the seid aide and subsidie for nounpayment of the same persones so assessed, that then suche fermour and tenaunt and their executors heiers and deputies shall retayne in his and their handes, upon the next payment and paymentis for ever, as myche money as he or they shalbe endamaged or hurte for the seid nounpayment.

[No M.P. to be a Collector.]

[No Fees on passing accounts of Collectors ; allowances as in case of xv^{me} and x^{me}.]

And over this be it enacted by the seid auctorite that if any rescue be made upon any Collectour, and then the same Collectour namyed or to be namyed certifie to any of the Justices of the Peas within eny suche Shire Cite Burghe or Toune where any persone make suche rescue of any distres to be takyn by suche Collectour or Collectours or their servauntes or assignes for any cause aforseid, that then ymmediatly upon the same certificat the same Justices of the Peas or any other Justice of the Peas within the same Shire have power to commytte hym or theym that makyth suche rescues to warde, or to make a *capias* to take suche persone or persones makyng suche rescues and to commytte theym to prison ther to remayne without baill or maynprise by the discrecion of the seid Justice ; And that the seid Justices and every of theym have pouer withoute delaye to here and determyne the seid offence aswell by profe examynacion as otherwise ; And if eny such persone be convicted thereof then he to remayne in prison till the money for the which the seid distresse was taken be fully content and paide, and ferther till he or they so convycted have made fyne for ther offenses in this behalfe by the discrecions of the seid Justices.

[Penalty in default of distress double the sum due.]

[Collectors in Countie of Suthampton not chargeable
for collections in Isle of Wight and vice versa].

[Constables to assist Collectors.]

Provided alwey that the Maire Baillifs and otheres of
of every Burghe Corporat whereof thenhabitauntes have
not used to be charged to make collecion of eny generall
xv^{me} and x^{me} oute of the seid Boroughes, that then-
habitauntes within the same Boroughs be not charged
to the Collecion of eny somme or sommes to be
assessid after the fourme aboveseid oute of the seid
Boroughs, and that they within theym selfe shall make
collecion of suche sommes of money as shall be assessed
within their jurisdiccion to be levyed, and the same
summes of money to delyvere to the Collectours to be
namyd as is above seid for that Shire where they have
ther beyng.

Provided also that no persone or persones be assessed
ne charged by graunt of the seid aide and subsidie for
any goodes or catalles in any other place then ther as
he or they dwellyth; Excepte that every persone and
persones be charged to the same aide and subsidie for
ther quycke catell where the same quycke catell ys
couchant and levaunt and for their corne where the
same corne grewe and remayneth in the berne garner
or in stackis; and that every persone or persones that
hath or holdith eny house or place wherein he or they
or eny persone for hym or theym usith to by or sell eny
goodes or catallis at retaile pay to the seid aide and
subsidie after the rate aboveseid ther as he or they so
retailyth.

Provided also that no persone spirituall ne straynger
alien be chargeable ner chargid for ther goodes and
catallis to the seid aide and subsidie but for such goodes
and catallis as they be chargeable with to the xv^{mes}
and x^{mes}.

[Exemptions for victuals, horses to be used in the war, household furniture etc.]

[In case of a peace, last half of Subsidie not to be levied. In case of a truce, to be suspended.]

[If war renewed, last half of Subsidy to be levied.]

[Universities of Oxford and Cambridge and the Colleges of Eton and Winchester to be entirely exempted.]

22.

[Arrangements for the collection of a clerical subsidy, March, 1489, Campbell's "Materials," ii. 424-9.]

Clerical subsidy: diocese of Norwich. Writ from the bishop of the said diocese to the treasurer and barons of the Exchequer, reciting the writ addressed by the king to the bishop, 28 February of the fourth year of his reign:—"Whereas you and the other prelates and clergy of the province of Canterbury, in the last convocation of the said prelates and clergy, opened in the church of St Paul, London, on 14 of January last past, and continued from day to day till the 27th day of the present month of February, granted to us, for the protection and defence of the Anglican church and this kingdom of England, a certain subsidy of twenty five thousand pounds, to be levied and paid under certain limits, forms, and conditions specified in the said grant; viz., one half thereof to be levied and paid this side the 1 May next to come, and the other half thereof to be levied and paid this side of 1 November next to come; of which subsidy the proportion allotted to your diocese, according to the tenor of the said concession, amounts to the sum of *im. viii. xl. li.* for one half; and whereas it pertains to you and your servants to raise and levy the said sum of the said subsidy for the first term, and as much for the second term, we command you to appoint

and depute certain trustworthy men of the clergy of your diocese, for whom you may be willing to answer to us, to levy and collect the said subsidy within the aforementioned times in your diocese according to the form of the said concession, duly and clearly certifying the treasurer and barons of the Exchequer this side 15 of March next to come of the names of the persons whom you have appointed and deputed to levy and collect the first half, and duly and clearly certifying the same treasurer and barons this side 15 September next to come of the names of those whom you have appointed to collect the second half of the said Subsidy etc. etc.”; and certifying the said treasurer and barons of the Exchequer that, in compliance with the royal mandate, he has appointed the abbot and convent of St Benedict of Hulme to collect *im. vii li vi s viii d* in the archdeaconries of Norwich and Norfolk, and the prior and convent of the priory at Buttle [Butley] to collect *vii^c. xxxii li. xiii s iii d* in the archdeaconries of Suffolk and Sudbury, for the payment of the first half of the proportion of the subsidy to be raised in his said diocese.

Similar writs within the prescribed time respecting the same clerical subsidy.

The Archbishop of Canterbury, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of Boxli, to collect within the limits of his diocese and immediate jurisdiction *m^l. m^l. iii li vii s x d. ob.*, the first half of the proportion of the subsidy to be raised therein.

The bishop of Lincoln, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Croiland, the prior and convent of the priory of Markby, the abbot and convent of the monastery of Burg St Peter, and other persons [whose descriptions are no longer legible

on the parchment], to collect, in the various proportions assigned to the several archdeaconries and districts of the diocese, the sum of $\text{ii}^{\text{m}}. \text{vi}^{\text{l}}. \text{li}$, the first half of the proportion of the subsidy to be raised in the said diocese.

The bishop of Salisbury, certifying the treasurer and barons of the Exchequer that he has appointed persons to collect the $\text{i}^{\text{m}}. \text{ii}^{\text{e}}. \text{iii li xv s iii d}$, the first half of the proportion of the subsidy to be raised in his diocese. [Parchment so worn that where not illegible only read with difficulty.]

The bishop of Winchester, certifying the treasurer and barons of the Exchequer that he has appointed certain persons [descriptions illegible] to collect the $\text{i}^{\text{m}}. \text{l. li.}$, the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Bath and Walls, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Athelney to collect the $\text{vi}^{\text{e}} \text{li.}$, the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Ely certifying the treasurer and barons of the Exchequer that he has appointed the prior and convent of the priory of Anglesey to collect $\text{v}^{\text{e}} \text{lvii li. xix s vii d}$, the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Coventry and Lichfield, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Hulton, and the abbot and convent of the monastery of Lillyshull, to be collectors of the $\text{v}^{\text{e}} \text{x li}$, the first half of the proportion of the subsidy to be raised in his diocese. [This writ is so defaced and its writing so injured, that it is quite illegible in some and only barely legible in other parts.]

The bishop of Exeter, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Torre, co. Devon, to collect cclvi. li. in the city of Exeter and co. Devon; and the abbot and convent of the monastery of Newyham to collect c li. in co. Cornwall; for the payment of the cccclvi li., the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Chichester, certifying the treasurer and barons of the Exchequer that he has appointed the prior and convent of the priory of Boxgrau to be collectors in the archdeaconry of Chichester, and the abbot and convent of the monastery of Battle to be collectors in the archdeaconry of Lewes, of the ccccxx li., the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Hereford, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Wygmore to collect the iie iiiixx. li., the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Rochester, certifying the treasurer and barons of the Exchequer that he has appointed certain persons [names effaced] to collect ccxxxiii li. the first half of the proportion of the subsidy to be raised in his diocese. [Writing so worn that doubtful if ccxxxiii li. is the precise sum.]

The bishop of St Davids, certifying that he has appointed the prior and convent of the priory of St. Nicholas, Pembroke, to collect xiiii li. in the archdeaconry of St Davids; and the abbot and convent of the monastery of Talley to collect vi li. xii s. vi d. ob. in the archdeaconry of Carmarthen; and the prior and convent of the priory of Malvern Major, of the diocese of Worcester, appropriators of the parish church of Merthir, in

the archdeaconry of Brechon, to collect xix li. ii s. iii d. in the said archdeaconry; and the abbot and convent of the monastery of Vale Royal, in the diocese of Coventry and Lichfield, appropriators of the Church of Llanpadarn Fawr, in the diocese of St Davids, to collect xviii li. xiii s. vi d. in the archdeaconry of Cardigan, for the payment of the first half of the proportion of the subsidy to be raised in the diocese of the said bishop, who records that he was at "his mansion of Bridewell, London," when he received the king's writ with proper reverence.

The bishop of St Asaph, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Strata Marcella (Ystat Marchel), Montgomeryshire, to collect the xl li, the first half of the proportion of the subsidy to be raised in his diocese.

The bishop of Llandaff, certifying the treasurer and barons of the Exchequer that he has appointed the abbot and convent of the monastery of Tewxbury, appropriators of the parish church of Caerdiff, in the diocese of Llandaff, to levy and collect the xiii li. vi s. viii d., the first half of the proportion of the subsidy to be raised in his diocese.

The abbot of the exempt monastery of St Alban, of the order of St Benedict and in the diocese of Lincoln, certifying the treasurer and barons of the Exchequer that he has appointed his brother monk, John Bensted, the cellarer of the said monastery, to collect, within the said abbot's exempt jurisdiction, the lxvi li. xiii s. iii d., the first half of the proportion of the subsidy to be raised therein. Also, the king's writ to the said abbot, ordering him to return to the treasurer and barons of the Exchequer the name of his collector.

23.

[Example of a forced loan levied on the city of London in 1487, Kingsford's "Chronicles," p. 194.]

1487.

Also this yer was a prest lent vnto the kyng of $iiii\ m\ li.$ made vnto the kyng, which was assessed by the fflyshippys, whereof Mercers, Grocers, and Drapers bare $M^lvjC xv\ li.$ And the Craftes of Goldsmythes, ffyshhemongers, and Tailloours bar $ixCxlvi\ li.\ xiiij\ s.\ iiij\ d.$ Summa that these $vj.$ ffelishyppys bare $M^M^lvClxj\ li.\ xiiij\ s.\ iiij\ d.$ And so all the Remenaunt of the Craftes bare $M^liiiCxxxviiij\ li.\ vj\ s.\ viij\ d.$ Also in July the same yer was made a prest vnto the kyng of $M^M^l\ li.$ Cessed after the Rate of that other, which were Justly content, and paid the yer folowyng.

24.

[A benevolence raised in London,¹ Kingsford, p. 195.]

1491.

Also this yere was graunted to the kyng, for a viage made into ffrance a Benyvolence, whervnto the more party of thaldermen graunted for everych of theym $CC.\ li.$ And some comoners $C.\ li.$, and other after their good willes, so that there was graunted vnto the kyng of and by the citezeins of the cite to the sum of $ixM^lvi\ Ciiij^xxij\ li.\ xvij\ s.\ iiij\ d.$ [£9682, 17, 4].

25.

[A royal request for a loan from a private individual, Sir Henry Vernon, 26 April [1492 ?], "Rutland Papers" (Hist. MSS. Comm.), i., 13.]

Trusty and welbeloved we grete you wel, lating you witte that as wel by our espies that we have in the

¹ Cf. "Letters and Papers," i. 372: "Commission for raising a benevolence in Yorkshire, the King being about to invade France," 6 Dec., 7 Henry VII [1491].

parties beyond the see, as othrewise, we undrestande that our ennemyes of Fraunce prepaire theymsilf to do all the hurt and annoyance that they can compasse and devise to this our reame and subgiettes of the same, for the [resi]sting and subduying of whoes malicious purpos we shal, with Goddes grace, suffisantly provide and putte us with a good multitude of our subgiettes in defensible redinesse for the same entent, which can in noo wise be doon without grete substance of good. Wherfor we holding for undoubted that ye bere a singulier tendreness to suche thinges as concerne the suretie and universal weale and tranquillite of our saide reame and subgiettes desire and hertily praye you that ye wil lene unto us the somme of Clⁱ, and to sende it unto oure Tresourer of England by some trusty servauntes of yours to thentent that they maye receyve billes of hym for contentaccion therof ayen. And we feithfully promitte you by these oure lettres that ye shal have repayment or suffisant assignement upon the half quinzame payable at Martilmasse next comyng, wherunto ye maye verrailly truste, wherin ye shal not oonly doo unto us thing of [grete?] and singulier pleasir, but also cause us to have you therfor moore specially recommended in the [ho]nor of oure grace in such thinges as ye shal have to pursue unto us herafre. Yeven undre our signet at our manoir of Grenewiche the xxvj day of April.

26.

[Henry's request for a loan *circa* 1496-7, "Christchurch Letters" (Camden Soc.), p. 62.]

Trusty and welbeloved we grete you well, and for the revengyng of the grete crueltie and dishonour that the Kyng of Scotts hath done unto us, our roialme, and subgietts of the same, as our Commissioners in our

Citie of Canterbury where ye be inhabited shall schewe unto you at lengthe, we lateley in our grete Councyell, of Lordes Spirituall and Temporall, of Juges, Serjeaunts in the Lawe, and of others some hed wysemen of every citie and goode towne of this our lond, have at their instaunces and by theyr advyses determynd us to make by see and by lond ij armees royall for a substanciall warre to be contynued uppon the Scotts unto suche tyme as we shall invade the realme of Scotlond in our owne person, and shall have with Godds grace revenged their grete outrages done unto us, our realme, and subgietts forseid, so and in suche wyse as we trust the same our subgietts shall lyve in rest and peas for many yeres to com. The Lordes and othres of our seid grete Councell, consydering well that this seid substanciall warre can not be borne but by grete somes of redy money, have preested unto us every of thaim for his parte grete somes of money, contented beside that we of our self have avaunced oute of our owne coffres. Yet natheles fourthy M^l poundes more, as our seid Councell hath cast it, must of necessitie be borrowed and avaunced in redy money of othres our lovyng subgietts for the furniture of this matter. And because, as we here, ye be a man of goode substaunce, we desire and pray yow to make lone unto us of the som of xl li., whereof ye shall be undoubtedly and assuredly repayde in our Receipt at the feste of Seynt Andrewe next comyng, without eny maner your cost or charge for the same. This money must be broughte to our Receipte, and there receyved by the Tellers of the same, athissede the feste of Candlemas next comyng withoute eny further tracte or delay. Of whom ye shall take oute a *bille of mutuum* for your true and juste repayment therof. It shalbe in your libertie, after ye have oones gon thorough with our seid Commissioners, to whom we pray you to

yeve full and fast credence in this caas, whether ye woll com or bring the same your self, or elles send som trusty frend or servaunte of yours to delyver it before the seid Candlemas at our seid Receipt and to bryng to you the seid *bille of mutuum* for your indempnitie in that behalf. This is a thing of so grete weight and importance as may not be fayled, and therefore fayle ye not therof for your seid parte, eftsones, we pray yow, as ye entende the gode and honour of us and of this our roialme, and as ye tendre also the wele and suertie of yourself. Yeven under our signet at our paloyes of Westminster this first day of Decembre.

[No address, but on the back of each letter in an obscure corner is a memorandum; “C li. Cant” in two examples, and “xl li. Cant” in the third.]

27.

[Rymer’s “Fœdera,” xii. 632.]

Receipt by the King of England of £1500 as a ben-^{27 June,}evolence for the voyage in France, from John, cardinal^{1496.} archbishop of Canterbury.¹

28.

[Kingsford’s “Chronicles,” p. 213.]

And ouer that [i.e. the tenths, fifteenths, voted by^{1497.} Parliament and Convocation, 16 January-14 March] was lent unto the kyng for a yere day through all Englund mony a greate Sumys of money, wherof the forsaid Summe of iiij m^l li. lent by the Citie of London as before is said was parcell of the same; the hole summe of all the land borrowed amounted to lviiij m^l li. and more.

¹ The alleged inventor of “Morton’s fork”. Bacon, however, who is the authority for the story as applied to Morton, only alleges tradition, while Erasmus professes to have heard it told of Bishop Foxe by Sir Thomas More (See “Dict. Nat. Biogr.,” xx. 152).

29.

[An Act of Parliament authorizing the exaction of the arrears of a promised benevolence, 1495, 11 Henry VII c. 10, "Statutes of the Realm," ii. 576.]

Prayen the Comens in this present parliament assembled, that where dyvers and manye of your subgettis severally graunted to your Highnes divers sommes of money of their free willes and benevolence for the defence of this youre realme, towardes the charge and great expenses that your Highnes susteyned and bere for the seid defence aswell in your seid viage roiall in the parties of Fraunce beyond the see as on this side in for and aboute the same, which viage youre seid Highnes toke upon you in youre moost roiall persone to the greate jeoperdie and labre of the same, as well for the seid defence of this youre seid realme as for the suertie profite wele and commodite of us all youre true liegemen and subgettis inhabited in the same, of which sommes of money dyvers youre seid subgettis full lovyngly have made to you true payment according to their grauntes, and many other severall sommes of money by divers your subgettes to you in that partie graunted as yet remain not content ne paid, parte wherof rest in the handes of the seid grauntours and parte in the handes of the Commyssioners Collectours and Receyvours in that partie assigned for the levye rering and keping of the same, which is not onely to the damage loose and hurte of your seid Highnes, but also to the murmore grugge and myscontenting of such youre seid subgettes as have made their seid paymentes in that behalfe, wherfor it may pleas your seid Highnes that by thadvyse and assent of youre lordes spirituall and temporall and the Comens in this present parliament assembled and by auctorite of the same, to ordeyne enacte and establissh,

that proclamacion be made in every Shire Toun and Hundred within this youre realme that every persone and persones which have not content and paid the somes of money by theym graunted to youre Highnes for the cause remembred that suche commyssioners Collectours Resceyvours or other persones deputed to receyve the same, that they doo make payment therof within iiij monethis next after the seid proclamacion made, to the seid Commissioners Collectours Receyvours or other persones that hereafter shalbe therunto deputed or assigned by youre Highnes by youre lettres patentes undre youre greate seale in like wise to be proclaimed ; and that the seid Commyssioners have auctorite and power to make proces to every suche persone or persones as so shall make defaute of payment by his body, and the same to commytte to the comen gaole ther to remayn and abide without baille or maynprise unto the tyme he hath paid his seid duties or els fynde sufficient suertie for the payment of the same to the seid Commyssioners agreeable ; and if any such person that hath not made payment of his seid dutie graunted be deceased that then the goodes and catalles of hym deceased being in the handes of his executours or admynstrators not admynstred be charged and chargeable to the seid payment. And that the seid Commyssioners have like auctorite and power to do ordeyne and awarde proces for the levye of the same, as the Barons of the Kingis Eschequer do and may doo for the Kingis duties resting afore them of recorde in the seid Eschequer. And the seid Commyssioners Collectours or Receyvours afore this tyme therunto deputed or that hereafter for and to the same shalbe deputed, havyng and takyng the receipte of the same youre money or any parcell therof, be severally countable for the porcions by theym severally receyved, before your Tresourer of your Warres

that was by you assigned in your seid viage roiall, or any other persone or persones that hereafter by youre Highnes shalbe therunto deputed and assigned, of and for all such Sommes of money as they severally have receyved or shall receyve or that severally shall come to ther handes, before suche auditours as by your Highnes shall be assigned in that partie : And if any of the seid Commyssioners Collectours or Receyvours come not to make ther accomptis at suche day and place as shalbe lymytted in youre prive seale to theym directed in that partie, that then upon certificat of the delyverie of the seid Writtis or prive seales, made by hym that the same delivered, upon his othe unto the Chaunceller of England for the tyme beyng, the seid Chaunceller for the same tyme being have auctorite and power to make Commyssions undre youre greate seale to certeyn persones by his discrecion to be lymytted and chosen, to take the bodies of the seid persones that shall soe make defaute and theym to comytte to Warde, onless then he make before the seid Tresorer or Commyssioners suche excuse as to theym shall seme resonable, ther to remayn till they have made their accompts of and for the premisses, and satisfied content and paied the dutie by theym due upon their seid accomptes unto youre seid Tresorer of your werres, or to such other persone or persones to youre use as youre Grace shall depute and assigne in that partie to receyve the same.

30.

[Distraint of knighthood, Gairdner's "Letters and Papers," ii. 379.]

19 Dec.
1503.

A Proclamation that all who possess 40 librates of land come and take the order of knighthood.

[Similar proclamations were issued on 14 December, 1485, 9 March, 1500, and 7 December, 1500 (see R. Steele, "Proclamations," Vol. I, Nos. 5a, 40, 41, 48).]

E. MAINTENANCE OF LAW AND ORDER.

31.

[The English system of criminal law, "Italian Relation"
(Camden Soc.), p. 36.]

Perhaps this great prevalence of crime might have been better prevented, had not former kings condensed the criminal jurisdiction under one head, called the Chief Justice, who has the supreme power over punishment by death. This officer either goes himself, or sends his lieutenants or commissioners, at least twice a year all over the kingdom, but still more frequently to London, to put the unfortunate criminals to death; and it is scarcely possible that one person should suffice for so great an extent of country, though the arrangements are as good as possible, for the kingdom of England, with the principality of Wales, is divided into thirty-six parts, which they call in their language *shires*; and, for each of these divisions a president is named every year, who is called the sheriff, and he is the administrator of the fiscal concerns, and the executor of all the orders emanating from the King's Majesty, or the Court, or this Chief Justice. And if the King should propose to change any old established rule, it would seem to every Englishman as if his life were taken from him; but I think the present King Henry will do away with a great many, should he live ten years longer.

32.

[An Act that "all Justices of the Peace shall execute their commission, redress injuries, and maintain the laws," 4 Henry VII, c. 12, "Statutes of the Realm," ii. 536.]

Item the king our sovereign Lord considereth, that 1489.
by the negligence misdemeaning, favour, and other in-



ordinate causes of Justices of Peace in every shire of this his realm, the Laws and Ordinances made for the politique weal, peace, and good rule of the same, and for the profit, surety, and restful living of his subjects of the same, be not duly executed according to the tenour and effect that they were made and ordained for; (2) wherefore his subjects been grievously hurt, and out of surety of their bodies and goods, to his great displeasure; for to him is nothing more joyous than to know his subjects to live peaceably under his Laws, and to increase in wealth and prosperity, (3) and to avoid such enormities and injuries, so that his said subjects may live restfully under his peace and laws to their increase: (4) he will that it be ordained and enacted by authority of this said Parliament, that every Justice of Peace within every shire of this realm, within the shire where he is Justice of Peace, do cause openly and solemnly to be proclaimed yearly, four times a year, in four principal Sessions, the tenour of this Proclamation to this Bill annexed: (5) and that every Justice of Peace being present at any of the said Sessions, if they cause not the said Proclamation for to be made in form abovesaid, shall forfeit unto our sovereign Lord at every time twenty shillings.

Henricus Dei gratia, etc. The King our sovereign Lord considereth, how daily within this realm his coin is traiterously counterfeited, murders, robberies, felonies, been grevously committed and done, and also unlawful reteinors, idleness, unlawful plays, extortions, misdemeanings of Sheriffs, Escheators, and many other enormities and unlawful demeanings daily grown more and more within this realm, to the great displeasure of God, hurt and impoverishing of his subjects, and to the subversion of the policy and good goverance of this his realm; for by these said enormities and mischiefs his

peace is broken, his subjects troubled, inquieted, and ^{1489.} impoverished, the husbandry of this land decayed, whereby the Church of England is upholden, the Service of God continued, every man thereby hath his sustenance, every inheritor his rent for his land : (2) for repressing and avoiding of the said mischief, sufficient laws and ordinances been made by authority of many and divers Parliaments holden within this realm, to the great cost of the King, his Lords, and Commons of the same, and lacketh nothing, but that the said laws be not put in due execution, which laws ought to be put in due execution, by the Justices of Peace of every shire of this realm, to whom his Grace hath put and given full authority so to do sith the beginning of his reign. (3) And now it is come to his knowledge, that his subjects be little eased of the said mischiefs by the said Justices, but by many of them rather hurt than helped ; and if his subjects complain to these Justices of Peace, of any wrongs done to them, they have thereby no remedy, and the said mischiefs do increase, and be not subdued. (4) And his Grace considereth, that a great part of the wealth and prosperity of this land standeth in that, that his subjects may live in surety under his peace in their bodies and goods, and that the husbandry of this land may increase and be upholden, which must be had by due execution of the said laws and ordinances, chargeth and commandeth the Justices of the Peace of this his shire, to endeavour them to do and execute the tenor of their Commission, and the said laws and ordinances ordained for the subduing of the premises, as they will stand in the love and favour of his Grace, and in avoiding of the pains that be ordained if they do the contrary. (5) And moreover he chargeth and commandeth, that every man, what degree or condition that he be of, that let them in word or deed to execute

1489.

their said authority in any manner from abovesaid, that they show it to his Grace ; and if they do it not, and it come to his knowledge by other than by them, they shall not be in his favour, but taken as men out of credence, and be put out of commission for ever. (6) And over this he chargeth and commandeth all manner of men, as well the poor as the rich (which be to him all one in due ministration of Justice) that is hurt or grieved in any thing that the said Justice of Peace may hear, determine, or execute in any wise, that he so grieved make his complaint to the Justice of Peace that next dwelleth unto him, or to any of his fellows, and desire a remedy ; (7) and if then he hath no remedy, if it be nigh such time as his Justices of Assises come into that shire, that then he so grieved shew his complaint to the same Justices ; (8) and if then he have no remedy, or if the complaint be made long afore the coming of the Justices of Assise, then he so grieved come to the King's highness, or to his Chancellor for the time being, and shew his grief ; (9) and his said highness then shall send for the said Justice, to know the cause why his said subjects be not eased, and his laws executed ; whereupon if he find any of them in default of executing his laws in the premisses, according to his high commandment, he shall do to him so offending to be put out of the commission, and further to be punished according to his demerits. (10) And over that, his said highness shall not let for any favour, affection, cost, charge, nor other cause, but that he shall see his laws to have plain and true execution, and his subjects to live in surety of their lands, bodies, and goods, according to his said laws, and the said mischiefs to be avoided, that his subjects may encrease in wealth and prosperity, to the pleasure of God.

33.

[This excerpt from Campbell's "Materials" (ii. 91) illustrates the activity of the Court of Star Chamber before the passing of the famous Act of 1487. For other evidence see "Star Chamber Proceedings" ("Somerset Archæol. Soc.") pp. 4-5.]

Receipts, Michaelmas 2 Hen. VII [1486] by the Treasurer . . . From Richard Lylbourne, in full payment of the twenty marks of the fine, lately made by him in respect to certain matters, in the presence of the king and his council in the Star Chamber—vi li. xiii s. iiij d.

34.

[In Caxton's original edition of this Act, printed in 1489, it is simply entitled "Yeuyng of lyuerey etc." "Pro Camera Stellata" appears, however, as a marginal note on the Statute Roll, where the Act is entitled "An Act geving the Court of Star Chamber Authority to punysche dyvers Mydemeanors," "Statutes of the Realm," ii. 509.]

The Kyng oure Sovereyn Lord remembreth howe by onlawfull mayntenaunce gevyng of lyveries signes and tokyns and reteyndres by endentur promyses othes wrytyng or otherwise, enbraciaries of his subgetts ontrue demeanyngs of Shrevys in making of panells and other ontrewe retournes, by takyng of money by juryes, by greate riotts and unlawfull assemblez, the polacye and good rule of this realme is almost subdued, and for the nowne punyshement of this inconvenience and by occasion of the premyssis nothyng or lityll may be found by enquerry, wherby the Lawes of the lond in execucion may take litell effecte, to the encre of murdres roberies perjuries and unsuerties of all men lyvyng and losses of their londes and goodes, to the greate displeasure of Allmighty God. Be yt therfor ordeyned for reformation of the premysses by thauctorite of this Parliament, That the Chaunceller and

Pro Camera
Stellata.
1487.

Pro Camera
Stellata.
1487

Tresorer of Englonde for the tyme beyng and Keper of the Kyngs pryvye Seall, or too of theym, calling to hym a Bisshopp and a temperall Lord of the Kyngs most Honorable Councell, and the too chyeff Justices of the Kyngs Benche and Comyn Place for the tyme beyng, or other too Justices in ther absence, uppon bill or informacion put to the seid Chaunceller, for the King or any other, ageyn eny persone for eny mysbehavyng afore rehersed, have auctorite to call before theym by Wrytte or Pryvye seall the seid mysdoers, and theym and other by ther discessions to whome the trouthe may be knowen to examyn, and such as they fynd therein defectiff to punyssh theym after their demerits, after the form and effecte of Statutes therof made, in like manner and forme as they shuld and ought to be punysshed if they were therof convycte after the due ordre of the Lawe. And over that Be yt also ordygned by thauctorite aforseid, that the Justices of the Peas of every Shire of this Realme for the tyme beyng may do take by their discessions an enquest, whereof every man shall have lands and tenements to the yerly value of xl s. at the leest, to enquire of the concelements of other enquests, taken afore theym and afore other, of such maters and offences as ar to be enquired and presented afore Justices of the Peas, wheroff complaynt shall be made by bill or billes aswell within fraunches as without ; and yff eny such concelement be found of eny enquest as is afore rehersed had or made within the yere [afore¹] the same concelement, every persone of the same enquest to be amerced for the same concelements by discession of the same Justicez of the Peas ; the seid amerciaments to be cessed in playn Sessions.

¹ "After. Lib. Scacc." [This correction is apparently made from the copy of the Act used in the Court of Exchequer.]

35.

[The Judges' interpretation of the above Act, "Year Books," 8 Henry VII, p. 13. See Leadam's "Select Cases in the Court of Star Chamber" (Selden Soc.), vol. i., Introd. pp. xxxv-xlv.]

Nota que anno 3 H. 7¹ fuit reherse le statut que donne, que le Chancelier, Treasurer, Privy seel, ou deux de eux, appellent a eux un Seigneur temporel & auter esprituel dele Conselle le Roy, & les chiefs Juges, punent examiner riots, maintenance, & nul Juge sinon le Chancelier, Treasurer, on Privy-seel, ou deux de eux, et les auters sont assistants & aidants & nemy Juges. Et issint accorde tous les Justices si comme il est in le Statut de anno 31 E 3 ca. 12 de Error in le Eschiquier que sera reverse in le Eschiquier Chambre par le Chancelier Treasurer, appellant a eux 2 Juges. Et si come il est in le Statut que punit robbers sur le mer in le Chancery. Mes les Justices tenent in le premier cas, que il fuit erreur si le Chancelier, Treasurer, etc nappelent les autres, & firent par lour avisement, par cause que le Statut issint ce limite etc. Vide H. 6. H. 7. f. 17 in cas de Error.

36.

[A typical complaint of forcible disseisin brought against John de la Pole, Duke of Suffolk, before the Star Chamber, Leadam, "Select Cases," vol. i., pp. 15-18.]

To the right noble sadde and discrete lordes of the 1485-9.
kyng oure soueraigne lordis counsaill. This is the grevous complaynt of William Parker knyght ayenst the right high and mighty prince, John Duke of Suffolk.

First the seid sir william Parker complaynet ayenst the seid duk for asmoche as he by the most famous and

¹ Probably a misprint for 8 Hen. VII, viz. 1493, the date usually assigned to this opinion.

1485-9.

Cristen Prince Edward the fourth late kyng of England was lauffully possessid and seasid of the maners of Hougham and Buxston with the hundred of Fairehoo in the Counte of Norfolk and so contynued his lauffull possession and peasibly receyued and perceyued the issuez and profites of the same vnto now late that the seid duk by myght and strength contrarie to all right lawe and conscience entred into the same maners and hundred and therof hath put out the seid sir William and hath taken and perceyued the issues and profites of the same this xij moneth and half yere and more which maneres and hundred be of the yerely value of vj^{xx} li. xiiij s. iiij d. which amounteth in all for the seid yere and an half—viiij^{xx}vij li.

For the which maners of Hougham and Buxston with other maners londes and tenementes the seid sir William is bounden to the feoffes of the seid lands in m^lm^l marcs to purchace londes and tenementez to the yerely value of c marcs for the ioyntoure of Alice wif of the seyde sir William doughter to sir William late lord Morley and Alianore his wif ovur and beside viij marcs for the xibucion of a prest, and to pay all the dettis that the seid Alianore late lady Morley ought the tyme of her decesse duely provid and also to content and pay all annuytes graunted by the seid late lord and lady out of the seid maners and confermed by the seid feoffes. And ovur xx^{li} which the feoffes of the seid Maners were bounden to pay to the seid Alice duryng the noun age of the now lord Morley for all other charges for her expenses, which feoffes have charged the seid William Parker to the payeme[nt] [of the] seid xv^{li} and discharged theym self by reason of a lesse made thereof to hym And also the seid duk hath by his seid mych strength discharged all maner of olde officers the which have contynued there this xxx yere and more to his grete hurt.

Item the seid sir William complayneth hym ayenst ^{1485-9.} the seid duk forasmoche as he had purchased a tenement in Heugham aforeseid callid the hare and for the edificacion of the same hath had a frame of tymber there a making the space of iij yeres & more which frame of tymber the servautes of the seid duk and by his commandement have caried and take away the frame of tymber and the werkmanshipp thereof hath cost the seid sir William celi. and more ovur and beside the beryng of the tymber.

Item the seid sir William complayneth hym ayenst the seid duk forasmoche as he had bided vpon the seid ground a tenement and a new berne which cost hym xl li. and more the seid duk by his grete myght entred in to the same tenement and berne the seid berne beyng full of corne and there toke and thressed alle the cornes than and there beyng and theym led caried away and sold at his pleasure to the grete losse of the seid sir William and by that unlefyll dealyng the ground of the seid sir William hath stand vacand and unoccupied and yet doth for the seid sir William ne noone of the servautes do come thider to lete and occupie the same for fere and jupardie of their lyves, Wherupon the seid sir William shewed to the kyngis goode grace the disposicion of the seid duk And therupon had a commyssion from hym directid to the tenauntis there commaundyng theym to paye their fermes to the seid sir William and to his deputes and to noone other which commyssion was opynly rede afore the seid tenautes and while the seid commyssion was in redyng the seruautes [of] the seid dukes came vpon hym with billes and bowes and there put hym in suche fere that he was fayne to tak the parsonage and the parson there in noo wise durst kepe hym but conveyed hym on the bak side to the chirche for the saufgarde of his lif and so conveied by night or elles he had be sleyn.

1485-9.

Please it youre noble wisdomes and sadde discrecions the premisses aboue seid tenderly considered and ther-uppon by your seid noble discrecions to see and ordeyn that the seid sir William may be restored ayene to the possession of the seid maners and hundred And also truly content and paied of the seid viij^{xx} xvij li so by the seid duk receyued and that the seid sir William his seruantes and officers there may peasibly occupie there seid offices as they of olde tyme haue done without any bodily harme to hym or theym here after to be done.

37.

[A case of forcible eviction brought in the Court of Star Chamber, Leadam, "Select Cases," vol. i., pp. 45-50.]

A.

1494.

To the King our Souerain lord Lamentably shewith and greuously complayneth vnto your highnesse your pouer treue liegeman John Culford of Brynkworth in your Countie of Wiltes. That where as your said pouer Liegeman cam into the Courte of thabby of Malmesbury holden at Brynkeworth aforsaid the xijth day of Aprille in the xiiijth yere of the Reigne of your noble progenitour king Edward the iiijth and then & ther becam tenaunt to the said Abbot and Conuent of the same and toke by copie of the said Courte like as Thomas Culford his fader ded and helde before in his lif a Messuage & halfe a rode of lande with thappurtenaunces called Feldmannys and ij Furlonges called Oxhey and Wodfurlonge with appurtenaunces for the which your said subgiet gave for his fyne to the said Abbot and his Steward iiij li. vj s. viij d. As in the said Copie thervpon made to your said liegeman and his wyf for terme of their lyves more playnly it doth apper Whiche Messuage & landes with their appurtenaunces they haue peasibly

kepte and occupied euer sithen, according to their ^{1494.}
Coppie & as right requirith, Till now of late that oon
Dane John Woolton Monk and kychener of the said
Abbey to whom the forsaid Messuage and landes with
thappurtenaunces ben limited for his part to haue &
receyue the rentes of the same as is accustumed; of his
great wilfulnesse and extorte power, seing that your
pouer liegeman hath doon & made grete byldinges and
costes vp on & in the same Messuage and landes in
diuers weyes and hath implayed his said landes to his
moost auantage and profite more than it hath ben
before by his grete labour of husbondry to his grete coste
& charge, the said Dane John Wotton of his covetous
disposicion and royall [?] power hath by force & armessent
diuers his seruantes and haue entred into the said
Messuage wher as your pouer subgied and his wif
dwelled in & them haue Riottously put ovt of their said
possession bringing with them Bowes arrows swerdes
bokelers grete clubbes and other weapons and brake vp
the dores vpon your said suppliaunt and his wif and ther
wold haue slayne your said suppliaunt onlesse by godes
grace he priuely eschaped from them; and also the said
personnes when they wer in the said howse caste ovt a
suche goodes as they myght fynd into the strete, and
also, gracious souerain lord, toke the childe ligging in the
cradle and caste the said childe into the fire so that it is
in perill of death or elles is dede alredy in evill example
to other in that contrey. Also gracious souerain lord
the said Dane John Wotton and his said seruantes not
content with their vnlawfull demeanynges kepith and
withholdith from your said suppliant ligging in the said
Messuage xl lode of hey, xv lode of diuers cornes and
more, withoute any mater or cause rightfull and other
diuers thinges and also manashith and dayly thretenith
your pouer subgiet to murde & sle, so that he darnot

1494.

comme home to his wyf and occupie his husbandry as your true subgiet aught to doo, whiche is contrary to your lawes & peax right and conscience and to the vtter vndoing of him and all his withoute your noble grace to them beshewed in this partie; for your pour subgiet is not of power to sewe the said John Watton for his remedy by your commune lawe. Please it therfor your highnesse of your blissid charite and pitie the premisses tenderly considerid to graunt your gracioux lettres of priue seal to be directed vnto the said Dane John Wotton charging him straitle by the same that he be and personally aper befor your grace and your noble counsell at your palace of Westminster at a certain day this terme vndre a penaltie to answer vnto the premisses bringing with him Gefferey Parker compartiner of the said Riotte to obeye and abyde suche direccion as shal be thought consonant by your said Counsell to reason. And that your said suppliant and his wyf may haue and enioye their said possession, and to haue restytucion of their said goodes with holden from them by the said Dane John and Gefferey Parker; this at the reuerence of god and our lady. And your said subgiet shal pray to god dayly for the preseruaciun of your moste noble & Royall estate.

In another hand: Emanarunt inde litere abbati dicti monasterii.

Retornabiles Octabis Purificacionis proxime sub pena c li.

Indorsed: John Culford contra John Wotton, Malmesbury, Die ultimo Februarij.

B.

This is the Answer of dane John Wolton to the byll of John Culford.

The saide dane John seith that the mater conteyned yn the saide byll is mater feyned & ymaganed of malis by the saide John Culford to the Intent to putt

the said dane John Wolton to vexacon and trouble and ^{1494.}
also the saide byll is vncerten & insufficient to putt
hym to answeere vnto wherof he prayeth allowans and
for the declaracon of the trougth of the matyr conteyned
yn the saide byll the saide dane John seith that as to
any riott commyng & entryng with forse and armys
in to the saide mese brekyng vp of the doores castyng
ovt of the goodys in to the strete and takyng of the
chylde lyying yn the cradell and castyng in to the fyre
manassyng and thretenyng and all other mysdemenyng
surmytted ayeinst hym yn the saide byll he is no wyse
gylte and as to the Entre in to the said mese the saide
dane John seith that the saide John Culford held the
saide mese of his fadyr the abbot of Malmesbury at wyll
by cople of court roll as of his maner of brynkworth
as in the right of his Chirche and that the custome of
the saide maner is & ovt of tyme of mynde hath bene
that all copyholders of the saide maner shall paye
yerly rent for the pannage of ther swyne goyng vppon
the wast grounde of the saide maner and the saide John
Culford was often tymes required to paye his pannage
rent for his swyne goyng within the wast grounde of the
said maner and all weyes he refused to paye it and
yet doyth and for that cause at the court holden at the
saide maner the xxiiijth day of Octobre the ixth yere of
oure souerayn lord the kyng that nowis ther was
fouden by the homage ther a forfiture of the saide mese
by the said John Culford and theruppon a commaunde-
ment geuyn by the steward to the bayly of the saide
maner to sease the saide mese in to the saide abbott is
handis by fors wherof the bayly of the saide maner
seasid the saide mese and put ovt therof the saide John
Culford as was lawfull for hym to doo. All which
matters he is redy to proue as this court wyll awarde
and prayeth to be dysmyssed with his resonable costes
and expenses for his wrongful vexacon yn that behalf.

C.

1494.

Dan John Wolton sworn vpon the bill of complaint and this his answer deposit, that the customs by him alledged is treu and bi the time also alledged vsed in the said manor. And he saith that the complainant bi the space of xij or xiiij yere hath occupied the within wreten wast sometime with xx^{ti}, sometime with xl^{ti} and mo swyne, for which euery tenaunt so occupyyng there hath ben vsed to pay for euery swyne there fedying of half yere old ob., of a hole yere old and more jd. bi the yere, which euery of the said tenauntes have treuly paid without condiceion, the said complaynaunt onlye excepte, which hath ben yerlye of him required and he hath euer expresslye denyed payment sayying thies woordes—I will occupye the said wast in despite of thabbottes and the Cofiners and Kechiners heds; wherfore bi the homage there and bi an ordre of the law he forfeatyd his tenure, as well for the nownpayment of his deutie as for the expresse denyng of payment aforsaid so long continued; after which the said Geoffray at thinstance of Mr Cheyneye high steward to the said abbott bought the said hous and land and when the said Geffray shold entre into the said hous, for that the said complainant willd not aduoyde the possession, as this deponent herde say, the same Geffray tooke the stuff of the said complainant and laide it oute of the hous, how or in what fourme this deponent can not say as he saith, for by his oth he was never at the hous in all his lif, nether he sent any person to the hous, but as oone of the monasterye geving his assent at thinstance of Sir John Cheyney that the said Geffray shold haue the said hous and land. Albeit this deponent saith that or any graunte was made bi the abbot and Covent to the said Geffray, this deponent sent to the said complaynaunt

to wete whether he wold do his dewtie as other tenauntes 1494.
 dyd or not and if he wold, he shold notwithstanding
 the office fand of forfeating his tenure haue it agen afore
 any man, the seid complaynaunt gave euer ansuer
 obstinattye he wold not sew for it nether he wold any
 thing pay, but he wold kepe his hold in despite as is
 aforsaid of thabbot and all his officers. This deponent
 denyeth by his oth almaner of ryott in his person or bi
 his commaundment supposd to be doone or bi any other
 manns commawndment that euer he knew or herd of.

38.

[The four following extracts illustrate the evils of the practice of
 “retaining”. No contemporary authority has been discovered
 for Bacon’s familiar story about Henry VII and the Earl of Ox-
 ford, though Henry visited the Earl in 1498 (Bentley, “*Excerpta
 Historica*,” p. 119). This first Act merely prohibits the “re-
 taining,” by other men of the King’s tenants, 3 Hen. VII, c.
 15, “*Statutes of the Realm*,” ii. 522.]

The Kyng remembryng howe by the negligence and 1487.
 unlawfull demenyngs of stywardes auditours rescey-
 vours surveyours and baillyfs of his honours lordshippes
 manors londes and tenements, constables and kepers
 of castells, wardens maisters of game and kepers of
 his forestis chaces parkes and warens within this his
 realme, greate unsuertie hath growen afore this time
 aswell to his Highnes as to his progenytours; and howe
 his tenantes and inhabitants of his seid honours lord-
 shippes manors londes and tenements dayly been gretely
 troubled, aswell by the unlawfull reteyners and retinews
 made aswell by the seid officers, as suffryng the same
 tenants and inhabitauntes to be unlawfully reteyned
 with other persones and how by this unlawfull re-
 teyning they ben called to unlawfull assemblies and
 riotts, to ther oft greate charges and joperdies, wherby

1487.

they been so ympoverysshed that they be not of power to pay to hym their dutyes, and his subgettes nerther dwellyng been vexid and trobled, and greatly hurt by dyvers charges and unlawfull imposissions; And over this his Highnes remembreth howe his wodes, his verte and venyson, by the wardens, maisters of game, parkers, kepers and other officers of his seid forestes chaces parkes and warens thorowe out this his realme, ys almost destroyed; and that dyvers and meny persones to whome he hath graunted such offices, in his great troubles madde agenst his traytours and rebelles, have absented theym from his grace, contrarie to the dutie of their allegeaunce and ayenst all trouthe and kyndness: Wherefore the King our Sovereign Lord will that. . . . It be ordeyned and enacted that yff eny styward auditour etc. . . . of eny of the seid honours lordshippes etc. . . ., constable or keper of eny of his seid castellis warden etc. . . . be unlawfully reteyned with eny persone from hensforth, or reteyne eny man dwellyng within the same honours lordshippes etc. . . ., contrarie to any ordinaunce or acte afore this tyme made, or suffre eny man, dwellyng within the same honours etc. . . . to be unlawfully reteyned with eny other man or person, what degree or condecion soever he be of, and shew yt not to the Kyng within xl days next after he hath knowlech thereof how and with whome he ys so reteyned, or eny of the seid officers convey eny of the seid tenants inhabitauntes or fermours to the Kyng, to eny feld or assemble or rowte, otherwise then by the Kyngs' commaundement . . . or yf such officer come not to the Kyngs Highnes in tyme of troble or werre, when he therto shall be commaunded, havng no resonable excuse to the contrarie, that all grauntes then made or hadde to hym of eny the seid officez, by the Kyng or by eny of the Kynges progenytoure or prede-

cessors, be then utterly voide of of non effecte. And . . . 1487.
 yf eny fermour or tenant within any of the seid honours
 etc. . . . be reteyned with eny persone or persones
 contrarie to the statutes, by lyverie signe token othe
 indentur or promyse, or goo to eny feld gedryng or as-
 semble, in eny mannys lyverie sygne or token but only
 in the Kynges lyvere and signe, and to serve hym only
 or where he shall be commaunded by the Kyng, that all
 graunts and lesses, to hym made for terme of yeres or at
 will of londes tenements rentes or other possessions,
 beyng parcell of eny the seid honours etc. . . . be then
 utterly voide and of non effecte.

39.

[The King to the Mayor and bailiffs of Lancaster ordering them
 to make proclamation against liveries, etc., Campbell's
 "Materials," ii. 275.]

The king to Richard Gardener, mayor, and Thomas ^{12 March,}
 Eskryg and Giles Drynkall, bailiffs of the town of ^{1488.}
 Lancaster:—And whereas we be credibly enfourmed
 that oure seid town is in greate ruyne and decaie by
 by reason of such variances that amonges you hath been
 by meane of takyng of Lyveryes and conysaunces, and
 by reteynyng with dyvers and several lordes, gentilmen,
 and othre contrarye to oure lawes, and by reason where
 of ye in tyme past have often ben interupted and letted
 to correct and reform such trespassours, offendours, and
 mysbehavynges as within our seid town hath been
 vsed and attempted contrarye to the liberties and fraun-
 chises of the same, to the great hurt and impoverissyng
 of our seid town, the which if it should be suffred myght
 grow and cause the same to fall in greater ruyne and
 decaye to the vtter destruccion of the same; and that
 we ne wol in any wise suffre, but intend the ristens

March,
1488.

thereof for your fere wele: wherfore we wol and straitly charge you and euery of you that ye do make in our name proclamacion within our seid town commaundyng straitly that no maner persone, gentilman or othre, by othe, lyverye, signe, conysaunce, or othrewise but as may and shal accord with our lawes, ne to make assemble, nor to come at no scyres, assemblyes, or commaundementes of lordes, gentilmen, or othre, but only by oure commyssion and commaundemente; and if any person or persones presume or attempt the breche of this our pleasour and commaundement, we wol than that ye do certifie us of his or their name or names, to thentent that we may provide for lawful and sharp punysshement in that behalfe etc.

40.

[A similar injunction to the constable of Pickering castle, Campbell's "Materials," ii. 460.]

5 July,
1489.

Writ to Brian Sandford, an esquire for the king's body, constable of the castle of Pykerynglithe, and steward of the king's honor and lordship there. Whereas by takyng of lyveries and cogniscions, grete inconveniencences, controversies and debates have of tyme happened in divers othre placis within this oure reyme, to the grete disturbaunce of the commons thereof: for the reformacioun whereof, and for the tranquilitie and peax to be had through oute the seid reyme, it is ordeyned and enacted by auctorite of oure Parliament that noo maner of persone shal reteyn nor be reteyned nor geve nor take lyverye nor recognisaunces upon grete peynes, as in the acte thereof made it apperith at large. We thefore wol and straitly charge you that accordyng vnto the same at oure courtes there by you to be holden within our seid lordshippe, ye on our behalf straitly

commaund alle oure tenauntes copy holders within the July, 1489. same that fromhensforthe non of theym be reteyned with any maner persone, gentilman or othre, by clothyng cognisaunce, othe, or otherwise contrarie to oure lawes and statutes in that behalf ordeyned and made, except oonly with vs, uppon payne of forfactyng of ther tenures, and also that noon other persones inhabityng within our seid lordshippe reteyne with ne be reteyned with any maner persone, gentilman or other, by clothyng, cognisaunce, othe nor otherwise etc etc.

Similar writ, date March 6, to Edward Burgh, knight, steward of the honour of Pikhul.

41.

[An Act "De Retentionibus illicitis" passed in the Parliament of 1504, 19 Hen. VII, c. 14, "Statutes of the Realm," ii. 958].

The King our Sovereign Lord callith to his remem- 1504.
braunce that where before this tyme dyvers statutes for punysshment of such persones that gyf or receyve lyveres, or that reteyne eny person or persones or be reteyned with any person or persones, with dyvers peynes and forfeituris in the same statutis comprised, have be made and establysshed, and that notwithstanding dyvers persons have taken upon theym some to gyf and some to receyve lyveres and to reteyne and be reteyned contrary to the fourme of the seid estatutes, and lityll or nothing is or hath be doon for the punysshment of the offendours in that behalf. Wherefore our Sovereynne Lord the Kyng by thadvyse of the Lordis spirituall & temporall and of his Comens of his realme in this parliament beyng and by the auctorite of the same, hath ordeyned stablysshed and enacted, that all his statutes and ordinaunces afore this tyme made ayenst such as make unlauffull reteynours and such as be so

1504.

reteyned, or that gyf or receyve lyvere, be pleynly observed and kept and put in due execucion.

And over that oure seid Sovereign Lorde the Kyng ordeyneth stablyssheth and enacteth by the seid auctorite, that no person of what astate or degre or condicion he be, by hymself or any other for hym by his commaundment or agreement or assent, prevely or opynly yeve any lyvere or signe or reteyne eny person other than suche as he giffeth houshold wages unto without fraude or colour, or that he be his manuell servaunt or his officer or man lerned in the one lawe or in the other, by any wrytyng oth promyse lyvere signe bagge token, or in any other maner wyse unlawfully reteign; and if eny do the contrary that then he ren and fall in the peyne and forfeitur for every such lyvere and signe bagge or token c. s. and the taker and acceptour of every such lyvere bagge token or signe to forfeite and pay for every such lyvere and signe bagge or token so accepted c. s., and for every moneth that he usith or kepith such lyvere or signe bagge or token after that he hath taken or accepted the same to forfeit and pay c. s. and every person that by oth wrytyng or promesse or in any otherwyse unlauffully reteign prevyly or openly, and also every such person that is so reteyned, to forfeit and pay for every such tyme c. s. and aswell every person that so reteyneth as every person that is so reteyned to forfeit and pay for every moneth that such reteynours is contynued c. s. And that every person that before the making of this Acte by lyvere signe token wrytyng bagge oth promyse or otherwyse unlauffully hath reteyned eny person, and by reason thereof is reteyned at the tyme of making of this Acte contrary to the premysses, that aswell every of theym that kepith any person so in reteynour as every person that so is and contynueth so reteyned shall forfeit to the King for

every moneth, from the fest underwrittyn, that such^{1504.} reteignour is continued c. s.

And also it is ordeyned and enacted that no person of what astate condicion he be, from the same fest, name or cause hymself to be named servaunt or reteyned to or with any person, or by or cause to be bought or were any gowne as a lyvere gowne signe or token of the sute or lyvere of eny person, or any bagge token or signe of any person, uppon peyn of forfeitur for every day and tyme that he doth xl s. and also to have ymprisonment by the discession of the juges or persons afore whom he shalbe therof convycted, and that without bayle or maynprise.

And over this be it ordeyned and enacted by the seid auctorite that the Justices of the Peas within every shire of Englund shall, at every of their generall sessions, that is to sey, iiij tymes in the yere at the lest, make or cause to be made to the shiref of the same shire a warant or precept to retorne before theym a panell of xxiiij^{ti} persones every on of theym to have londis and tenementis to the yerely value of v libri or xl. s. at the lest, by the discession of the Justices, and the shiref to retorne every one of theym at xx. s. in issues at the lest, of the which persons an enquest sworne shall amongis other articles specially be charged to enquere of all such unlauffull reteynours and unlauffull demenyng afore rehersid, had within any parte of the same shire, as fer as the commission whereby the seid Justices setteth stretcheth; and after the same jury be sworne that the seid Justices shall charge and commaunde the chief constables of the Hundredes and constables of every towne, and also the baylyffes of the Hundredis which apperyn at the same sessions, to gif evydence uppon ther othes to the same jure of all and every thyng towchyng this Acte; and if the chief constable

1504.

of the Hundred or baylle of the same Hundred, every of theym for the Hundred wherof he is officer, and the constables of the townes for every townshipp that they be constable of, counceyle and gif not trewe and pleyne evydence to their knowledge of all such re- teynowre contrary to the premysse as ben within the precynkte of his or their seid offices, then every of the seid baillyffes or constables or bayle of the seid Hundred to forfeite to the Kyng our Soverayn Lorde for every person so conseylled vj. s. viij. d. and to have ymprisonment by the discession of the seid Justices without bayle or maynprise; And that the Justices shall gyf day to the seid jure if it be thought to them expedient till the next generall sessions, or shorter by their discession, to give their verdite, and that the same Justices shall and may take the same verdite by parcell and severall tymes and as often as any thyng shalbe founden by theyn for the Kyng; And if the seid jure so sworne do not fynde all such unlauffull re- teynours and unlauffull demeanours and present all such persones as contrary to this Acte be reteyned within the same shire and within the precynkte of their commysion as is aforesaid by lyvere signe or token oth wrytyng or promese, or otherwyss unlauffully reteign as is aforesaid or that name theymself to be servaunt of any other person, and of the reteynours of the same, and wherof they or any of theym have knowledge or credible evydence giffen, that then every Justice of Peas within the same shire dwellyng beyng their at the sessions havng than in dede any person reteyned contrary to the seid acte, and every of the seid persons so ympanelled and theruppon sworne, and the shiref which the seid persons ympanelled and then in dede havng any person reteyned contrary to the seid acte, every of theym that is to sey, every man for his owne defaute

and non otherwyse, shall forfeite to our Soverayn Lord 1504.
x libri at every time that such jury be sworne.

And over this be it enacted by the seid auctorite, that the Justices of the Peace at their opyn sessyons shall have full power and auctorite to cause all such persons, as they shall thynke to be suspect of any reteynour contrary to this acte, to come afore theym or ij of theym, wherof oon shalbe of the quorum, at such tyme and place as they shall thynk convenient and theym to examen of all such reteynours contrary to this acte by the discrecion of the seid Justices, And the seid Justices by whom the examynacion is had shall uppon payne of every of theym of c libri the next tyme next folowyng the same examynacion certefye before the Kyng in his Benche the names aswell of all the persons that before theym by examynacion shalbe founden reteyned, or that before theym be founden to do anything contrary to this acte, as the names of all persons that by that examynacion shalbe accused to be reteynours or to do contrary to the same acte, and that certificat to be made of the lyke effect and strength ayenst all theym so examened and by that examination founde in defaute as though they were convycted therof by due order of the Kynges lawes, and that the same certificat to be of lyke effecte and strength ayenst theym that by that examynacions shalbe accused to be reteynours or to have don in any thyng contrary to the seid acte as an indightmant had ayenst theym of reteynours.

Moreover the King our Sovereign Lorde by thadvyse assent and auctorite aforseid, hath ordeyned stablissed and enacted, that every person that will sue or complayne before the Chauncellor of Englund or the keper of the Kynges gret seale in the Sterre Chamber, or before the Kyng in his Benche, or before the Kyng and his Counseill attendyng uppon his most roiall person

1504.

whersoever he be, so that ther be iij of the same Counseill at the lest of the which two shalbe Lordes spirituall or temporall, ayenst any person or persons offendyng or doyng ayenst the fourme of this ordinaunce or any other of the premysses, be admytted by their discession to gyf informacion, and every such infourmour so admitted shalbe receyved to sue upon the seid matter by infourmacion and that he be receyved and amitted to gyf such infourmacion or informacions before the seid Chaunceller or Keper of the Seale in the Sterre Chamber or before the Kyng in his Benche or before the Kyng and his Counseill aforeseid ayenst as many such offendours as the person that so shall informe will or shall name; And that upon the same all suche persones be called by writ subpena prevy seale or otherwyse, And the seid Chaunceller or keper of the Seale the Kyng in his Benche or the seid Counseill to have power to examen all persons defendantes and every of theym, aswell by oth as oderwyse, and to adjuge hym or theym convycte or atteynt aswell by such examynacion as otherwyse in such penalties as is aforeseid as the case shall require; And also shall charge by jugement in the same such person or persons so convycte or atteynt to the person playntyf or infourmour in all costis therin had, by the discession of hym or theym before whome he shalbe so atteynted or convycted, And also the same partie pleyntif or infourmour shall have such resonable reward of that that by his compleynt shall growe to the Kyng as shalbe thought resonable by the discession of the seid Chaunceller or keper of the gret Seale Justices or Counseill.

And also it is enacted by the seid auctorite that the seid Chaunceller or keper of the greate seale or Counseill have full auctorite and power, by this statute, to do send by writ subpena prevy seale warant or otherwyse

by ther discession for any person or persons offendyng ^{1504.} or doyng contrary to the premysses, without any sute or informacion made or put before theym or any of theym, and the same person or persons to examyn by oth or otherwyse by their discessions, and to adjudge all such persons as shalbe founden gylte in the premysses by verdit confession examynacion proves or otherwyse, in the seid forfeitours and paynes as the case shall require, as though they were condempned therin after the course of the comen lawe, and to commyt such offendours to warde and to awarde execucion accordyng.

And also it is ordeyned and establisshed by the seid auctorite, that if eny person or persons be examined of or uppon any of the premysses, upon any such informacion as is aforseid before the seid Chaunceller or keper of the gret seale, Kyng in his Bench, his Counsell, or without informacion, and denye the same, or if the seid Chaunceller Keper of the great Seale or the Kyng in his Bench or Counsell do send for any such person or persons and theym or any of theym examen uppon the premysses, And than he or they so examyned denye his offence in that behalf, and if after that tyme any suche person or persons so denyng be founden gylte or convycted or atteynted, by verdit or examynacion as is aforeseid or otherwyse, of anything doon or attempted contrary to the fourme of this ordinaunce that is by hym before denyed, that than he or they forfeit lose and pay the seid paynes and forfeituris as the case shall require for his or their offence in that behalf; And over that the same person or persons to forfeit and pay to the King over and above that the moite of the same forfeitours and paynes, and also to have imprisonment by the discession of the seid Chaunceller Justices or Counsell for his denyer in that behalf; and that almaner of writynges or indenturis bytwene eny persone

1504.

herebefore made, wherby any person is reteyned contrary to this acte, that indenture or writyng as touchyng any such reteynder onely and no ferther be voyde and of non effect: This acte to take his effect and begynnyng for such reteynours and offences and other mysdemeanours as shalbe doon had or made contrary to the forme of this acte after the fest of Pentecost next comyng onely, and the same acte to contynue and endure duryng the lyfe of our seid Sovereyn Lord the Kyng that nowe is and no longer.

[Offenders punished under this acte freed from all other penalties].

[Act not to apply to those who have King's licence to indent with persons to serve him in war, or to those so indented.]

[Act not to extend to sergeants at law mourning at funerals, liveries of corporations, and tenants of monasteries.]

42.

[The practice of "retaining" frequently led to riots, Henry's efforts to suppress which are illustrated in the next eight documents.

The first is a request to the Lord Chancellor for a writ of *corpus cum causa*, Campbell's "Materials," i. 109.]

24 Nov.,
1485.

To the right reverent fader in God, and my right and gracious lord the bisshope of Worcester, chaunceler of England.¹ Mekeley besecheth your pour oratour Robert Jevyn', of the toun of Herburgh, that where as he was in his hous in Goddis peas and the kyngs on Sunday, that is to say, the vj day of Novembr, the first yere of the reigne of King Henrie the vijth, after ix of the clock in the nyght, Richard Ingorby and William Whitton', with other riotes persones, to the nombre of xvj, came to the hous of your seid oratour, and there

¹ John Alcock.

and then with force and armes shott arowis at the gatys, Nov., 1485. and with axes, gleyves, and other wepyns of warre brake up the seid gatys and entered into the seid hous, and there bette your seid oratour and his wyf and dyvers of their servauntes, which were in dispeire of their lyves; after which riot and trespas so doon, gracious lord, one Alexander Starkey, with dyvers persons of the same affynyte and feleshipp, toke your seid oratour out of his seid hous and led hym by nyght xij milys thens to Leycestre, and there put hym in pryson, without eny auctorite or cause resonable, and there keypyth your seid oratour ayenst all right and gode consciens, and also to his uttermost undoyng without your gode and gracious lordship to him be shewed in this behalf. Please it therefore the same, the premissez tenderly considered, to graunt a *corpus cum causa* directed to the gailer of the seid toune to bryng the body of your seid oratour, with the cause of his arrest, afore the kyng in his Chauncery, at a certeyn day by your seid lordshippe to be lymetyd, and he shall specialy pray God for you and this for the love of God and in wey charite. (Indorsed) Coram rege in cancellaria sua xxiiiij die Novembris.

43.

[Campbell's "Materials," i. 358.]

Commission addressed to Richard Harecourt, knt., ^{6 March,} John Verney, knt., Thomas Rokes, John Cottismore, ^{1486.} Thomas Restwold, Richard Halle, Drew Barantyne, and John Eggecombe, directing them to inquire, by juries of the counties of Oxon. and Bucks. into any riots, trespasses, and other misdemeanours that may have been done or perpetrated by Giles and Cristofer Wellesborne, and others their adherents, also to arrest and

March,
1486.

take the bodies of the same offenders wheresoever found, and bring them before the king and his council, there to answer to what may be objected against them, and to receive whatever punishment may be awarded against them. The commissioners are to certify the king and his council of their proceedings herein.

44.

[Henry VII to Sir William Say, Ellis, "Original Letters," 1st Ser. vol. i. p. 39.]

Trusty and welbeloved, We grete you wele. And have herde to our great displeaser, that, for a certain variance and controversie depending betwix you on the oon partie and Sir John Fortescu on the othr, ye entende with unliedfull assembles and conventicles of our people to be at the sessions next to be holden within our Countie of Hertford, to thaffraying of our peas, and distourbanse of the same sessions, which we ne wold, in eschueing such trouble and inconvenients that by likelyhode might therupon ensue. Wherefore we write unto you at this tyme, commanding you in the straitest wise, that, leving the said assembles, ye forber to bee at the said sessions, and neither doo ner procure to be doon any thing there, privately or apertely, repugnant to the equitie of our lawes or rupture of our said peas, at your uttermost perell. And also that immediatly after the sight herof ye addresse you unto our presence, to knowe our further mynde and pleasur in the premisses. Lating you wite that we have writen in like wise herein to the said Sir John. Yeven under our Signet at our paloyes of Westminster the xxiiij day of February.

[“ An Acte agaynst unlawfull Assemblies and other offences contrary to former Statutes,” 11 Henry VII, c. 3, “ Statutes of the Realm,” ii. 570.]

The King oure Sovereign Lorde calling to his remem- 1495.
braunce that many gode statutis and ordinaunces be made for the punysshement of riottis unlawfull assemblies reteyndours and gevyng and receyvving of lyverees signees and tokyns unlauffully, extorcions mayntenaunces ymbracery, excessive taking of wagis contrary to the Statutes of laborers and artificers, the use of unlauffull games ynordynat apparail and many other greate enormytees and offences which be commytted and done dailly contrarye to the goode statutes, for many and dyvers behoufull consideracions severally made and ordeyned, to the high displeasire of all myghty god and the greate lette of the comen weell of this londe, notwithstanding that generally by the Justices of the Peas in every shire within this ream in the open sessions is geven in charge to enquirye of many offences commytted contrary to dyvers of the seid statutes, and dyvers enquestes therupon ther streitly sworne and charged before the seid Justices to enquirye of the premysses, and therein to present the treuth, whiche are letted to be founde by imbracery mayntenaunce corrupcion and favour, by occasion wherof the seid statutes be nor can not be put in due execution ; For reformacion wherof for so moche that before this tyme the seid offences extorcions contempts and other the premyssis myght not ner as yet may be convenyently punysshed by the due ordre of the lawe, except it were first founde and presented by the verdite of xij men therto duly sworn, whiche for the causes afore reherced will not fynde nor present the treuth : Wherfor be it by thadvyse and assent of the lordis spirituall and temporall and the Comens in this

1495.

present parliament assembled and by auctorite of the same enacted ordeyned and establisshed, that from hensfourth aswell the Justices of Assize in the open sessions to be holden afore them and every of theym as the Justices of the Peas in every countie of the seid realme, uppon informacion for the King tofore them to be made, have full power and auctorite by their discrecion to here and determyne all offences and contemptis committed and doon by any persone or parsones ayenst the fourme ordynauce and effecte of any statute made and not repellid. And that the seid Justices uppon the seid informacion have full power and auctorite to awarde and make like proces ayenst the seid offenders and every of theym as they shuld or myght make ayenst suche persone or persones as be presented and indyted before them of trespas doon contrary to the Kingis peace; And the seid offender and offenders duly to punyssh according to the purporte fourme and effecte of the seid statutes.

And also be it enacted bi the seid auctorite that the persone which shall give the seid informacion for the King shall by the discrecion of the seid Justices content and paye, to the seid persone or persones ayenst whom the seid informacion shalbe so given, his reasonable costes and damages in that behalfe susteyned, if it be tried or founde ayenst hym that so gevith or maketh any such informacion.

Provided alway that any suche informacion extend not to treason murdre or felony, ner to any other offence wherfor any persone shall lose life or member, ner to lose by nor uppon the same informacion any londes tenementis goodes ner catalles to the party making the same informacion. Provided also that the seid informacion shall not extend to any persone dwelling in an otheir shire than ther as the seid informacion shalbe

geven or made. Savyng to every persone and persones^{1495.}
citees & townes all ther liberties and franchises to
theym and every of theym of right belonging and ap-
perteyning.

46.

[“ An Acte agaynst ryotts and unlawfull Assemblyes,” 11 Henry,
VII, c. 7, “ Statutes of the Realm,” ii. 573.]

Prayen the Comens of this youre land in this present^{1495.}
parliament assembled, That where for the greate suertie
rest peas and tranquillite of your seid Comens, true
liegemen and subgettis inhabited in this youre realme,
dyvers and many gode statutes actes and ordynaunces
have ben made in tymes past ordeyned and establysshed
to subdue and punyssh riottes for the unlauffull reysing
and leding of youre people, riottes, routis and other un-
lauffull assemblees, wherby many evyll dedis joperdies
perilles feere and drede to your subgettis have growen,
and theruppon greate penalties sette upon the seid
riotteurs and offenders, as in dyvers remembred statutes
actes and ordynaunces in the daies of youre noble
progenytours at severall tymes made ordeyned and pro-
vyded more at large doth and may appere; Yet the
same actes notwithstanding some persones not dreding
God, their Sovereign lorde, ne the punysshment of the
lawes made and had in this behalfe, ofte tymes aswell
by colour of suche offices as they have obteyned as
receyvours stuardes and bailiffs of lordships and other
offices, as by prevy reteyndours by othe promysse
covenant and otherwise and claymyng also dutie of
tenauntes and servauntes where none suche dutie is, to
goe with theym when suche assemble rioute or route
shalbe, And after the same divers of the seid ser-
vauntes and persones ofte times retreat and absent them
selfe by the agrement covyne and counsell of their seid

1495.

maisters and of the seid principall riottours, so that they may not be taken ne brought to answeere to the lawe as the lawes requyre, And if eny enditements be had it shalbe made upon suche persones as so retret and absent theymself and nothing founden ayeynst the seid principalles riottours, in disceite and fraude of the seid gode statutes actes and ordynaunces therof made, to the great corage boldnesse and comferte of the seid evyll doers, moost daunger jeoperdie and parell of youre seid well disposed subgettis, and to the worst example that therby may ensue if hasty remedy therin be not provided: It may therefore pleas your Highnes of youre most lovyng disposicion that ye bere and owe to the comen wele of this youre land, and to the greate suertie of your subgettis of the same, by thadvyse of the lordes spirituall & temporall and the Comens in this present parliament assembled and by auctorite of the same, to do ordeyne enacte and establissh, that what so ever persone or persones within this youre realme, of what estate degree or condicion he be, that herafter unlauffully reyse assemble or lede youre people within this youre realme, without youre commaundment or auctorite of youre lawes, and committe any riott, that then if the party greved or any other persone in the Kingis behalf complayn to the Justices of the Peas within the countie where such riott is doon, or to any of them havyng auctorite to enquire of the same where suche riotte and unlauffull assemble shalbe made, by bill conteynyng the riott and the circumstaunce of the same, and of what town shire mystere or condicion every of the persones ayenst whom the same compleynt be made is dwelling, or els if the seid riottours be endited therof, then therupon the seid Justices and every of theym have auctorite and pouer, in the next generall sessions of the Peas within the same Countie to be

holden after the compleynt so to theym made or indite-^{1495.}ment thereof hadde afore the same Justice, to do make proclamacion that the seid maister or maisters, principall or principallis, leder or leders that unlauffully cause the seid people to gedre or rise, that they appere personelly at the next generall sessions of the peas after the seid proclamacion so made, and every other persone or persones that were present and attendaunt upon hym or theym by his or their commaundement procuring or assent conteyned in the seid proclamacion at the seid riotte route and assemble, and every of theym, personalli to appere at the seid next sessions of the Peas next after the seid proclamacion to be holden within the seid countie; at whiche day if the seid maister or maisters, principall or principalles, leder or leders or any other of the forseid offenders appere, then he or they be put to answer therunto, if it seme to the seid Justices resonable, and be put to sufficient bailly by reconisaunce before the seid Justices to appere personally from sessions to sessions unto tyme that the compleynt be discussed, And if he or they refuse so to doo then he or they be committed to warde ther to remayne till they will; and if any of the persones, ayenst whom suche compleynt or inditement is had or made, dwell in any other countie then in the same countie where suche riotte rout and assemble is made, that then the Justices, to or afore whome the same compleynt or inditement is had or made, do send a transcripte of the same compleynt or inditement to some Justices of the Peas in the countie where such persone is dwelling desiring hym to cause proclamacion to be made in the next generall sessions of the Peas in that countie to be holden, that the same persone or persones appere at the next generall sessions of the Peas in the shire where the said riotte is done next after the same proclamacion to

1495.

be holden ; and if the same persone or persones dwelling in a foren shire appere, then like order to be hadde for hym or theym appering as is afore specified for and to theym that be dwelling in the seid shire where the seid riotte is supposed to be doon or made ; And if the same persone or persones or any of theym ayenst whom such proclamacion is made in the countie where the seid riot is supposed to be doon, and they be dwelling, at the tyme of the same proclamacion making, in the same countie, make defaute and appere not atte seid generall sessions to hym or theym lymytted in the seid proclamacion, and eftsones after that make defaute and appere not at the next generall sessions after that, so that like proclamacion be made as is aforeseid, And if any of the seid riottours ayenst whom proclamacion is made in a foren shire where they be dwelling make defaute at the day and place in the seid proclamacion to theym lymytted, then he or they, in whether of the seid shires they dwell that so make defaute, to stand and be adjudged and convicte upon the same defaultis of the seid riotte and unlauffull assemble, as if he or they were therof convicte by the due ordre of the lawe ; without he or they can make suche lawful excuse as the seid Justices shall think resonable by ther discrecion and therupon such proces to be awarded ayenst theym as is accustomed upon condempncions of trespas in youre Comen Benche at the sute of the party : And that the seid Justices of Peas have auctorite and power to here and determyn the reherced causes aswell upon bill before theym as by enditementes, and upon the same bill or inditementis to procede and determyn the same by enquestes according to the course of the comen lawe, and the partye therby and therupon to stande convict as perfutely as if they ware therupon convicte by due proces of the lawe ; And if the seid maister or maisters principall or principalles

leder or leders, or any other afore rehersed offender, be ^{1495.} convicte upon the premysse then he or they be commyt-
ted to prison ther to remayne and abide without baill
or maynprise, by suche tyme and space as shalbe
thought resonable by the discretion of the seid Justices ;
and then or he or they departe out of prisone to paye ther
fyne cessed after the discrecion of the seid Justices,
his or their haveours and offences considred.

And that it be enacted by the seid auctorite that, by
the discrecion of the seid Justices and as ther be nede,
every of the seid maister or maisters, principall or prin-
cipalles, leder or leders and other the seid offenders so
convicte be bounde to the Kingis peace from thensforth,
in suche some or somes of money as shalbe considred
by the seid Justices and the seid suertie, to stande by
discrecion of the seid Justices.

And if it be so that the seid riott and unlauffull as-
semble be committed with the nombre of xl parsones or
above, or with lesse nombre then xl. and that by the
discrecion of the seid Justices it be thought haynous,
that then if the seid maister or maisters, principall or
principalles, leder or leders that have appered and so
therof be convicte, that then they remayne in prisone
unto tyme they have founde sufficient suertie to appere
afore the King and his Councell at a certeyn day by the
seid Justices to be lymytted, at the which day or afore
the keper of the rollis of the seid recordis shall do to
be sent undre his seale the seid hole record of the con-
viction to the King oure Sovereign lorde and his coun-
cell, to thentent that his Highnes and his counsell
may awarde such ymprisonement and fynes of the
seid maister or maisters principall or principallis leder
or leders as by his Highnes and by his seid counsell
shalbe thought convenyent.

And if the pertie compleynant as is aforeseid can not

prove the mater of his seid bill to be true, then he to pay resonable costes and damages of the partie vexed, as shalbe thought resonable by the discretion of the same Justices, and they to make ayenst the same compleynaunt, not proving the mater of his seid bill to be true, suche proces ayenst hym for the seid costes and damages as is afore lymytted ayenst the seid riottours convicte of the seid riotte for the payment of their seid fynes: And if the seid compleynaunt or compleynauntes have not sufficient wherof to restore the partie and parties so vexed or trobled in fourme aforeseid, that then he ymmediatly be commytted to the Comen Gaole by the seid Justices ther to remayn the space and tyme as shalbe thought bi the seid Justices convenyent and resonable. And that this Acte to endure but unto the next parliament.

47.

[A dispute about commons, Campbell's "Materials," ii. 461-2.]

8 July,
1489.

The king to Thomas Besteney, Andrew Bugge, Richard Bonde, Thomas Besteney the younger, Edward Wake, William Thornton, William Yaxley the younger, of the lordship of Soham, parcel of the duchy of Lancaster, co. Cambridge.—Wheras it is shewed and compleyned by fore oure counselle of oure seid duchie that ye pretendyng title and clayme to have certeyn common within the fenne of Iselham, on seynt Peters daye last past, with othre riottuos persones of oure seid town to the nombre cc., come in hernyes with billes and bowes and othre wepyns of defense in to the ferme and comon of the inhabitauntes of the town of Iselham in riottuose wise, and then and ther toke and drove away the bestes of the seid inhabitauntes vnto oure towne of Soham, and ther by myght and force theym witholde and kepe ayenst right and consciens as it is surmised; and also

brake and distroied c^m of turfes in the seid fenne and July, 1489. common by the seid inhabitauntes digged and laied vp, contrary to oure lawes and paxe; wherfore we wol and straitely charge you that you and euery of you that, al delaies utterly laied appart, ye personelly appere befor oure chancellour of oure seid duchie and counsel of the same at oure paloyes of Westminster etc. etc. etc. And ouer that we wol and also charge you that upon the sight of thes oure lettres ye delyuer vnto the seid inhabitauntes hoolly theire seid catalles beyng in youre ward and keypyng; for we lete you wete that they haue found sufficient suertie that if it can be thought by oure seid counsel that your takyng of their bestes wer lawful, ye shal be restored to the same bestes agen if they be on lyve, and if theym be ded ye shal have as many for them of as good valor put in your ponde.

48.

[A case of riot before the Court of Requests, Leadam's "Select Cases in the Court of Requests" (Selden Soc.), pp. 1-3.]

To the King our souerain lord.

Greuously complaynyng shewith vnto your highnesse¹⁴⁹⁷. your most humble subget Thomas Lacy of your countie of York squier. How that the Moneday next before the fest of Allhalowen last passed oon John Sayvil bastard, accompanied with certain indisposed personnes to the nombre of four score or therabouts arrayed in maner of werre that is to say with bowes arrowes bills swordes and other inuasible wepyns by the vnlielful procuring and special commandement of Sir John Sayvil Knight came in riotous wise vnto the township of Southowrom within your honour of Pontfreit bilonging to your said suppliant who holdeth the same of your grace as of your Duchie of Lancastre and there with

1497.

. . . and riot toke oxon kyne horses and other catailles above the nombre of lxx, and thaym drove out of your said honour vnto a place of his own called Illingworth within . . . lordship of Wakefeld wher he pynded thaym. Wherupon your seid oratour sent vnto the Shirif for a replevie and leyd in suertie to pursue your lawes ayenst the said sir John Sayvil and John Sayvil Bastard for the wrongful taking of the said catailles, the which replevie was deliuered to the same Sir John who after the sight thereof deliuered it agen to the bringar and refused to deliure the said cataill but thaym deteyne stil in manifest contempt of your lawes and to thexpresse wrong and great vexacion of your said be-secher. Furthermore the said John Sayvil Bastard with al the forsaid riotoux personnes to the more greuoux offense of your seid lawes came to a ground of your said suppliantes the Moneday abouesaid and there with force and riot pulled down a pale conteynyng four hundreth fote. And yit nat sattisfied with these vnlieliful demeanynges the said bastard, with the said companye entred riotously the same day into a close of your said oratours, within the said township and brake down the hegges of the same, like as othre tymes hertofore he did in other his closes. And yit of mor crueltie he mysentreatith the seruauntes and tenauntes of your said suppliantes by fereful menaces and othre wise that they darre nat for daunger of thaire lifes goo to thaire parisshe churches ner to othre thaire lieliful businesses nat onoly for thaire inward hevinesse and importable hurt, but also to the pernicioux example and great audacitte of othre like indisposed personnes yf these enormites shuld passe vnpunished as God defende. Wherefore it may like your highnesse tendrely considring the premisses to commande the said Sir John and the said bastard by your most honerable lettres vpon a

reasonable peyn to restore al the said catailles to your^{1497.} said suppliant or to his assigne and also to appere byfore your highnesse and most discrete counsail in the Oeptas [Utas] of saint Hilary next cummyng to answer to the pointes and articles befor touched with the circumstances, And in the mean season to suffre the seruauntes and tenauntes of your said oratour to goo vnto diuine seruice or other their [law]ful ocupacions without any bodyly hurt or manaces according to your lawes. And he shal euer pray God for the blessing preseruacion of your moost noble and Roial estate.

Inde emanerunt litere p[riuat]i sigilli] vj die Decembris anno xiiij Henrici viijⁱ ad comparendum in octauis Hillarii vbicunque etc.

Endorsed Thomas Lacy querens Johannem Sayvelle A lettre to Sir John Sayvel knyght to obey the kinges write of replevye apon suertie tanswer

Thomas London.¹

ORDERS AND DECREES.

Vltimo die Januarii anno xiiij^o. [1498.]

Thomas Lacy habet dicto primo die Februarii proximi ad probandum riotam per eum allegatam versus Johannem Sayvel aut per testes uel per inquisitionem captam coram iusticiariis pacis in Comitatu ubi committitur riota et hoc sub periculo cause sue huius modi.

Secundo die Decembris anno xv^o. [1499.]

Johannis Lacy contra Sayvile. Partes predictae habent diem xv^{am} Hillarii proximi ad producendum evidencias in causa inter vos mota et ad ulterius procedendum, Videndum in ea causa et ad examinandum per Brianum Palmes.

iiij^{to} die Decembris anno xv^o.

Dismissus est Johannes Sayvile miles ab ulteriori

¹ Thomas Savage, bishop of London.

1497. comparicione coram consilio domini Regis in causa contra eum mota per Johannem Northend Johannem Lacy Nickolaum Stansfild Johannem Gledyll Johannem Gibson Elizabeth Lakwod Johannem Grenwodd et Johannem Sutcliff et omnes alie cause committantur examinacioni consilii iurisperiti domini Regis ibidem fore determinande. Et admissus est Johannes Hasilw(oode) attornatus pro dicto Johanne Saivile milite casu quo etc cum clausula de Ratum habiturus & iudicia sisti & iudicatum soluendum si etc.

49.

[The Abbot of Eynsham v. Sir Robert Harcourt and others, Leadam, "Select Cases in the Star Chamber," i. 137-162.]

To the kyng our souereyn Lord.

1503. A. Humble sheweth vnto your noble highnes your dayly Oratour milys Abbot of your monasterie of Eynesham within the Countie of Oxenford of dyuerse riottes extorcions wronges and injuries done to hym and his Couent by Sir Robert Harecourt knyght and dyuerse oder evyll disposed persons to hym belongyng and retained.

First where one John Welshe oderwise called Sauyar a seruant to the saide sir Robert desired & prayed instantly one Dan Roger Walyngford one of the comounes of the said monasterye havyng the rule of the waters and nettes of your said monasterie that he mought haue his draught nett to fysshe his waters of the Temssyde havyng therfor as it is accustomed in the Contree, that is to say the thirde parte and when the said water was drawed and fysshed the said dan Roger lefte the poysyng stones of the said draught nett in an Ile land perteynyng to the Ferme of the said John and brought home his nett with hym ageyn, which was the

xix day of Septembre last past, and the xvj day of ^{1503.} February then next folowyng the said Dan Roger and one Cristofre seruant of the said monasterie of thage of lx yeres and more came into the said Ile land with the bote of the said monasterie for to fetch the said stones ageyn, And the forsaid John Welsshe perceyvyng theym beyng ther cam pryvely whill thei wer in the said Ile land gaderyng the sayd Stones and toke away ther said bote and sedyciously rowed the said bote away, entending to haue distroyed theym and so left theym ther like to haue perished, For it was colde weder and froste. And the said Dan Roger and Cristofre wer enviroind with water by the space of halfe a myle. Thei perceyvyng the malece of the said John cried for helpe and so atte last one Raffe mury herd and cam to theym with a Bote and caried theym to land, or elles that nyght thei had bene distroyed for colde and with the water.

Also the xv day of marche the said John Walsse came with an oder bote of his owen into the Seuerall water within the Orchard of the said monasterye and ther tied his said bote, and then the officers of your sayd monasterye perceyvyng the said bote ther for the hurt harme and gret damage done to your said monastere, as fettyng ther dyuerse tymes willes and nettes of your said monasterie toke a loke and lokked his said bote to a tree, and when the said John perceyued that his bote was fast lokked, that he coulde not haue it a way, he returned home to his house, and fett [fetched] a bill, and an hangger and came ageyn forsably into the said Orchard ouer an high wall there metyng with ij of the monkes manysshing and thretyng theym calling theym Churles and thevys, and vppon that did smyght att one of the said monkes with the said bill and smytte hym down to the grounde, and his Felawe perceuyng the

1503. maliciouse disposicion of the sayd John avoyded, and the said John pursued after hym to haue slayn hym.

²Sir Robert Harecourt saith vppon his othe that he was not privie to anything in thies articles surmised, neither woting willing neither assenting to any of thaim.

Also the xxiiij day of the said moneth on tenebre¹ Wedonsday at seruice tyme martyn Whithill Thomas Cater John Vaughan Robert Symth Thomas Bodam of Staunton harecourt Robert Walton and Edmund Spark of Sutton in the lordshippe of Staunton seruantes re- tained with sir Robert Harecourt came with force and armys that is to say with byllys Swerdes and dagars and oder wepons, and entred into the said orchard ayenst the kynges peax commyng ouer the wall of the said orchard with oder evell disposed persons beyng without the wall redy to assist theym to the nombre of xj persons, whose names wer martyn Whithill howsold seruant to the said sir Robert Harecourt & John Cokkes with oder moo bryngyng with theym an axe to hew down the said tree that the bote was lokked too, and so forciably to cary it away, and to be avenged on suche persons as did arrest the said bote, and at such season as thei wer ther was iiij of the monkes walkyng in the said Orchard, and thei seyng theym ther [thei] returned bak to the prior and shewed hym of the said persons, but what thei entended thei knewe not. Wheruppon the said Prior came to the said persons and enquired of theym why thei came thear so suspiciously ouer so high gret walles beyng deched xv fote brode in so forciable maner, and thei ounsword Horson Charles delyuer vs the bote that ye have arrested, or elles we woll have it whether ye will or noo, and also be revenged vppon you or we departe this grounde. And the said prior seyng theym so wilfully and unreasonably disposed satisfied

¹ *Tenebrae*, an office sung on the Wednesday, Thursday, or Friday of Holy Week.

² In another hand.

theym with good and cold wordes. Wheruppon thei 1503. departed.

Also the xth day of Aprill then next ensueng which was Lowe Sunday came Thomas Cater John Vaughan John Welsh John Stokelay Thomas Badam John Hepy John Broughton Edmund Sparke Robert Smyth John Nele Richard Sharpe and Stephon Swaynford with oder persons vnknown seruantes retained to said sir Robert Harecourt into the Toun of Enesham with force and armes, that is to say also with bowes & arrowes swordes buklers hawberkes billes and dagars, and then & ther went into dyuerses howses and sought and enquired if any seruant perteynyng to the Abbay myght be found, And so it fortunued that thei mett with an innocent body, one John Hadley Clerk of the Church of the said monasterie hauyng a botell in his hand to fett oyle for the said Church, and ther violently the sayd Thomas Cater smytt the said John Hadley with a dagar and sore hurt and wounded hym on the hed, wheruppon the said Clerk retourned into your said monasterie and shewed the prior and Couent beyng at Soper how thei had betyn and hurt hym and that thei wer commyng after hym. Vppon whiche shewyng the said Prior did send for the constable and the tythyng men to see the peax kept, And theruppon the seid Constable and tythyng men charged the said riotouse & evell disposed persons to kepe the peax in goddes name and the kynges, and thei diffied theym and put theym in ieopardie of their lyves, And so incontinent came to the yates of the said monasterye and shott in arrowes puttyng the Prior and Sub-prior in ieopardie of their lyves, and hewed at the said yates with their billes and lyfted theym then out of the hookes with their hawberkes. Then thei within the yates as the porter with oder sett tymbre ayenst the gate and did vnder sett it

1503. ageyn, And then thei toke their hawberkes & hewed at their legges vnder the yate, And then thei made an out Cry and called for Strawe and Firzes for to sett fire on the yates & on the said monasterie. More ouer the said euell doers afterward went to Staunton, and arraysed vpp more people that nyght, and drave the said Prior to ordeigne men for the Save Gard of theym and the monasterie to watche al nyght vnto the next morowe that thei sent for ij Justices of the peax maister William Harecourt and Mr. Eggecombe of Oxenford. Vppon the which mr William Harecourt cam to the toun of Enysham beforesaide and charged the Constables and Tythyng men to see goode rule kept rebukyng one John mury William Wode and oder perteynyng to sir Robert Harecourt to suffre and maigten any such evyll disposed persons, which he wold lay to ther charge hereafter. And notwithstanding the premisses, the said sir Robert Harecourt with his adherentes of very pure malece, without any occasion or lawfull cause geven vnto hym or any of his, hath vntruly indited certeyn of the monkes of the sayd monasteris at Islype of Felony that is to say one dan John Abendon of thage of iiij^{xx} and v yeres, Edward Westin Jameys Salley Roger Wallyngford and John Oxford with mo beyng monkes of the same monastery to the gret hurt and impoveryssment of the same monasterie, And so vtterly he entendith to vn doo theym except your good grace to theym be shewed in this behalf. And yet after al this the said sir Robert Harecourt coulede not be content but attempted to indite moo of the saide monkes at the Sessions kepte at Chepyng Norton, and ther al the Courte knewe and perceyved that it was of wilfull malece, So that at that Cessions he coulede not opteigne his malicieuse purpose.

¹The said Sir Robert saith that he supposithe that suche Inditmentes ther be as be in this article contayned but he was at the time of thos Inditments found in Staffordsher & had noo knowledge thereof vntil they were past.

¹ In another hand.

And more ouer the thursday next folowyng he caused 1503.
 a Session to be kept at Henley vpon Temys in the This article
 extreme parte of the Shire of Oxford which is more then this de-
 xxvj myles from the said monasterie. And ther caused ponent con-
 dyuerse of the said monkes to be indited, some of fessithe
 felony and some of Ryott, and some of both, and hath sayng he
 retourned the said inditementes into the Kynges Bench saith that
 notwithstanding a *cerciorary* to hym before delyuered. he saw noo
 and he dyd
 it vpon
 good
 ground as
 he saith as
 he was in-
 fourmed.

Also the said sir Robert Harcourt contrary to the
 laudable statutes of this lande maynteneth certeyn evell
 disposed persons in the tounes of Eynesham and Cherle-
 bury, that is to say, William Titte William a Wode
 Richard Serle Richarde Reynoldes with oder evell dis-
 posed persons, So that the officers and seruantes of your
 said Oratoures, when thei shall require any Rentes or
 oder dueties be so thretenned and imbraced with the
 said Sir Robert and his seruautes that thei dare nor
 may peasable do your said oratour seruice.

Also the xx^{ti} day of Octobre the xviii yere of the This article
 Kyng oure souereigne lorde, the said sir Robert Hare- he con-
 court sent one Rauffe Charnes and Edmund Cooke fessith thus
 William Byger with other of his seruantes into the that he
 seuerall pastures of the seid monasterie and ther tok com-
 and droue awaye ccc schepe thorowe myre and water to mainded
 Staunton, which were worth at that tyme xxx. li, and the said
 then afterwardis the said Rauffe Charnes came to persons
 Eynesham to the Abbot your Oratour and said to hym all but
 that he hadde arestid his forsaid shepe for iiij nobles of William
 his masters fee due to hym atte feste of seynt michell bigar to
 laste paste and so your said Oratour seid he deseruyd take Dis-
 no fee of hym and that he wold trye with hym. And tresse if
 ther vppon your seid Oratour sent for a replevy which thabbot
 replevy sir Robert Harecourt wold in no wise obeye but wold not
 kept the said shepe still by the space of viij dayes. So pay his fee,
 that for mysguydyng of the same shepe many of them affor
 William
 bigar was
 with them
 as he saith.
 To the
 other
 article he
 saith that
 he sent
 onelye ij of
 his ser-
 uantes for

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thos oxen,
that is to
say, Rauf
Charmels
and oone or
ij to go with
him how
many oxyn
thay toke
he can not
tell nor
how long
thei wer
kepte.
He did
thaim to be
takyn vpon
such causes
as is ex-
pressed
in his
answer.

the wynter folowyng were distroyed to the grett hurt of your said Oratouris and after that your Oratour paid hym xxvj s viij d by compulsion or elles they had bene all distroyed. Also the last day of Marche then next foliwyng the said sir Robert and his seruantes fetchid away out of your said Oratours plowes xvj Oxen without demaund of any thyng dette or other And kept the same Oxen by the space of iij wekes So that your seid Oratour this yere was fayn to hire other plowes to erry his lond which shuld be for the sustynauce of hym and of his brethern the yere foluyng by reason whereof your said Oratour coulde not sowe the halfe of his said land to his hurte and damage of xxli and more. Also the iij^d day of April the said sir Robert Harecourt sent Edmund Cooke his seruant with other persons to the numbere of xvj whos names your seid Oratour knoweth not to Eynesham and ther lay in a barne all nyght and by force toke away away a seruante of your said Oratours callid Robert Lane without any warraunt or lafull cause as far as he knowith as yet.

Vnto this
article he
saith that
the sayd
Robert was
tached war-
raunt vpon
suspicion of
felony and
only by my
persone.

Also the said sir Robert at euery sessions and assize wolnot suffre the kynges lawes peasable with justice to be execute and especiall when any *nisi prius* shuld pass by twen partie and partie yf the jury be not retourned after his mynde with his riotous adherentes he stoppith them with thretenyng and other meanes that the true proces of the lawes may not passe but after his wilfull and vulawefull pleasure insomuch at the last assise kept vpon the brige beside Abyndon in the Countie of Oxon he kept certayn persons by violence in a Chambre and also letted oder persons to come to the said assise, as the Justices then beyng ther can more largely shewe and specially in ij matiers one concernyng your said Oratour and in An oder mater concernyng one Thomas Dentun Squier.

This article
this de-
ponent
denyeth.

Also where William late Abbott of the said monasterie 1503. & the Couent of the same place graunted vnder ther couent seale an annuitie of iiij markes yerly goyng out of their manor of Eynesham a fore said to the said Robert Harecourt only to haue his Fauour help and counseill to the said monastery your said Suppliaunt seith that the seid Robert is ther most extreme enemy distroyer and vndoyr to his powre of the said Monastery as apperith by the articles and co(m)playntes aboue rehersed wherfor they prey to be discharged of the said annuyte. All which the premysses considerid that it may pleas your god grace to graunt seuerall writtes of Subpena to be dyrectid aswell to the said sir Robert Harecourt Thomas Cater John Vaughan Robert Smyth Thomas Badam Robert Walton Edmund Sparke John Stokeley John Hepy John Broughton Stephan Swaynford William Titte John Sawier Richard Sparke Richard Serle Edmund Coke Richard Reynoldes John Neele John Cokkes Rauff Charnes William and Byger commaundyng theym by the same to appere before your highnes and your most honorable Counseill in the Sterre Chambre at Westmenster to answer aswell your highnes as your seid Oratour of the seid wronges riottes and extorcions before don and the same your Oratour shall alwey prey for the preseruacion of your gracious astate long to endure to goddes pleasure.

(Indorsed) Termino sancte Pasche anno Regni Regis Henrici vij decimo octauo.

Miles Episcopus Landauensis contra Robertum Harecourt militem et alios.

Coram domino Rege & Consilio suo apud Westmonasterium die Martis videlicet xxij die Maii proxime futuro quo ad Robertum Harecourt militem ac ad alios infra nominatos in Octabis Ascensionis domini proximo future.

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B. Thanswer of sir Robert Harecourt knyght to the byll and Articles therin conteyned put ayenst him by Miles Abbot of Enesham.

The same sir Robert saith the grete part of the mater comprised in the said bill is vntrue and by craft ymagined to put the same sir Robert to trouble and vexacion for malice that the same Abbot berith to him without cause for he saith it apperith clerly by the shewing of the said Abbot in the said bill that as to the v or vj articule in the said bill conteyend, that he is not giltly consentyng nor priuy to the doying of them, as by the same bill more pleynty apperith and for further declaracion of the trowght in the seid mater towchyng the first Article of the said bill for the takyng away of the bott by the said John Welshe from the said yle leuing the same Dan Roger and the same Cristofer his seruauant within the same yle, the said sir Robert saith that the said John Welsch hath said and often tymes complayned that the saide monke and Cristofer oftyn tymes with their said bott wold com to the said yle lond and there drawe the lepyys and storepottes with Fysche of the said welsche erly and late and had takyn the Fysshe away with them to thuale¹ of xl s. and Above at dyuers tymes as he supposid wherwith the said John welsche founde hym sore grevid, and oftyn tymes wetched to espie the takers of the said Fysshe and coulde not fynde them. And at the said tyme of the takyng of the said botte, the said monke and his seruante come with Their said bote in to the said yle for to Fysshe and to drawe the said lepyys and storepottes And not for to seche for any such stonys of nettes as is supposid in the said bill, And the said John welsche perceuyng them there hauyng no Record with him by cause they shuld not after that denay it, caried away their seid botte, thinkyng

¹ To the value.

to them no harme but to haue their dede opynly knowyn, 1503. for there is a fery botte, and men kepyng the same neire the said yle which within an houre after conueyed them to the said Abbey.

AND AS to the ij^{de} article for teyeng of the bote in thorchard of the said monastery the said sir Robert saith that the same John Welsche infourmid him that the same John come with his bott to the comen landyng place of bottes in Enesham called thorchard ende, and from thens went to the said towne for the cariage of such stuf as he had to cary home, and after his departing oone of the monkes or seruantes of the said Abbey for malice that they bere vnto him for the takyng of the said Abbey botte in the said yle lond secretly conueyed the said botte of the same John Welsche into thorchyard of the said Abbey, And ther drownyd the said botte, And the same John Welsche retournyng homeward missed his said bott and hauyng infourmacion that the said bott was in the said orchyard, went in to the same to feche ayen the same botte And ther founde his saide botte drownyd, And ij of the said monkes of the said monastery there lyeng awayte for him purposely and perceyuyng him to come for his saide botte ther they him assautid sore bett and woundid and there him imprisoned so that he was not able by long space after to erne his levyng. The same sir Robert than beyng in Stafford Shire afor and also long after vnderstanding no thyng of the said demeanour in the said Orchard And after the same John welsche and diuerse othur supposid in the said bill and the monkes of the said monastery and othur the seruantes of the said Abbey frayed to gedyr in the town of Enesham and at the said affrayes many wer by the monkes of the said Abbey hurt, but how thoys affrayes began or of whos sekyng the said sir Robert can not certenly telle, for he was than and long

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afore in Stafford shire, not knowyng of theis demeanoure but at his comyng home out of Stafford Shir, which was a monith after hering the demeanour of the said persons with the said monkes as many as were his seruantes there present which were but ij persons, and some of the Remenaunt were his tenautes, he commaunded forthwithe to warde to the stokkes in Staunton harecourt And there kept them by the space of v dayes and after dischargid the said John Welsche and Edmund parke his tenautes of theire tenure and lond which they hild of the said sir Robert for their said misdemeanours AND AS to thindittament supposid to be done at the Sessions at Islipe, The same sir Robert saith that he was neuer priuy nor consentyng therunto for at the tyme of the forsaied affrayes committed and contynually after vnto the said Sessions were done he was in Stafford Shire as is abouesaid, not knowyng of the said affrayes nor Sessions kepyng. And as towching the Indictamentes at the Sessions at Henley. The said sir Robert saith that the said Sessions were the generall Sessions of the Shire, and he oone of the Justices of peax there sitting as it was there afor contynually vsid and there dyuers billys of compleyntes were put in ayenst dyuers of the said monkes and othur at the said Sessyons, and proues therupon hared, and the said sir Robert no thing did there but as a Justice of peax ought to doo according to his othe concernyng thoffice of a Justice of peax AND As to tharticle that the said sir Robert or any of his seruantes shuld lett the said Abbott in gadering vp of his duties in Enesham or othur places that he is not nor was gilty in any poynte in the said Article conteyned. And as to the takyng of the said Shepp what the numbyr was he certainly remembirs not but for the takyng of them he saith that aboute michaelmas last past he sent to the said Abbott for xxvj^s viij^d than to him dwe for a fee which

he hath out of the said Abbey vnder the couent seall ^{1503.}
 with a clause of Distres for non payment of the same,
 And the said Abbot refusid to pay the same And the
 said sir Robert suffered a monyeth yet after And for as-
 moch as the said Abbott than wold not content the said
 fee, he commaundid Rauf Charnels his seruaunt to
 Aske ayen the same fee And the said Abbot refusid to
 pay the same, wherfore the said seruaunt in peasible
 maner without any harnes distrayned the said Shippe
 And after the said money payd the said sheppe were
 delyuered forthwith AND As to the takyng of the said
 Oxon, The said sir Robert saith that oone John mery
 was bounde for the said sir Robert to the predecessour
 of the said Abbott for a certeyn summe of money And
 for the contentacion therof the said old Abbott and the
 said sir Robert aggreed that the said olde Abbott shuld
 reteigne his fee of iiij marc which the said sir Robert
 had of the said monastery vnder the couent seall vnto
 the said money were leuyed, And in the said old Ab-
 bottes dayes iiij li. was by hinde of the said fee which
 iiij said sir Robert was content to goo to the contenta-
 cion of the said money, and after the said old Abbott
 died and the said now Abbot was elected Abbott And
 for malice that he berith vnto the said sir Robert he
 will not allowe the said John mery the said iiij li. but
 toke An Accion ayenst him for the same money. Wher-
 fore the said sir Robert sent vnto the said now Abbott
 for the said iiij li. tharrerages of the said fee which to
 pay the said now Abbott refusid by force wherof the
 said sir Robert causid the said oxon to be distrayned in
 peasible maner without harnes by the said Rauf Charnels
 and them kepte by the space of v or vj dayes, and than
 at the request of a gentilman there callid Edmunde
 Hampden the said oxon were delyuered. AND As to the
 takyng of Robert Lane, The same sir Robert saith that

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he was suspected of felony for stellyng of a horse of oone John a wod for asmoche as he toke the said horse in the nyghte out of the close of the said John awod and secretly the same horse kepte, wherfor the seruantes of the said sir Robert knowyng him suspecte with the same him arrestid in peasible maner without any harnes how be it the said Abbott ought not there with to entermedill AND As to that articule that the said Abbott surmisith that the said sir Robert shuld lett justice to be doone at the Sessions Assises or othur places, he is not gilty of any thing in that Articule comprised And as to the fee of iiij marc grauntid vnder the convent seall to the said sir Robert which the same Abbot surmisith the same sir Robert to forfeit thorough his demeanour The same sir Robert saith that he hath alwey myndid the welth and honour of the said monastery, and hath done nothing to the hurt of the same except it were in default of the said Abbott, for he saith that the said Abbott of his high and cruell mynde pykyth many quarells to his poore neyghburghs, which causes the said sir Robert hath avised the said Abbott to leue And in them wold neuer take parte with him which is the misdemeanour surmisid ayenst the same sir Robert. Without that that the saide John Welsche John Vaughan Robert Smyth Thomas Badam Robert Walton Edmund Sparke John Cok John Stokley John Hercy John Broughton and John Nele were seruautes to the said sir Robert or with him reteigned contrary to the lawe in maner and fourme as in the said bill is supposid, or that Richard Sharpe, Stephin Swaynford or any othirs named in the said bill be or euer were reteigned with the said sir Robert contrary to the lawe. And without that that the said sir Robert was priuy knowing or assentyng to the said Riottes and Affrayes in the said bill surmisid. And without that that the said monkes or any of them

were indictid at Islipe by the labour and procurement ^{1503.} of the said sir Robert, or that he did Any thing ayenst the said monkes or their seruauntes at any Sessions othur than he by his office of Justice of the peax ought to doo, or that the said sir Robert appoyntid the Sessions to be kepte At Henley in maner and fourme as by the said bill is supposid, And without that that the said sir Robert sent the said Rauf Charnels Edmunde Cook or any other in harnes to take the same distres, or that he is guilty of any such misdemeanour riott or trispasse, as ayenst him is surmisid in the said bill, all which maters the said sir Robert is Redy to Auerre, And proue as this court woll awarde, And pray the to be dismissid out of the same with his resonable costes and charges for his wrongfull vexacion susteyned in their behalves.

C. Thanswer of John Walshe otherwise callid John Sawyer, John Vaughan, Thomas Catter, Robert Smyth, Thomas Badam, Richard Sharp, John Cockys, John Stokley, Edmund Cooke, and John Nele to the bill of complaynt putt ayenst them by thabbott of Enysham.

The said John Wulshe saith that the grett parte of the matter surmisid ayenst him by the said bill is vntrue and by craft ymaged to putt the same John to truble and vexacion without cause resonable, but for declaracion of the trought in the said mater towching the first articule of the said bill for takyng away of the botte by the said John Walshe from the said Ile levyng the said Dam Roger monk and Cristofer his seruaunt within the same Ile, The said John Walshe saith, That the said monk and Cristofir oftyne tymes with their said botte wold come to the said Ile lond and there drawe the lepyes and store pottes with Fysch of the said John Walshys erly and late, and had takyn away with them Fysshe to thualour of xl^s and aboue at diuers tymes as

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he supposid wherwith the said John Walshe found him sore grevid and oftyn tymes watchyd to espie the takers of the said Fysshe and cowde not finde them, and at the tyme of takyng of the said botte the said monk and his seruaunt came with their said botte in to the said Ile to Fysshe and to drawe the said lepys and store pottes, and not to seche for any such stonys of nettes as is supposid in the said bill, And the said John Walshe perceyvyng them there hauyng no Record with him by cause they shuld not after that denye it, caried away their botte thinkyng to them no harme but to haue their dede opynly knowyn for there is a fery botte and men keypyng the same neire the said Ile which within an houre after conuey them to the said Abbey, AND AS TO THE SECUNDE article for teyeng of the said botte in the said Orchyard of the said monastery, The said John Welshe saith that he came with his botte to the comyn londyng place of bottes in Enysham callid thorcharde ende and from thens went to the said towne for to seche such stuff as he had to cary home, And after his departing oone of the monks or seruantes of the said Abbey for malice that thei bare vnto him for the takyng of the said Abbey botte secretly conueyed the said botte of the same John Walshes in to thorchard of the said Abbey, and there drownid the same botte, And the same John Walshe retournyng homwardes missid his said botte, and hauyng informacion that the same bott was in the said Orchyard went in to the same to seche ayen his said botte, And found his said botte drownyd, and ij of the monkes of the said monastery ther lyeng awayte for him purposely And they perceyuyng him to come for his said botte there they him assautid sore bette and woundid And there him imprisoned soo that he was not able by long space after to erne his lvyng, AND AS TO ther tryng and comyng in to the said Orchyard the

xxiiijth day of marche in the maner and fourme as in the 1503.
said bill is allegid the said John Walshe Thomas Catter
John Vaughan and Robert Smyth sayen that grett
parte of that mater is vntrue and by craft ymagined to
put them to trouble and vexacion without cause, And
for declaracion of the trought they say that they came
with martyn whithill to entrete the priour of the said
monastery to haue delyuerance of the said John
Walshys botte, And the said martyn went in to the said
Abbey, and spake with the priour desiring him to haue
the said botte delyuered, and the said priour bad him
seche the said botte And the said John Walshe Thomas
Catter John Vaughan and Robert Smyth went in to
the said Orchard to seche the said botte, and as they
were Abought to haue losid and takyn the said bott the
said Priour with xiiij monkes and v seculer persons
seruauntes of the said Abbey came with bowys arrowys
billes swordes and othur wepyns and there made assaute
vpon the said John Walshe Thomas Catter John
Vaughan and Robert Smyth and they perceyuyng the
malicious entent of the said Priour and monkes and
their seruauntes departed and fled for drede of their
lyvys, And the said monkes pursuid them soo fast that
oone of the same monkes lepid ouer the wall of the said
orchyard and fell in a grett mire and there stak fast till
he was holpyn oute, AND AS TO THE FRAY supposid to
be made in the said towne of Enysham The said Walshe
Thomas Carter John Vaughan and Robert Smyth
sayen that grete part of that mater is vntrue and of
pure malice contryued to put them to trouble and
vexacion, And for further Declaracion of trought they
say that the said John Broughton Edmund parkes
William Buteler and the same John Vaughan come
in to the Chirche of the said Abbey to here euynsong
by cause it was sonday, and whan they were in the same

1503.

chirch dan Roger Wallynford and Thomas Ware monkes of the said monastery come and askyd them what they made there callyng them horson knavys, and comaundid them to avoyd out of the chirch or they wold make them and therupon the same John vaugham John brouton Edmund parkes and William Butler departid out of the said chirch and wer goyng in to the said towne of Enysham and whan they come to the yates of the said Abbey diuers of the monkes and seruauntes of the said monastery whos names they knowe not made assaute vpon the said John vaugham John Broughton Edmund Parkes and William Butler with cross bowys long bowys billes stavys swordes and othur wepons and Shot at them and Smote the said John vaugham thorough the legge, and the said John Broughton on the breast with an Arrowe soo that they were in grett ieopardie of their lyvis, And the Constable of the said towne hering of this said affray come towarde the yates of the said Abbey to thentent to see the kynges peax kepte, and diuers Inhabitauntes of the same towne come to ayde and assiste the said constable in keypyng of the kynges peax, and with them came the said John Walsche Thomas Carter John Stokeley and John Nele to ayde and assiste the said constable in keypyng the peax as is aforesaid, and the said monkes and their seruauntis shotte arows a mong them all and hurt dyuers of them and a mong all othur they strake a gentilwoman thorowe the Arme and they strake oone Stephen Warnysford thorough the neke with a quarrell of a crosse bowe AND AS to the bettyng and hurtyng of the said John hudley seruaunt of the said monastery the said Thomas carter saith that he and the same John mette sodenly togeders at the said affray the same John beyng than dronkyn yave the saide Thomas Catter unfityng werdes and the said Thomas Catter strake the

said John hudley flat lyng with his daggar but he dide 1503.
him no harme nor drew blode on him. AND as to the
takyng of the said Sheppe, the said Edmund Cook saith
that he come with the said Rauf Charnes in peasible
maner to take a distras for xxvjs viiiij^d which was that
tyme due to his said maister for parte of his fee and for
asmoch as the said Rent had ben lawfully demaundid
and the said abbott wold not paie it the said Rauf and
Edmond toke the said shepp in peasible and lawfull
maner, And as to any mater in the said bill allegid
ayenst the said John Cokkes Thomas Badam and
Richard Sharpe They sayen that the said bill and the
mater therein surmisid ayenst them is vntrue and of
pure malices contriued to pot them to vexacion and
truble for they were not in the said orchyard nor at the
said affray in the said town of Enysham as in the said
bill ayenst them is allegid but they were in othur places
abowte their owne businesses and so the said John
Cokkes Thomas Badam and Richard Sharp sayen that
they and euery of them be not guilty of the said mater
surmisid ayenst them in the said bill. Without that
that the said John Walshe conueyed his said botte in to
thorchyard of the said monastery or that he yaue the
said monkys any such unfittyng wordes or smotte at
them in maner and fourme as in the said bill is alleggid,
but all that the same John walshe did to the said
monkes was in his owne defence for sauegard of his lief,
And without that that the same John Walshe John
Nele John Stokley Thomas Catter John Vaughan and
Robert Smyth came in harnes or with any vnlawfull
wepons to the said Fray in the said towne of Enysham
or in to the said orchyarde or othurwise demeainid them
to the said monkes or seruauntes of the said monastery
at the said affray or at any othur tyme than is afore
rehersid in this their Answer, And without that that

1503. the said John walshe John vaugham Robert Smyth Thomas badam John Nele John Cockes John Stokley and Robert Smyth were euer seruantes to the said sir Robert Harecourt or with him Reteigned contrary to the lawe in maner and fourme as in the said bill is allegid or that they or any of them be guilty of any mater ayenst them in the said bill surmisid otherwise than in this their Answer is expressed. All which maters they and euery of them ben redy to proue as this court woll awarde and prayen to be dismissid out of the same with there Resonable costes and charges for their wrongfull vexacion susteyned in theis behalves.

50.

[An Act "De riotis reprimendis" 19 Henry VII, c. 13, "Statutes of the Realm," ii. 657.]

1504. Where as in the parliament holden at Westminster the Tuysday the morowe next after All Soules the xiiijth yere of the reigne of Kyng Henry the fourth, among other thinges it was enacted ordeyned and establisshed, that if eny riot assemble or route of people ayenst the lawe were made in eny parte of the Realme that the Justices of the Peax iij or ij of theym at the lest, and the Shiriff or Undreshirif of the Countie where suche riote assemble or route shuld be don after the same statute, shuld come with the power of the Shire if nede should be to arrest theym and theym shuld arrest, and the same Justices and Shirif or Undreshirif shuld have power to record that that they shuld fynde so doon in their presence ayenst the lawe; And that by the record of the same Justices and Shirif or Undreshiryf the same trespassours and mysdoers shuld be convicte in manere and fourme as it is conteyned in the Statute of forcible Entres, with dyvers and many other articles touching and concernyng the premisses, as in the same statute made the seid

xiiij yere more playnly at large it apperith, Which 1504. statute is thought gode and necessary; Wherefore by thadvyse and assent of the Lordes spirituall and temporell and of the Comons in this present parliament assemblid and by auctorite of the same, be it ordeyned establisshed and enacted that the seid Acte made the seid xiiij yere of Kyng Henry the iiiijth concernyng riottes assembles or routtes of people, and all and every article and articles comprised in the same, and also all other estatutes by fore this tyme made concernyng the punysshment of riottours, at the tyme of the makying of this Act being in force, from hensforth stande in their forces and be duly put in execucion after the tenures and purportes of the same.

And for asmuch as in the seid estatute made in the seid xiiij yere, it is not expressed of whate sufficientie the Jurrours empanelled shuld be, or whate issuez they shuld lose if they appere not, nor no mencion therin made of eny punysshment of the mantenours and embracers of the Jurriours that shall so be empanelled shuld have for their mysdemeanour if eny be. It is therfor further enacted by the seid auctorite in this present parliament, that if eny riotte route or unlawfull assemble be commytted and don at eny tyme after the first day of May next commyng withyn this Realme of Engelond, that the Shirif havyng a precepte directe unto hym shall retourne xxiiij persons duellyng within the Shire wher such riout route or unlawfull assemble shalbe so comytted and doon, wherof every of theym shall have londes and tenementis within the same Shire to the yerely value of xx s of charter lond or freehold, or xxvj s viij d of copyhold, or of both, overe and above all charges, to enquere of the seid riotte route or unlawfull assemble, and he shall retourne upon every person so by hym empanelled in issues at the first day xx s and at

1504. the second day xl s if they appere not and be sworne to enquire of the premisses at the first day ; and if defaute be in the Shirif or Undershifir for retorning of other persons not being of the seid sufficientie, or retourne not issues in fourme aforseid, that then the seid Shirif shall forfeicte to our Sovereigne Lord the Kyng for either defaute therin xx libri. And if the seid riotte route or unlawfull assemble be not founde by the seid Jurry, by reason of eny mayntenauncez or embracery of the seid Jurrours, then the same Justicez and the Shirif or Undreshifir, overe and above all such certificat that they must and be bound to make accordyng to the seid Statute made the seid xiiijth yere, shall in the same certificate certifie the names of the mayntenours and embracourz in that behalve, if eny be, with their mysdemeanour that they knowe ; uppon payne of every of the seid Justices and Shirif or Undreshifir to forfeit xx libri if the same Justices and Shirif or Undreshifir have no resonable excuse for non certefying of the same ; which certificat so made shalbe of lyke force and effecte in the lawe as if the mater conteyned in the same were duly found by the verdyte of xij men, and every person duely proved to be a mayntenour or embracour in the same shall forfeite to our seid Sovereigne Lorde xx libri and as well the same mayntenourz as the embraceours shalbe commytted to ward, ther to remayne by the discession of the Justices.

51.

[A Proclamation ordering sowers of false rumours to be set in the pillory, "Letters and Papers of Henry VII," ii. 288.]

1486-7. Forasmuch as many of the king our sovereign lord's subjects been disposed daily to hear feigned, contrived and forged tidings and tales, and the same tidings and tales, neither dreading God nor his Highness, utter and

tell again as though they were true, to the great hurt 1486-7. of divers of his subjects and to his grevous displeasure: Therefore in eschewing of such untrue and forged tidings and tales, the king our said sovereign lord straitly chargeth and commandeth that no manner person, whatsoever he be, utter nor tell any such tidings or tales but he bring forth the same person the which was author and teller of the said tidings or tales upon pain to be set on the pillory, there to stand as long as it shall be thought convenient to the mayor, bailiff, or other officer of any city, borough, or town where it shall happen any such person to be taken and accused for any such telling or reporting of any such tidings or tales. Furthermore the same our sovereign lord straitly chargeth and commandeth that all mayors, bailiffs and other officers diligently search and inquire of all such persons tellers of such tidings and tales not bringing forth the author of the same, and them set on the pillory as it is above said.

52.

[Commissions to pardon, fine, or imprison the adherents of Michael Joseph and Perkin Warbeck, Rymer's "Fœdera," xii. 696. Similar commissions were also issued in 1500 against rebels who had not yet surrendered or paid their fines, *ibid.* xii. 766; a summmary of the fines collected, amounting to £8,810, 16, 8, is printed in "Letters and Papers," ii. 335-7.]

(i).

Rex dilectis & fidelibus suis, magistro Thomæ Maidstone,
 Harrys clerico capellano nostro, Willielmo Hatelyff 13 Septem-
 armigero compotorum hospitii nostri clerico, & Rogero ber, 1498,
 Holand armigero, salutem. Sciatis quod nos, de fide-
 litatibus, industriis & providis circumspectionibus vestris
 quam plurimum confidentes, assignavimus & constitui-
 mus vos commissarios & deputatos nostros in comitatibus

September,
1498.

nostris Devoniae & Cornubiæ & singulis partibus eorundem, dantes & concedentes vobis plenam, tenore præsentium, potestatem & auctoritatem ad omnes & singulos subditos nostros comitatum prædictorum, qui Michaeli Joseph ¹ rebelli & proditori nostro aut cuidam idolo sive simulacro nomine Petro Warbeck, infimi status viro, adhæserint, aut consilium, favorem, auxilium, sive assistentiam eis siue eorum alteri aliquo modo adhibuerint, & coram vobis sive aliis commissariis in partibus illis nuperrime assignatis non comparuerint, & se gratiæ nostræ non submiserint, & superinde gratiam & pardonationem nostras non optinuerint, neque fines suos pro rata & qualitate delictorum suorum nobiscum commissariisve nostris fecerint, aut alios quoscumque qui fugerint & se retraxerint, & in eorum malitia persterint & adhuc existunt, necnon omnes & singulas personas, quæ aliqua bona seu catalla dictorum subditorum nostrorum delinquentium sive non delinquentium ceperint, abduxerint, & detinuerint, coram vobis per publicas proclamaciones, infra comitatus prædictos & in singulis locis eorundem faciendas, aut alias prout vobis melius visum fuerit, ad certos dies & loca, quos ad hoc provideritis, evocandum & venire faciendum, ac ipsos & eorum quemlibet super hujus modi criminibus & delictis suis diligenter examinandum, ac eos omnes & singulos, qui se gratiæ nostræ submittere & se nobis dare voluerint, ad gratiam nostram acceptandum & admittendum, ipsasque ad fines & redemptiones, nobis pro delictis suis solvendos, considerata qualitate & quantitate delictorum suorum, juxta sanas discretionēs vestras, limitandum & assidendum,

Ac quascumque recognitiones, securitates, cautiones, promissa, & obligationes, tam pro solutione hujusmodi finium nobis fiendorum, quam de se versus nos bene

¹ See above, Vol i, Nos. 106, 107.

gerendo, ab ipsis & eorum quolibet petendum & exigendum, ac hujusmodi recognitiones, securitates, cautiones, & obligationes, cum sic captæ fuerint, in cancellariam nostram mittendum & debite retornandum, necnon fines & redemptiones hujusmodi requirendum, levandum, & recipiendum, ac ipsos & eorum quemlibet super omnibus & singulis solutionibus debite acquietandum, ac literas vestras acquietantiæ superinde deliberandum, quas tanquam nostras validas habere volumus :

September,
1498.

Et insuper vobis, tenore præsentium, potestatem & auctoritatem damus & committimus quibuscumque parochiis, villatis, constabulariatibus, hamelettis, ac aliis quibuscumque, qui vobis pro pardonatione & abolitione nostris habendis prosequi voluerint, hujusmodi pardonationem & abolitionem, pro rationabilibus finibus suis nobis solvendis, pro nobis & nomine nostro, concedendi & hujusmodi pardonationis sive abolitionis literas, eis & eorum cuilibet, qui eas petere velint, per nos sub magno sigillo nostro dandas & deliberandas, pro nobis & nomine nostro promittendi ;

Necnon omnes & singulos, quos in hac parte disobedientes & coram vobis comparere aut fines suos pro delictis suis facere recusantes inveneritis, ut rebelles & proditores nostros in singulis locis infra comitatus prædictos & eorum alterum publice proclamandi, publicandi & declarandi, publice proclamari & declarari faciendi ; ac terras, tenementa, redditus & possessiones suas quascumque, ac bona & catalla sua quæcumque, ubicumque & in quorumcumque manibus fuerint, per vicecomites, escætores & alios officarios nostros comitatum prædictorum aut alios pro nobis & nomine nostro, arestarti & in manus nostras seisiri faciendi, ac corpora ipsorum rebellium, sic delinquentium, ubicumque inveniri poterunt, arestandi, & prisonis nostris committendi, ibidem, absque cautione sive aliqua alia securitate,

September, moraturos quousque pro ipsorum deliberatione duxerimus aliter fore ordinandum ;
1498.

Et ideo vobis & cuilibet vestrum mandamus quod circa præmissa diligenter intendatis, & ea faciatis & exequamini in forma prædicta.

Damus autem universis & singulis dominis, militibus, proceribus, majoribus, vicecomitibus, ballivis, senescallis, constabulariis, cæterisque officiariis, ministris, fidelibus, ligeis, & subditis nostris quibuscumque tenore præsentium firmiter in mandatis, quod vobis & vestrum cuilibet in executione præmissorum intendentes sint, faventes & auxiliantes in omnibus, prout decet.

(ii).

REX dilecto & fideli suo Willielmo Hatclyff armigero, compotorum hospitii nostri clerico, salutem. Cum nos nuper per literas nostras patentes assignaverimus & constituerimus dilectos & fideles nostros, Thomam Darcey, militem, magistrum Thomam Harys clericum capellanum nostrum, & vos, deputatos & commissarios nostros infra comitatus nostros Devonæ & Cornubiæ, ac in singulis partibus eorundem, dantes & concedentes eisdem & vobis potestatem & auctoritatem omnes & singulos subditos nostros comitatum prædictorum, qui Michæli Joseph proditori nostro sive cuidam Pet. Warbek adhæserint, aut consilium sive assistentiam eis seu eorum alteri aliquo modo adhibuerint, & coram nobis sive aliis commissariis in partibus illis nuperrime assignatis non comparuerint & se gratiæ nostræ non submiserint, ad certos dies & loca coram vobis ac Thoma & Thoma antedictis evocandum & venire faciendum, ac ipsos de & super criminibus & excessibus suis examinandum, ipsosque ad fines suos recipiendum, hujusmodique fines, considerata qualitate delictorum suorum, eis limitandum, assignandum, & assidendum, et ad cætera alia, in dictis

literis nostris patentibus specificata, faciendum & ex-September,
equendum, prout in eisdem literis latius apparet ; 1498.

Hinc est quod nos, omnes & singulos fines & redemptiones, per dictos nuper commissarios & vos ex causa prædicta assessos sive limitatos, ac jam quovis modo nobis debitos seu imposterum debendos, per vos levari & nobis inde fideliter responderi volentes, de fidelitate & circumspectione vestra quamplurimum confidentes, assignavimus & deputavimus vos commissarium & receptorem nostrum in hac parte infra comitatus prædictos, ac vobis plenam, tenore præsentium, potestatem & auctoritatem damus & committimus tam omnes & singulas denariorum summas, nobis pro finibus & redemptionibus dictorum subditorum nostrorum, ut præmittitur, delinquentium, assessas sive limitatas, ac jam nobis debitas ac imposterum debendas & solvendas quam omnia & singula bona, exitus, reventiones & proficua nobis provenientia & crescentia aut provenire & crescere debentia de quibuscumque terris, tenementis, redditibus, possessionibus, bonis & catallis, nobis per nonnullos rebelles & proditores nostros, qui contra nos in plano campo interfecti fuerunt, vel qui coram justiciariis nostris ad hoc assignatis morti fuerunt adjudicati, necnon per alios rebelles qui fugerunt, & se gratiæ nostræ adhuc non submiserunt, set impræsentiarum in eorum malitia persteterint, forisfactis, pro nobis & nomine nostro, de tempore in tempus, petendi, levandi, colligendi & recipiendi ; ac indenturas, super hujusmodi per vos receptis, inter vos & singulas personas, dictas summas prædictis finibus ac pro exitibus, reventionibus, & proficiis prædictis vobis solventes, mentionem de singulis solutionibus facientes & testificantes, conficiendi.

Mandamus insuper vobis quod fidelem comptum omnibus & singulis hujusmodi receptis nobis de tempore in tempus faciatis, & ulterius de toto facto vestro in hac



September, parte nobis certificetis, cæteraque faciatis & perimpleatis
1498. quæ in hac parte necessaria fuerint seu quomodolibet oportuna.

F. THE ADMINISTRATION OF JUSTICE.

53.

[The English system of trial by jury ; “ Italian Relation ” (Camden Soc.) pp. 32-3.]

Nevertheless they reject the Cesarean code of laws,¹ and adopt those given to them by their own kings. Nor are proceedings carried on in this country by the deposition of anyone, or by writing, but by the opinion of men, both in criminal and civil causes. And if anyone should claim a certain sum from another, and the debtor denies it, the civil judge would order that each of them should make choice of six arbitrators, and when the twelve are elected, the case they are to judge is propounded to them : after they have heard both parties, they are shut up in a room, without food or fire, or means of sitting down, and there they remain till the greater number have agreed upon their common verdict. But before it is pronounced each of them endeavours to defend the cause of him who named him, whether just or unjust ; and those who cannot bear the discomfort, yield to the more determined, for the sake of getting out sooner. And therefore the Italian merchants are gainers by this bad custom every time that they have a dispute with the English ; for although the native arbitrators chosen by the English are very anxious to support the cause of their principal, before they are shut up, yet they cannot stand out as the Italians can, who are accustomed to fasting and privations, so that the final judgment is

¹ i. e., the Roman civil law.

generally given in favour of the latter. This practice extends also to criminal causes, and any one may be accused of great and glaring crimes, and be put to the torture,¹ though he may openly deny the truth of the accusation. But when the chief magistrate of the place has received notice of any such malefactor, he causes him immediately to be thrown into prison, and then twelve men of that place are elected, who must decide according to their consciences, whether the prisoner has or has not committed the crime of which he is accused, and if the greater number vote that he has, he is considered to be guilty. He is not, however, punished at that time; but it is necessary that twelve other men should be chosen, who must hear the cause over again; and if their verdict should agree with the former one, the days of the delinquent are brought to a close. It is the easiest thing in the world to get a person thrown into prison in this country, for every officer of justice, both civil and criminal, has the power of arresting any one, at the request of a private individual, and the accused person cannot be liberated without giving security, unless he be acquitted by the judgment of the twelve men above named; nor is there any punishment awarded for making a slanderous accusation. Such severe measures against criminals ought to keep the English in check, but, for all this, there is no country in the world where there are so many thieves and robbers as in England; insomuch, that few venture to go alone in the country, excepting in the middle of the day, and fewer still in the towns at night, and least of all in London. Such is the bad effect that has arisen from an excellent cause.

¹ Only if they "stood mute," i.e. refused to plead, in which case *peine forte et dure* was applied.

[Edward Plumpton to Sir Robert Plumpton, "Plumpton Corresp." (Camden Soc.), pp. 90-1. These letters illustrate the means commonly taken to influence the course of justice, and also the expense of obtaining justice in the common law courts.]

London
10 Feb-
ruary,
1490.

In my most humble and faythfull wyse I recomend me to your good mastership, and to my especyall good ladyes. Sir, at my departing I rode according to your comandement by my lady Delphes,¹ a full trobleous way in that great snaw; notwithstanding, I cold not speed of your matters at that tyme. But now she is at London, and promyses me well; the which I trust, as yet, shall speed, afore your attorney come to London, within this vi dayes. He cometh ever at the last Retorne, in the end of the terme; that causeth me to have more busines than nedeth. Your matter in the Exchequer is grevous; there is iij wryttes agaynst you. Whereof I have a *dedimus potestatem*² out of the Eschequer, and another out of the Chauncre, both directed to Sir Guy Fayrfax,³ to resaywe your hothes and my ladyes. The serch and the copy of the wrytts, out of one cort to another, costeth much money, and the fees of them, and great solliciting. If I had them now redy, I wold have sent them to you; when they be, I pray God send to me a good messinger, or else I must neds send my servant. Afore the iijth wrytte, for the entre into Wolfhoundlands, all the counsell that I can get, can shew no way, as yet, necessary for you; save onely I have labored the wrytt proceding agaynst you to be

¹ Delves, a Staffordshire family; Lady Delves was widow of Sir John Delves slain at Tewkesbury on 4 May, 1471.

² A *dedimus potestatem* was a commission to take the evidence of witnesses or the answer of the accused to a bill of complaint in the country instead of bringing them up to London.

³ Fairfax was a judge of the King's Bench.

reteyned unto the next terme, and in the meane tyme February, 1490.
 to purvey our remedy. Fech your pardon and my ladyes, and send them both ; for without they will helpe us, I wote not well what to doe in the matter. Incontinent upon the comyng home of master Farfax, ye and my lady ride to his place with your wrytts, for so I am agreed with him ; and as hastely as ye can gett down, send up the sayd wrytts with his sertyfycat, for then we must have a *non molestando* out of the Chauncery to discharge[s: us ?]. The premysses maketh my purse light ; to wryte partyclarly the charges, I have no tyme now. Bylby taketh to me no money ; neverthelesse when I have, or may make any, your matters shall not slake, nor abate, unto such tyme as your mastership send, as is above sayd. All other matters concerning you to the Kyngs grace and his counsell, I can send to you no word therof as yet. I trust in short space to doe, with God's grace, who preserve you.

55.

[The same to the same, "Plumpton Corresp.," p. 92.]

In my most humble and faythfull mynd I recomend London 20 February, 1490.
 me unto your good mastership, and to my especyall good ladyes ; certyfing your mastership, that I delivered to Sir Richard Thornton, prest, upon Sunday last, to bryng to you, a box sealed, and ther in ij wrytts, one *dedimus potestatem* out of the Chauncere, and another out of the Exchequer, both derycted to Sir Guy Fairfax, and my poore wrytting therwith, the which was right simple, but I besech you to have me excused. Though I wryte not at all tymes, as my dutie is to do, Sir, I had never so great busines as I have now for your matters. I know not the causes, but much payne I had to avoyd your appearance in your proper person, as ye shall more

February,
1490.

at large know by mouth, when I shall speake with you ; that shalbe at your comandement. Hall demanded of me grene wax,¹ that I knew not of, and I desired of hym a byll, what he asked of you, and his bokes wanted, he cold give me none ; but I trust he wyll not be hasty upon you therfore, and if he be, let Henry Fox speake with him in my name, and pray him to suffer unto my comyng home. I made to him such chere as I cold at London. I have found meanes to convey the wryt shold goe to the Schereffe of Notinghamshire agaynst you, unto the next terme ; then Gode send us good speede therwith. Afore Easter, send upp your pardons, wrytes of *dedimus*, and escaptes of instruccion what plee we shall make for you in the Exchequer, of, and how, and wherby ye enter your lands and maketh clame ; the matter is litle ; and ioyus, with Gods grace, I purpose to be ever all this vacacion, and unto the next terme. I send to you a letter by Robert Beckwith, and more of every thing concerning you and your servants your attorney can shew. I wold, if I myght by wyshe, speak with you one houre, and yt pleased *Jesu*, who preserve your mastership in prosperous long to endure. Wrytten at London, the xx day of Febr. My Lord Straunge came to the Kings grace uppon Munday last ; my lord of Northumberland is in good health, blessed be *Jesu*. Please yt your mastership to commend me to my master Gascoyn, if I cold doe to his mastership any service in thes partes, I wold be glad. Robert Blackwall hath sent to you a pattent to seale, as appereth by the same, shewing to him your pleasure of vis viiij^d by yere ; and that he toke to no regard : the world is so

¹ "Greene wax is a word used in 42 Ed. III c. 9 and 7 Hen. IV c. 3, and signifies the Entreaty of Fines, Issues, and Amerciaments in the Exchequer, under the seal of that court made in green wax, to be levied in the county" (Cowell, "Law Dictionary," ed. 1727).

covettus, I wott not what to say, nor nought I wyll, February, 1490.
parum sapienti sufficyt.

56.

[The same to the same, "Plumpton Corresp.," p. 112.]

In my humble wyse I recomend me unto your good London, 26 October, 1495.
 mastership. I have receyved your wrytting and the
 credaunce of your servant. And in stopping and letting
 of your prevy seale, at the instance and especyall labour
 of my Master Gascoygne, my lord Prevey Seale¹ hath
 done that he myght with reason, insomuch that he
 lettyt yt, and commaunded Mr. Bele, clark therof, that
 none shold passe, unto such tyme as all the lords of the
 Kings counsell commanded yt to passe, upon his surmyse
 and complaynt, wherof I sent to you a cople. And
 when we sought no remedy, we found the meanes that
 Ch. Kilborne, and sufficient suertyes with him, shold be
 bonden in a reconusance of x^{li} to content and pay the
 cost and charg, if his surmyse and byll of complaint be
 founden insufficyent and not true. My sayd Mr.
 Gascoygne hath dyligently applyed your matter, as
 much as is possible for to doe, as your servant Geffray
 [Townley] can shew unto you more at large every thing
 by mouth; and as yet he² can get no surtyes. Wherefore
 my lord abbot of St. Mary Abbay³ shewed to me this day,
 that his servant Kilborne wold have a writ, *subpena*. Sir,
 for that I have lade good watch. Also my lord abott
 told me this day that Edmound Thwaites hath sene
 his evedence, and sath that your mylne standeth upon
 his ground and more, and that he is not your ward.

¹ Bishop Foxe.

² Kilborne.

³ St. Mary's, York. The abbot was William Sever, who was
 elected bishop of Carlisle in November, 1495, but retained the
 abbey with his bishopric until his translation to Durham in 1502
 ("Dict. Nat. Biogr." li. 245).

October,
1495.

Wherby I perceiue well, he haught a favor and good lordship to his servant Kilborne. He desired the matter to be put upon my lord of Surrey and him.¹ And I answered, that the matter concerned your inherytance, and a matter of land, the which cold in no wyse be rightfully determyned without learned counsell. Sir, I trust we shall so provide for him here, that he shal not have all his intent, with Gods grace, who preserve your good mastership, and my singuler good ladys, and all yours, long tyme to endure with encrease of grace and honor. From Furnywalls Inne, the xxvi of October 1495.

57.

[Edward Barlow to Sir Robert Plumpton, "Plumpton Corresp.," p. 114.]

London,
4 February,
1496.

Right reverent and my singuler good master, I recommend me to your good mastership, to my gode lady your mother, and my lady your wyffe. Please yt your mastership to know, that I have received your letter sent to me by Robart Benson, and hath hard his commying from you. And I have bene and labored to the Clarkes of the previe signit dyvers tymes afore the making herof, and to my lord presedent,² after then-tent of your wrytting; and the day of the delyverie of this wrytting by the sayd Robart Benson, Percyvall Lanton [Lambton] and I went to the Tower to speake with my lord Pryvey seale, as the clark of the Kings signit advised us, thynking that to be our next way, if so were that we wold not advise you to com not up by the pryvie seale. For ther was a byll put into the Parliament a little before Christynmas,³ that no priue

¹ Cf. No. 95, and vol. iii., No. 60.

² Sir Thomas Lovell.

³ Parliament sat from 14 Oct. until shortly before Christmas. This bill, which is not mentioned in the "Rotuli Parliamentorum,"

seal shold goe against no man, but if the suer thereof wold find suerty to yeld the parties defendants ther damages, and after that intent, yt is sayd, that the lords of the counsell behave themselfe.¹ And the most dylygent labor and way that the sayd Percyvall and I can doe our good master in his behalfe, we shall endeavor ourselfs, for to the sayd Percyvall, for both his labour at the last terme and this terme, ye be much beholden unto ; and the sayd Lanton is generall attorney to my said Lord Privey seale. And as for Edward Plompton, he is not commyn to London at the making of this simple wrytting. Also, Sir, Robert Blawall, your attorney in the Kings Eschequer, hath shewed me, that Edward Plompton hath not payed the money for respityng of your homage in the sayd Eschequer, as he promysed me and your menyall servant Geffray Tounley the last terme ; and by great labour of the sayd Blakwall, he hath saved your issues to this terme, and he will lay down no penny. And it is so that I have promysed payment or I come home, and with the grace of God so shall I make pacement ; and at my comyng home, I shall shew to your mastership al things more clerely, praying your sayd mastership be not displeased with my homely wrytting. Written in the even and in great hast. For parte of your matters I have spede, and parte of my ladies matters also, and as touching the remnent of your matters, I shall indevor me for you as farre as I can, with the grace of God, who preserve you and all yours to his pleasure.

did not pass, though an Act was passed (No. 83, below) providing against similar abuses in the county courts.

¹ Probably an allusion to Empson and Dudley's methods.

[Percival Lambton to Sir Robert Plumpton, "Plumpton Corresp.," pp. 115-6. This letter gives an interesting picture of Bishop Fox as Lord Privy Seal, privately rendering nugatory his official acts.]

London,
9 February,
1496.

Plese it your good mastership to understand your servant and attorney, Mr. Owen Barley, desired mee to labor to my lord of Daresm¹ that sum meanes might be found to excuse your appearance, if the privy seale were delivered unto you, which one Kilburn labored against you this last term; and according to his desire, I have labored at diverse times. My lord shewed me dyverse things, which was shewed him in that matter, as I shall shew your mastership at laser. And in conclusion this is his mynd: if the privie seale be delivered you afore his comyng home² into that country, which, I trust, wilbe about the iiiijth weeke of lent, thin he wold ye shold set stale yourselfe, and send a servant to me as shortly as ye can, and he and I shall purvey a remedy, that ye shall take no hurt thereby. And if the privie seale be not delivered afore my lords comyng home, than he sayeth, that he will send for the partie, and cause the matter be examined endeffrently; and thus he was content that I shold wryt unto your mastership. And therefore dowl not in this matter, but take your ease, and in no wyse charg yourself with comyng upp for this matter, thoffe [though] the prive seale be delivered unto you. Herein, I assure you, I shall give as great delygence as the matter were myne owne. And thus our Lord God preserve your mastership to your most comforth. At Lyncolnes Inne the ixth day of February.

¹ Bishop Foxe.

² To the bishopric of Durham.

[Richard Empson, Speaker of the House of Commons in 1491, and one of Henry VII's best known agents, to Sir William Gascoigne, afterwards treasurer to Cardinal Wolsey, "Plumpton Corresp.," p. 122. This letter brings Empson into the arena of the Plumpton family dispute; he married his daughter Joan to Henry Sothill (or Suttell) whose son married one of the co-heiresses of Sir Robert Plumpton's grandfather, Sir William. There was a complicated and prolonged quarrel between Sir Robert and the heirs general of Sir William owing partly to doubts as to Sir Robert's own legitimacy. Sir Robert has naturally been regarded as a typical victim of Empson's rapacity; but the faults were not all on one side, and Sir Robert's litigiousness had brought him troubles before Empson's intervention rendered the affair a *cause célèbre*.]

Master Gascoigne, after most hartly comenndations, ^{7 September,} pleaseth you to wyt that Richard Falbarne, late clarke ^{ber,} [1496.] to Bryan Rowclife¹, according to the trust put in him, hath made astate of dyvers maners, lands and tenements, late Sir William Plompton[^{'s}], in the county of Yorke; wherwith, as it is sayd, Sir Robart Plompton taketh dyspleasure, and his servants speake such words and so demene them selves, that the poor man for dread dare not apply his busines. Sir, I heare that you be frend to the sayd Sir Robart, I pray you move him that the pore man may passe his busines in Gods pease and the Kyngs, the rather at this my motion; ore that ye wyll please to send me word of his disposition, to thentent I may further doe and provide, that best may be, fore the poore mans suerty in this partie, and that I may know the sayd Sir Robart is disposition by you herein; wherby ye shall bynd me to do you good pleasures, iffe that be in me. So knoweth our Lord God, who preserve you. Fro Gascoyn, the vii day of September.

¹ Third baron of the Exchequer, died 1494 (See "Dict. Nat. Biogr."). His son, Sir John Roucliffe, married Margaret, granddaughter and co-heiress of Sir William Paston.

60.

[John Pullan to Sir Robert Plumpton, "Plumpton Corresp.," p. 131 ; these three letters, 59, 60, and 61, are in wrong order in the "Plumpton Correspondence".]

London,
28 January,
1497.

The copie of the retorne and panell I send to you inclosed herein for more surtie. . . . Sir, to speake of the labor I maide to the contrary, I have written the circumstance therof in my master[']s letter, and surelye it was to the uttermost of all my power. It is so now, I understond, they will have a *habeas corpora* againe the Jurrours *retornable Octabis Trinitatis*, so that they may have a distress with a *nisi prius* againe Lammas Assise. Therefore, Sir, betwen you and my lady ye must cause speciall labor to be made, so it be downe prevely, to such of the Jurrours, as ye trust wilbe made frindly in the cause. . . . As for the *subpoena*, with all other matters that longeth to my master and yours, they shalbe send with the next trusty messenger that cometh home. And thus *Jesu* be your preserver. From Lyncolns Inne, at London, this Munday next afore Candlemas day.

61.

[Edward to Sir Robert Plumpton, "Plumpton Corresp.," pp. 120-2.]

London,
3 February,
1497.

In my right humble wyse I recomend me unto your good mastership, and to my singuler good lady ; acertaynyng you that ther is in thes partes a great talking, of those that belong and medle with Mr. Hemson,¹ that he intendeth to attempt matters agaynst you in the title of the heire of John Suttell. Wherin he moved and brake the same unto Mr. Gascoyne, of whom he had a discret and good answer, as thus. He desired my sayd Mr. Gascoyne to be favorable to him in the

¹ Empson.

premysses; and he answered to him, and sayd thus: ^{February,} "if your matter were against any man in England ^{1497.} except my uncle,¹ I wold take your parte; but in this ye must have me excused," with dyvers words more concerning your honour and wele. Sir, the sayd Mr. Hemson moved this matter greatly, and maketh his frinds; and divers that he hath broken his hart and mynd too, hath told me the same, and his saying afore, as they knew. If yt plese your mastership, to cause your loving frinds and servants to have knowledg ther-of. Sir, I shewed to a gentleman, that is of counsell and fee with Master Hemson, and a companion of myne, how that Kyng Richard, in his most best tyme, and the first yere of his reigne, having you not in the favor of his grace, but utterly against you, caused them to have a parte of your lands by his award and ryall power, contrary to your agrement and all right conscience; the which I trust to God wylbe called againe. Sir, ye have many good frinds and servants, and moe, with Gods grace, shall have; this is the matter I thinke no dout yn. Ye have a great treasour of Mr. Gascoyne. If ther be any service your mastership wyll comand me, yt shalbe done to the uttermost of my power, as knoweth our Lord, who preserve you. Written in Furnyvalls Inne, the iij day of Feb. 1496 [-7].

62.

[John Pullan same to the same, *ibid.* p. 132.]

Sir, please yt your mastership to understand that I ^{London,} sent a letter to you with Bryan Pullan of Gawkthorp of ^{29 January,} all the cyrcumstance of the matter betwene my master ^{1499.} and your son and his wyfe, and William Babthorp;² and

¹ Sir William Gascoigne's aunt had married Sir Robert Plumpton,

Apparently a brother of Isabel Babthorp, wife of Sir Robert's son, William Plumpton.

January,
1499.

as that none ther wold be. But the *venyre facias*¹ com in servid. Sir, so yt is now that suerly they intend to have a *habeas corpora* agayn the Jurrours with a *nisi prius*² this next assise in Lent, at Yorke. Therefore, Sir, ye must make speciall frynds to the Jurrours, that they may be labored specially to such as ye trust wylbe made frindly in the cause. Sir, I have letten Mr. Kynges mell see the dede of gift of the chaunchry of Elton, and shewed to him as your mastership presented in after the deith of the last Incumbent, which presentee was in by the space of iiii or v dayes at the least, and desired of hym to have his best counsell. And he answered to me thus; that *subpena* lay not properly in the case: but the best remedy for your Incumbent was to have assise at the common law, if any land belonged to the sayd Chaunchre. And if he had no land, then to have a *spoliacion*³ in the spirituall court agaynst the preyst that now occupyeth, because he is one disturber, or els to suy a *quare Impedit*⁴ at the comon law. And so is to take no *subpena*. And for these causes I rest to I know your pleasure . . . wryting. Sir, as for the *subpena* agaynst Sir John Hastyns,⁵ I shall remember it. The accion of wast agaynst Sir John Hastings goeth forward, as fast as the law wyll serve. And if ther be any other service to doe, it shalbe done to all my power,

¹ A *venire facias* was a writ summoning an inquest, and a *habeas corpora* was issued against the jurors if they failed to appear.

² A writ ordering trial either at Westminster on a certain day or at the next assizes.

³ "Spoliation is a writ that lies for one incumbent against another in any case where the right of patronage cometh not in debate," Cowell, ed. 1727.

⁴ A writ for the purchaser, against the disturber, of an advowson; *darrein presentment* was only available for the *inheritors* of advowsons.

⁵ A connexion of William Plumpton's wife.

with Gods grace, who be your preservor. From January,
 Lyncolns Inn at London, this tuesday next Candlemas 1499.
 day.

63.

[William Eleson to Sir R. Plumpton, *ibid.* p. 134.]

Right worshipful Sir, I recomend me to you. By York [?],
 your letter I understand William Babthorp will have a 12 Feb-
nisi prius at this next assizes. Sir it is necessary for ruary,
 you to get a copy of the panel, and then to enquire if 1499.
 any of them or of their wyfes be sybb¹ or allied to
 Wil. Babthorp, and yf any cause in them bee wher-
 by they may be chalenged. And also to make labor to
 them that they appeare not, or els to be favorable to
 you according to right, and enform them of the matter
 as well as ye can for their consciences. Sir, for Mr.
 Kingmel,² it were wel doon that he were with you, for
 his auctority and worship; for he may speke more
 plainly in the matter than any counsel in this country
 will, for he knowes the crafty labor that hath been
 made in this matter, and also he will not let for no
 maugre. And yf the enquest passe against you, he may
 shew you summ comfortable remedy, for I suppose with
 good counsell you may have remedy; but, Sir, his
 coming wilbe costly to you. Sir, I purpose with the
 grace of God to be at Knaresburg upon tewsdays next
 coming, and if ye be there or any for you, I shall shew
 you more of my mind. No more, but God preserve
 you and further treweth. Written the 12 day of feb-
 ruary.

¹Sib = akin, as in "gossip" (God-sib); see N.E.D. under
 "Sib" and "Gossip".

²John Kingmill, serjeant-at-law.

64.

[John Pullan to Sir R. Plumpton, *ibid.* p. 141.]

21 Novem-
ber, 1499.

Right worshipfull Sir, I recomend me unto your mastership. Sir, laytly I sent wryting to my father to convey to you, which I trust be comes to your hands afore this tyme; in which wrytinge is conteyned how the Justices of the Common Place awarded a new *venire facias* betwyxt my master, your son, and Wylliam Babthorpp; and also in a lytle byll therin is contayned the names of such persones as the sayd Wylliam Babthorpp entended to have had reconnyd in the first *venire facias*. I wold your mastership made specyall labor to have one indefferent pannell of the Coroners; they must be labored by sum frynd of yours. . . .

65.

[John Pullan to Sir R. Plumpton, *ibid.* p. 150.]

London,
18 May,
1501.

Right worshipfull Sir, I recomend me unto your mastership, letting you understand that laytly I wrott to you a letter of your matters; where was, that the great man E,¹ as far as undoubted as I can know, intendeth to have assyses agaynst you. Wherefore tyme is to labor as well the Scherefes, as all your frynds, and every country where your land lyeth. It is for that the said great man E. with other of the Kyngs counsell, sitting for assessing of fynes for knyghts,² . . . which may doe hym pleasure, he is intreated scecrelty to owe his good will; ye may have trial by lyklyhed what ther answere shalbe: thus he under myneth. But let you for no labour. All such copies of your matters resteth in my keeping. And this was your lawiers conclusion; that your mastership should take a sure frynd to se all

¹ Empson.

² For distraint of knighthood.

your evydence (which I thynke after my mynd must be May, 1501. Mr. Eleson), to this intent: that your sayd counsell may have all the estatys made by your graynser and father, as well uppon marrage leses, as other wayes, and in lykwyse, how all the sayd estats come home agayne, wrythen *verbatim* in paper: and to have all your new esvedence by your father to John Norton and others, and estats made to have to your father for terme of lyfe: and to send copies of all matters proving matrymony betwyxt my sayd master your father, and my lady your mother: ¹ and further prove which of the sayd feffees was present at possession. Loke they be at London the begining of this next terme, with xlii. . . Sir Richard and ij men, and the sayd copies. If Mr. Eleson can fynd any of your lands talled [entailed] to the here male, send copies therof; I thinke none be. And thus the holy Trenety send good speed to yours. From Lyncolns Inn, at London, this tuesday in the crose dayes.

I find no sure friends in all cause but George Emerson. Yaxley and Frowick, serieants, and Brook and Edgar are your counselors.

66.

[John Pullan to Sir Robert Plumpton, *ibid.* pp. 153-4.]

Right worshipfull Sir, I recomend me unto your London, mastership; letting you understand, that latly I sent 31 May, dyvers letters to you; thaffect of which letters was, that 1501. your adversaries intendeth suerly to attempt the law against you. Therefore I can wryt no other thing to your mastership but oftymes remember my wryting; it toucheth your worship and wele. Therefore make

¹ There was some doubt about the date and fact of this marriage, which was secret.

May, 1501. your frynds to take your part, as frynds shold doe, as well in Nott. Derb. as Yorkshire, and God, I trust, shall be steresman in every ryght wyse cause. Master Robert Constable, servant,¹ shalbe Justice of assize in Cornewall, Devonshir, and other west cuntryes, with Master Frowike,² so that I trust, he shal not be at this assise. Such pronunstications as a speciall freind lent to me, I copied them, as your worship shall see, and receive herewithall closed. As for all other causes, this bringer can shew to you by mouth, as larg as I can wryte, as *Jesu* knoweth, who preserve you. From Lyncolns Inne, at London, this Whitsonemunday.

67.

[Robert Eyre to Sir R. Plumpton, *ibid.* pp. 160-2.]

London,
September
1501.

Right worshipfull brother, I recomend me unto you and to my lady, your wyfe, and to my daughter Margret. Brother,³ I spake with Frowick on Satterday next after St. Bartelmewday, and I enquired of him whether the assisse held at Nottingham and Darby, or not; and he answered and sayd, that he cold not tell nor man els, unto munday next after, for that day the Kings grace had comanded all the Judges and Servants to be with him at Richmond, and whether he wold comand them to kepe your Servants, or to tary for other besines at that tyme, he west never. Also, brother, as for your parte of your panell, I am promysed suerly they will appere, whose names ar closed in a byll; but as to the attachment of the proces for your sute, is not yet, as fare as I understand: But I send about it unto the

¹ i. e. serjeant.

² Sir Thomas Frowyk, appointed Chief Justice of Common Pleas in 1502.

³ Robert Eyre's son Arthur had married Plumpton's daughter Margaret.

shereffe as sone as Hare Harlad com from you, for sume ^{September} remedy ther, if he myspede. I have sent you part the ^{1501.} names of the enpannell for Suttel and Roccliffe,¹ which be in the end of the Hye Peyke, of the which divers have promysed me not to appere, and moe I trust for to stoppe. Marveling ye sent nobody to Darby for to take you lodging, for Emson hath taken much lodging for him, as I am enfirmmed. Also I shall wate one you at Nottingham one sunday next, except ye comand me contrary, praying you to send me answeere shortly.

68.

[At the Lammas Assizes Empson and his confederates won their case against Sir Robert Plumpton, whose friends drew up the following statement of the means adopted by Sir Robert's enemies, "Plumpton Corresp.," pp. cvi-ix.]

For as much as it is meritorious to every Christian ^{September} man to certifie the trewth in such cawses as they shalbe ^{1501.} required for the declaration of trewth to be had in the said cawses, and that Sir Robert Plompton, knight, hath required us to certifie the Demesner of Sir Richard Emson, knight, at the assise that Robert Bubwith and Richard Burgh, prests,² arained against the said Sir Robert at York of the maners of Plompton and Idell to the use of Sir John Roucliffe and Margaret his wife, and Dame Elizabeth Sotehill and the sircumstance thereof. Therefore it is that we whose names hereafter ensueth upon our trewth testyfie that the foresaid Sir Richard Empson, acompened with Edward Stanhopp, Garvis Clifton, Robert Dimmock, and William Perpoynt,³ knights, and other gentlemen and yeomen to

¹ See above, Nos. 59, 61, *nn.* and below, Nos. 68, 70, 77.

² Feoffees of the disputed manors to the use of the heirs general of Sir William Plumpton.

³ Sir William Pierpoint married Empson's daughter Joan after the death of her first husband, Henry Sothill.

September,
1501.

the number of 200 persons and moe, and divers of the garde of our Sovereigne Lord the King arayed in the most honorable liverie of his said garde, came to Yorke to maintaine the foresaid Robert and Richard in the said assise, and theare abode with the said companie at their costs and charges to the time that the said assise passed against the foresaid Sir Robert. Also we testifie that John Vavator, Justice, then associat to Umfray Conysby Justice to the said assise then shewed in open courte a fine exemplified under the greate seale of England saing that therein were comprised the foresaid manors taled to the heires generall of Sir William Plumpton, and the Counsell of the foresaid Sir Robert desired hearing thereof and might not have it by no meanes. And then the frinds of the said Sir Robert trusting it to be trew upon the credence that they gave to the foresaid Sir John Vavator labored for a treaty. [This document is signed by seventy-five witnesses; the treaty, at which Plumpton was represented by Sir W. Gascoigne and Eleson, and his enemies by Sir Marmaduke Constable and Brian Palmes, was abortive, Plumpton producing other deeds entailing the disputed manors on the heirs male instead of the heirs general of Sir William Plumpton. He also challenged many of the jurors as being interested or dependent upon parties interested in the case. Sir Robert, however, had no intention of accepting the adverse verdict, and instructed his wife "that the manor and place of Plumpton bee surely and stedfastly kept". He also appealed to the King in the next document but one.]

69.

[Elizabeth de la Pole to Sir R. Plumpton, *ibid.* p. 162.]

Nov-
ember,
1501.

Right reverent and worshipfull and my singler gud master, in the most humble and lowly maner that I can,

I recomand we unto you, and unto my gud lady your wyfe, desiryng to have knowledg of your prosperous helth, worship, and welfayre, which I besech almyghty Jesus long to contynue to his pleasure and your most com-forth. Hartaly beseching the gud Lord that redemed me and all mankind upon the holy crosse, that he will of his benigne mercy vouchsafe to be your helper and give you power to resist and withstand the utter and malicious enmity and false craft of Mr. Empson, and such others your adversaries; which as all the greate parte of England knoweth, hath done to you and yours the most injury and wrong that ever was done or wrought to any man of worship in this land of peace. And non more sorry therfore than I myselfe is.¹ . . .

70.

[Sir R. Plumpton to Henry VII, *ibid.* p. cxi.]

In most lamentable and piteous wise sheweth and complaineth unto your most gracious highnes your daylye Oratour . . . how that Sir John Roccliffe, Dame Margaret his wife, and Elizabeth Sothill,² through the great . . . maintenance and supportation of Richard Empson etc. have recovered by assize lands of the value of 500^{li}. whereof your orator and ancestors have been seased above 300 years etc. And the said Sir John and Richard, not regarding the displeasure of God nor of your Grace intend to attach and cast in prison the body of your beseecher etc. Wherefore the said Orator hath and ever shall bee best content to put his said whole lands to the judgement and award of your most noble

¹ The writer's nephew Germain Pole had married Plumpton's daughter Anne.

² Granddaughter of Sir William Plumpton and mother of Henry Sothill.

1502 (?). Grace and Councell, or upon any two Judges. And wherefore, most gracious Sovereigne Lord, your said poore Orator, at the reverence of Almighty God, humbly beseecheth your grace that hee may have protection . . . for a whole yeare etc. and shew the same how craftily and by maintenance hee is disherited of all his said lands, which without onely the helpe of your Grace he can never recover.

71.

[John Pullan to Sir R. Plumpton, *ibid.* p. 165.]

Sir, after my duety remembred unto your mastership, please it you the same to know, that by instant labour I have gott a copie of the writ of thassisse and playnt agaynst you, to the intent therby to have a wryt of error; which wryt, by the advise of your counsell, which I had together, is put to making: and for the expedition therof, it shall want no dyligence, nor calling upon. For the costs and expens about thes busines wilbe great, therefore I wold ye prepared money to send upon all goodly hast. And your learned counsell thinketh veryly, if the law may be indifferently hard, that the proceeding in the sayd assies is error. It is so that master Frowyke is made Cheife Justice of the Common place, and therefore ye must myse his counsell; and that I forthinke. Sir, I have delivered your letters, as well to Mr. Undertresorer, as to Blackwall; and Mr. Tresorer shewed me parte how your wryting was. I desired him, seeing your great troble and cost, to spare the payment that ye owed him for a season; and that he sayd he myght not doe in no wyse, because he had appoynted such summes of money as ye owe him, to pay it to other persons; and further sayd, that he could not do no other wayes but attempt the law agaynst you and your suerty, if ye pay not according to your wrytting.

London,
6 Nov-
ember,
1502.

I intreated him as specially as I could, to spare you for a season, but it wyll not be; therefore make schift to pay him, or els you and your surty wilbesued. Everafter this, as I may have knowledg in all your matters to your comforth, I shall wryt to your mastership, with the grace of Almyghty God, who send you and all yours ther healths also. From Lyncolns Inne, this sunday next after All Saints day. Sir, for all other matters this berer can shew you at large, for a proteccion, and what your lerned counsell sayd therin.

Frynds the Bishop of Rochester¹ and Docter Warghan.²

72.

[George Emerson to Sir R. Plumpton, *ibid.* pp. 177-8.]

Right worshipful Sir, after due recommendations had ecrea, I understand by my lady that your mastership hath spoken with the Kyngs grace, wherof I am very glad. Sir, I wold advise your mastership, that if the King command your mastership to nayme any of his counsell, which ye wold shold have examination of your matters, to refare that matter unto his grace, and that your mastership name none; for if your mastership shold name any, peradventure the King wold thinke parcialty in them, and also your frinds shold be knowne. If yt like your mastership, yt were best for to shew the Kyngs grace that ye wold refuse none of his counsell, except Mr. Bray,³ Mr. Mordaunt,⁴ and such other as are be-

¹ Richard FitzJames, afterwards Bishop of Chichester and of London.

² William Warham, afterwards Lord Chancellor and Archbishop of Canterbury.

³ Sir Reginald Bray, Chancellor of the Duchy of Lancaster, and one of Henry VII's most influential advisers.

⁴ Sir John Mordaunt, Speaker of the House of Commons in 1487, and Bray's successor as Chancellor of the Duchy.

1502-3. longing to Mr. Bray. Sir, at the reverence of God, keepe your frynds secret to your selfe, for fere that ye leese them. I remit all these matters to your wisdom, and thus I beseech Almighty *Jesu* send your mastership good speed.

73.

[While appealing to the King and Council, Plumpton—according to Sir John Roucliffe—“fortified the same [manors] with guns, bowes, crossebowes, bills, speares and other weapons etc. as if it were in [time] of warr, soe that ne the sheriffe ne other officers of the King’s etc. cannot and may not serve the King’s processe without jeopardy and peril of mans lives, manslaughter and murder, to the worst and most perillous example that in this land hath been seene sith the Kings reigne” (*ibid.* pp. cxi-xii). Tenants who, acting on Sir John Roucliffe’s warning, refused to pay their rents to Plumpton, were distrained and evicted. Hence the following admonition from Thomas Savage, archbishop of York and president of the council of the North, to William Plumpton who was in charge during his father’s absence in London, *ibid.* p. 169.]

Cawood, 25
November,
1502.

Trustie and welbeloved I greate you well, and let you wit that on the behalfe of dame Elizabeth Sutell, and other the inhabitants dwelling in the lordship of Plompton, I am informed, that whereas acording to the Kings laws theare hath bene exhibite a repleve for such catell as ye latle hav taken for a distres within the said Lordship: yet not onely will not obey the same but continueth in maner contrary to the Kings laws, right, and good consciences, as well in taking their cattell as other household stuf, if it so be, to their utter undowing, if ye that should be sufred; as by their lamentable complaints mad at large, I am informed. Wherefore, the premeses considred, I desire you, and in the Kings name command you, imeadetly and furthwith, upon the delevry of this replevie, that ye obay the precept of the

same, according to law ; and els, upon the sight of this my writting that ye or your counsell learned in your name, dres you to appear afore me, thear to shew me som reasonable cause, what so to doe ye make refusall. And of this fail not, as ye will answer at your perill.

November,
1502.

74.

[Lady Plumpton to Sir Robert, *ibid.* p. 170.]

Right worshipful Sir, in my most hartly wise I recommend me unto to you, desiring to witt your prosperytie and wellfayre; letting you understand that I and all your children is in good health (blessed be Jesu) with all your servants. Letting you to understand that my lord Archbishop sent one servant of his unto my son William, chardging him in the Kings name to sette in the tenaunts agayne; and if he wold not, he wold send to the schereffe, and cause him to poynt them in agayne. And so I sent one servant to the schereffe; and the schereffe shewed my servant that my lord had wrytten unto him for to poynt them on agayne. But my son kepes them forth as yet, and therefor I trow my lord Archbishop will compleane of my son and you; and sath that he will indyte them that was at castyng out of tham. And, Sir, I pray you that you be not myscontent that I sent not to you, for indeed I make the labor that is possible for me to make, and as yet I cannot speed; but as shortly as I can, I shall spede the matter.

Plumpton,
27 November,
1502.

75.

[The same to the same, *ibid.* p. 171.]

. . . Sir, it is so that my lord Archbishop hath indytt my sone William and xvi of his servants, on tewsdays was a senit. But Anthony Clifforth gave in the bill of dytement against my sone and his servants, but the

Plumpton,
21 December,
1502.

December, quest would not endyte them. But my lord Archbishop
1502. caused them; or els he bad them tell who wold not, and he should ponishe them, that all order should take insample. And I cannot get the copie of the indytement, for my Lord hath it in his hands. . . .

76.

[Robert Plumpton of York to Sir Robert Plumpton, *ibid.* p. 172.]

York, . . . And, Sir, wher ye sent me word by Georg Barbor
6 February, to search for the call of the *exigent*¹ in the castell of
1503. Yorke agayn you, my cousin your son, or any other of your name, or servant; Sir, on tewsdays last was the court in the Castell, and then was ther none *exigent* called agaynst you, none of your servants, nor of your name. But ther are ix playnts by *Replegiare*² by ix of your tenaunts against you, my cousin your soun, Sir Richard Plompton, and dyverse of your servants. But how many playntts, and how many defendants, as yet I can not get any knowledg; for the schereffs clarck sayth his master hath all the records and notes, and the playntyffs this day was essoined. . . .

77.

[The Archbishop of York to William Plumpton, *ibid.* p. 175.]

Cawood,
24 February,
1503.

Right trusty and welbeloved, I greet you well, and greatly marvill that ye, notwithstanding my oft wryting

¹ When a sheriff returned a writ of execution with the statement that the delinquent *nihil habet in bailliva sua*, a second writ might be issued, called a *capias* attaching the delinquent's person. If neither his person nor any property could be found, a third writ called an *exigent* might be issued requiring his appearance upon pain of outlawry.

² A writ of *replegiare* ordered the restitution of cattle or goods that had been distrained, the plaintiff giving surety to prosecute for wrongful distraint.

unto you for reformation of dooing contrary to the February, 1503.
 apoyntement taken for the matter in variencie betwene
 you and Sir John Rotclif to be determined by the first
 Sondag in Lent, use yourself in senestor maner. As
 wher it was agred, in the mean time, ye to have your
 fewell nesessary of such bowes of trees that best might
 be spared, not hurttng the bodyes of the same; and as
 I understand, ye take both bodyes and bowes and fell
 them downe by the rowths, and that contrary to your
 said apoyntment. But, Sir, I wold advise you to doo
 otherwise. If ye will not be reformed, I acertaine you
 that the said Sir John shall be for me at liberty to take
 his most advantage. And whereas it hath pleased the
 Kings highnes to grant unto your father his letter of
 protexion, which, used as ye use them, shold be contrary
 to his lawes, and occation to the breach of his paice;
 wherein I know his Highnes pleasure, by his letters
 lately dedercted unto me, not intending to have his grant
 derogatorie unto justice, whereunto I will and neds must
 have respect.

78.

[Germain de la Pole to Sir R. Plumpton, *ibid.* p. 180.]

. . . Furthermore, Sir, I have bene at Combrige for 1503.
 your rent at your tenaunte William Smith, and I received
 of him for one yeares rent xls the which I send you
 by the brynger hereof. Howbeit, I lay at outside ij dayes
 or I cold have it, he was so fearfull to pay it because of
 Sir Robart Shefell¹ and Emson. . . .

¹ Sheffield, Recorder of London and Speaker of the House of
 Commons in 1510 and 1512, sent to the Tower by Wolsey in 1517;
 he made his fortune by marrying the heiress of Sir John Delves,
 see No. 54, *n.* and D.N.B. lii., 16.

[T. Strey to Sir R. Plumpton, *ibid.* pp. 181-2.]

Doncaster,
1503.

Right worshipfull Sir, I recommend me unto you. Sir, one John Frobiser,¹ one of the coroners in the county of York, hath bene with me and shewed me your wrytt of atteynt with a panell whereupon ye were well agreed at York afore him and all his fellowes, as he seeth . . . and the impanall is not good and indifferent for you . . . ; and therefore I will advise you, if ye will labour the kinges grace herin, to make all the speed ye can, and tery not for any other cause, for this matter towches you nere. . . . They have warned the panell Jurie and the other partie to kepe ther day at London according to the wrytt. And therefore, without ye be at London afore and geit some commandment from the Kings grace to the sayd coroners to kepe the sayd wrytt in ther hands or els to amend the returne, and this must be done and labored with affect ; and therefore, I will advise you to make you ready to ryde on Monday next at the furdest, for els ye will come behind. . . .

[Sir R. Plumpton to Lady Plumpton, *ibid.* p. cxiii.]

London,
13 Feb-
ruary,
1504.

Best beloved, in my most harty wyse I recommend mee unto you. . . . And as for my matter, there is no moovinge of it as yet, but the Kings grace is the same man hee was at my last departinge from his grace ; and my lord of Winchester,² and Mr. Lovell,³ Mr. Gylforth,⁴

¹ Possibly grandfather of Martin Frobisher, the navigator.

² Bishop Foxe.

³ Sir Thomas Lovell, Treasurer of the Household and President of the Council.

⁴ Sir Richard Guildford (*d.* 1506) Comptroller of the Household.

Mr. Weston,¹ with all our good friends, are to mee as ^{February,} they were at my last departinge. And as shortly as I ^{1504.} can have any way certaine of my matters, I shall send you word. Nevertheless my adversaries had laboured to have had a privy seale against mee; but my lord of Winchester and Mr. Deane of the Kings chappell would let them have none to tyme were that they understood . . . whether I was in sicknes or nay. . . .

81.

[While the Plumpton Correspondence illustrates the maladministration of justice in the north, the following two documents exemplify similar defects in the south. The first is from Campbell's "Materials," ii. 255-6].

Inspeximus and exemplification, at the request of ^{25 Feb-} the king's mother Margaret, countess of Richemond ^{ruary,} and Derby, of a commission, 15 Nov. 4 Ric II., addressed to divers persons, to make inquisition as to what rights, customs and liberties, pertaining to the castle and lordship of Corf, co. Dorset, have been aliened or detained through the carelessness of the keeper and constables; and of the inquisition taken in pursuance of the said commission at Corf Castle, on Monday next after the feast of St. Scholastica the virgin 4 Ric. II, before John Newborough, knt, Roger Bysthorne, and John de

¹ Sir Richard Weston, afterwards (1528-42) Under-Treasurer of England. Notwithstanding this influential support, Plumpton failed to establish his case or to recover the Derbyshire manors which he lost at the Lammas Assize of 1501. He succeeded, however, in virtue of the protection granted him by Henry VII against writs etc., in retaining possession of Plumpton itself. The expense of the litigation involved him in debt, and early in Henry VIII's reign both he and his second wife were living in the Counter, the debtors' prison in London. Empson, however, was brought to the block on a charge of treason.

February,
1488.

Mouldham. It is found that all the liberties, customs and rights pertain to the castle and lordship of Corf, as contained in the custumary of the castle, found in the custody of Philip Walewyn, constable there, and also in the custumary of the town, found in ancient writing, in the missal of the parish church. It is found that the whole isle of Purbyk is a royal warren and pertains to the said castle; also that the whole town of Corf pertains to the said castle, and that the tenants thereof are called barons, elect their mayor, coroner, and bedells, and are as free as the barons of the Cinque ports. The boundaries and customs of Purbyk, Corf etc. are set forth at length. Further it is found that the meadow and pasture, between Corfhayes and the house of the parson of Corf, with the pasture on the mountain to the bounds of Nordone, belong to the king, and that common of pasture everywhere within the liberty of Corf, with the waste land, pertains to the tenants of the town; that the mayor of the town has the prisage everywhere within and without the said liberty, throughout the whole warren, and pasturage for one horse in the king's pasture called Castelles. Lastly it is found that the presentation to the parish church of Corf Castle of old pertained to the king, but that the abbess of Shaftesbury has appropriated it, as in right of her manor of Kynggeston in Purbyk; of the right of the said abbess thereto the jury is ignorant.

82.

A bill of complaint on behalf of the inhabitants of the Isle of Purbeck addressed to "Mayster Sir John Turberfelde, knyght, one of the Kyngys . . . Councell," Gairdner's "Letters and Papers of Richard III and Henry VII," ii. 75-84.]

1498 [or
later.]

[Please it] your maistershipp [to] have in knowlege that Harry Uvedale, of Corffe Castell, and William

Rawlyns, otherwyse called William Bayle of Wareham, thorow the seid William is lernyng, counsell and sotell practyse, and Harry Uvedale is hy countenans beryngowte and mayntenauns, extorcyously, sotelly, covetesly and wrongfully poverisshith, oppressyth, and wrongyth the inhabitantys of this cuntre, and have done many a day ; which extorcyons not reformed and punysshed but contynued will be the utterly undoyng of this cuntre.

In primis, taken extorcyously by Harry Uvedale of Mr. Nicholas Ingylsent, parson of Stepyll in Purbyke xxvj shepe.

Item taken by William Raulyns alias Bayle at the same tyme of the seid Mr. Nicholas, extorcyously, a geldyng of the valwe of xxvj s viij d

Also, that the foreseid Harry Uvedale, bayle of the borow of Wareham, hath ther an underbayle whose name is Richard Alen alias Bayle, that came thider within this iij or iiij yere not wurth a grote ; how be it by his sotell practyse and fals ymaginacions, William Rawlyns counsell, and Uvedale is maytenans, is as well apwynted in his howse at this owre, and as clenly appareld, as any manne of his degre within that toun. And if the seid Richard wer by the kynges commaundment attached, and incontynent his howse serched, ther undowted shuld be found bookys and remembrauns of many grete extorcions and briberyes have be done by the foreseyd Harry Uvedale and William Rawlyns and the seyde Richard. The seyde Richard then to be conveyed incontynent at the kynges plesure, not spekyng with Uvedale nother Rawlyns nother with none of ther freyndys, tyll he wer examyned by the kyngys counsell.

Also that William Rawlyns seyth that he made fyne with the kyngys commissioners of iii li, refusyng to pay any thyng with his pore neghtbours at Wareham ; and

1498 [or
later.]

it is thought that if the kyngys bokys be serched that it shall be fownd that he payed never a peny, except it wer that he [payed] his moder is fine dwellyng at Castell Cary in Somerseshire, which ayded, supported and cumforted the Cornysshmen in dede, and by the paiyng of hir fyne I thynke he coloryth his owne, and so desseyvyyth the kyng.

Also that the hundredys of Hasellore and Rowburghe liyng within the Ile of Purbyke, and certeyn of the inhabitantys of the borow of Wareham, were called by fore the seyde commysshioners to Shirborne, Harry Uvedale, bayle of the seyde hundredys and borow, made aunsuer there that no person nother persons dwellyng within the seyde hundredys or borow cumforted nother supported none of the Cornysshmen; which aunsuer was ther taken for the excscuse of the seyde hundredys and borow. Where as within half a yere after the seyde aunsuer made, as it is thought by the untrew and sotell imaginacions of Harry Uvedale and William Rawlyns, certeyn persons of thies hundredys and borow wer called byfore Sir Amys Pawlet to Maydyn Bradley; wher as they found William Rawlyns when they came, they of Wareham axing hym what they were best to doo, he estraungyng hym self, seiying that he had made his fyne of iij li., whereas he myght ascaped with his neightbours for xx s, avisyng them to make fyne in lykewyse for any complaynt that myght folow. And it is thought that he payed never a peny but soft [sought] the wayes to enpoveryssh his pore neightbours, which wayes he hath ever sought and done. Then Richard Alen, bayle of Wareham under Uvedale, sate by his masters commaundment, as well apou the inhabitantys of the seyde ij hundredys as of the borugh, and sett thois tethyngys to pay as pleased his master William Rawlyns and hym; and sum tethyngys sett at never a peny after

ther plesure and wyll. And when this money is payed ^{1498 [or} it is payed to Sir Amys Paulett, and not to Hatclyff,^{1 later.]} Pole, nother Hymmerford which reseyvith all the residew of the paymentys of the cuntre; and as the pore pepyll of the cuntre seyth, that the money that the seyde Richard hath levyed of them for ther acquytans, and for his costes to convey up the seyde money at ij paymentys comyth as mych to or more than ther paymentys that they be sett to the kyng. And ever William Rawlyns, alias Bayle, rydys owte iij or iiij dayes by fore that the seyde Richard rydyth up with the seyde payment and metyth with hymm whereas the seyde payment is made, which signifyeth no trwth.

Also that William Raulyns hath one holdyng at Wareham, another at Castell Cary in Somersettshire; and when any besynes hath fortunod to the kynges good grace to have any men founden to strength hym in his seyde besynes, if he have ben at Cary in tyme of the seyde besynes, then hath he aunsuerd them there that he hath found forth men with my lord Chamberlayn owte of Wareham; and if it hathe ben his fortune to be at Wareham in tyme of such besynes, then hath he made aunsuer there that he hath found forth men at Castell Cary with my lord Brooke; and thus by fals and sotell wayes disseyvith the kyngis good grace and his comyns, and passeth his tyme here presumptuously as he that may despend C li. or ij by the yere, and disdayning them that be farr his betters, as in this shire is not unknowyn.

Also that Thomas Shott of Stepyll fownd by the see syde a cofer at Cristmas last past, and ther in a purs and x crownys of goold, and xl s of sterlyng grotys, with other thyngys; where as William Bayle toke this

¹ See above, No. 52.

1498 [or
later.]

away fro the seyð poreman with manysshynge and thretenyngys, rewardyng the poreman never a farthyng for his fyndyng, but rezervyng all to the use of Uvedale and hymself, contrary to the custom of the Ile.

That Harry Uvedale toke extorcyonusly of John Okeley of Wareham, corneser, vj s and viij d for strykyng of John Bowcher of Corffe, payed in Thomas Bowcher is howse at Wareham.

Also that the xth yere of the reigne of the kyngys good grace, ther was a bote of iiij tun and more was lade at Stowdeland, within the Ile of Purbyke, with wull by Wylliam Barfote of the same, Uvedale is servant, the which is now ded. And for the knowlege of the trowth of this ther is an oold man dwellyng there called John Howchyn, and he zayled in the bote at that tyme; and so hath he shewed dyvers tymes to John Clavyle, jentylman. And as for the seyð William Barfote had not past iiij or v weight of his owne a yere; wherfor it is to be presupposed that the residew was his masters, Harry Uvedale.

Also that apon Estereve was xij moneth ther came a shipp out of Lulworth Havyn in to a cryke in Purbyke, called Wyrbarow, and the master is escuse of the same was this, that he fett balest there, the which was never seyn byfore by no shipp, for ther is as good balest in Lulworth Havyn as there; and by tokyns that were left there he laded wull and fellys; for one John Colyns there, sheperd to Jerard, called thider John Jerard the yonger and John Clavell, jentylman, and shewed them lockys of wull and pesys of fellys, and the traylyng of the packys. And by lyklyhode this shipp was laded upon Esterday at Resurrexion tyme. The foreseyd John Jerard and John Clavell have oftymes comyned of this shipp in dyvers places, where as Uvedale is servants have ben, zit was ther never serche made by Uvedale,

nother none of his servauntes, of the ladyng of this shipp; wherfore it is to be presupposed that hyt was Uvedale is dede. ^{1498 [or later.]}

Also for the lycklyhode of the same Uvedale shereth every yere of his own shepe growyn a xl or l weight of wull, and it is not knowen in this cuntre where or to whom, of one weight of wull, growyn of hys own shepe; wherfore it is to be presupposed that he conveyeth it over see.

Also that wrakkys hath fallyn oftymes by fortune of tempestys within the Isle of Purbyke syn Harry Uvedale was ther officer; where, as the custum is that at the tyme of such wrakkys that the jentylmen and other men of substauns shuld be called and enpaneld to make a trw inquere and presentment of such wrakkys, he hath ever empaneld his own servauntes and thois that be longyng unto hym, by reson of the which my lady the kyng is moder is disseyved, rezervyng the most part to his owne use, as apperyth by his sone gotten riches; and this is done by the avyse and counsell of William Rawlyns.

As, ther was a shippe of Flaunders in Handfast Bay, in Purbyke, uppon the sandys, in a grete tempest, and iiij of the maryners came to land, and desyred socor and helpe to save ther goodys, Harry Uvedale with his servauntys came thider, and wuld suffer few or none to helpe them, but such as pleased hym; and so he savyd the goodes to his own use for the more part; the which was wax, waynscote, Holond cloth, mastys, salys, ankers, cabyls, gunnys, with other merchandyse to the valwe of xx li. and above, as men seyde; and the iiij pore men departed with lyttell or nothyng abowte ther bodyes.

Also that ther was a Frensshipp lost at the foreland of Seynt Aldem is, vij of the maryners came to land alve, and fayn wuld have had socour and helpe to have

1498 [or
later.]

saved ther goodys to ther own use. Harry Uvedale and his servauntys savyd the seyde goodys to his use; the which was ox hidys of Irland, mantels, and fissh, with mastys, saylys, ankers, cabyls and gunnys to the valwe of xl. li. and above, as men seyde. And so the pore men departed with litell or nothyng hangyng apon ther backys.

That Thomas Trw, of Langton, was arested apon suspecion of felony, and never was indited, nother fled apon the same, zit Harry Uvedale, by the avyse of William Rawlyns, toke from hym certeyn rother bestys, and also corne growyng in the feeld, to the valwe of x marke and a bove.

Also, that ther was one John Hyll, a laborer, taken at Stoborow upon suspicion of felony, and was sent to the jayle of Dorchester, and there fyll syke and died. Harry Uvedale toke from his wyfe, by the counsell of William Rawlyns, ij kyne with there calvys and a mare and xx shepe.

Also that Harry Uvedale with his servauntis, by the counsell of Wyllyam Rawlyns, fayned a mater for the seyde John Hyll to John Holewey of Stoborow, and extorcionusly toke fro hym a cowe and xx s of money.

Also that William Wolf, of Alton, was robbyd by a servaunt of his own, and in the Ile of Purbyke this felon was taken by Harry Uvedale is servauntes, and uppon hym was found gyrdels of sylver and gylt brokyn sylver and viij s of halfepens. This felon was sent to the jayle of Dorchester, and at Shaftesbery dampned and hanged. Then William Wolf came to Harry Uvedale for his good, and many tymes hath done; which goodys the seyde Harry Uvedale wull not deliver, but extoreyonusly rezervyth it to his owne use, contrary to the kyngys lawys. And this is done by the avyse and counsell of William Rawlyns.

Also that Harry Uvedale, and his servauntis by his mayntenauns, doo yerely cum into the grownd of John Clavell, liyng in the Ile of Purbyke, called Tyneham, and there owte of his inheritauns, withowte licens or leve of the foreseyd John Clavell, fecchith away his gullys yerely bred in the clevys within his seyde inheritauns of Tyneham. ^{1498 [or later.]}

The names of them that Harry Uvedale, by the councell of William Rawlyns, hath extorcyonusly taken brybes of for huntynge in the Ile of Purbyke, apeched by one Harry Chattock, now his manuell servaunt.

In primis of the prior of Holme yerely a glebe liyng in the parish of Worth, with a tenement in Corffe by the yere, xxvj s viij d.

Item of Syr William Lillyngton, parson of Stowdelond ij quarters of whete.

Item, of John Barforte, of Wydows, an ox.

Item, of John Fowke, of the same, an ox.

Item, of John Ricard of Ulwell, x s.

Item, of William Smyth of the same iiij s.

Item, of William Sykett, of the same, ij oxen, xvj s in money, a quarter of whete.

Item, of Richard Ricard, of Whiteclyff, ix s.

Item, of William Ricard, of the same, vij s.

Item, of Water Ricard, of the same, vij s.

Item, of John Delamere, of Swanwyche, x s.

Item, of John Parmenter, of Swanwyche, ix s.

Item, of Harry Cull, of Langton, vij s.

Item, of John Spicer, of Godlyngston, fled for fere of prisonyng, and so had of his xxiiij sheepe.

Item, of Thomas Barfote, of Estholme, a bore and in redy money x s.

Item, of John Carter, of Bradeley, for setting of a halter, xx s.

1498 [or
later.]

Also that Harry Uvedale and William Rawlyns had of John Sly, late of Wareham, now of Salysbery, glover, xxxiijs iiiij d, to be a good master unto him in recovere of a dwtie of x li. of Thomas Glover of Wareham, dwe to Oxinbrigge of Wynchelsey. The seyde John Sly havynge of Oxinbrigge a letter of attorney to recover the same, parte of this dwtie of x. li was payed to John Sly in hand, by the meanys of Harry Uvedale and William Rawlyns, and the residew of the dwtie agreid to be payed at dayes. Then the foreseyd William Rawlyns, intyndyng disseyte to the seyde John Sly, wyllid him to make acquytauns for the dwtie that was to payyng, and the seyde acquytauns to remayn in his handys tyll the day of payment. John Sly, not mistrustyng Uvedale nor Rawlyns, made acquytauns for the dwtie that was to payyng, and delyver it to the foreseyd William Rawlyns, which William Rawlyns, for a brybe, delyvered the acquytauns to Thomas Glover. And when the day of Sly is payment was cum, he came to Thomas Glover and axed his dwtie. He aunsuerd hym that he owed hym nought. And so thorow the dowbyll delyng of Harry Uvedale and William Rawlyns, the foreseyd John Sly is endaungered to Oxinbrygge the sum of x. li., of the which he never reseved above v. li. And this by extorcious briboryes, sotell and fals ymaginacions, the foreseyd Harry Uvedale and William Rawlyns have encreased, the porest of substauns of them both syns they came into the cuntre, a M. marke, which I am assured the wurst of them both is worth, and when they came to the cuntre they wer of lytell substauns. And as for ther yerely rent, God knoweth is lytell in valwe, and they have ben here not past viij or ix yere.

This foreseyd pore man, John Sly, hath ben oppressed and wronged in many other causys then this by Harry Uvedale and William Bayle and ther servauntes, whiche

wronges he dar right well publissh and shew if he have cumforte. And as well wull he shew for hymself agaynst his enmy as any man within this ij sherys of his lernyng, and the gladdyst man levyng wuld he be if he myght be called to shew of such extorcions and bryberyes as he knowyth done by them and by ther servauntys ; wherefor necessary wer it that he wer called and spoken with all.

Also that John Clavyle, jentylman, of the Ile of Purbyke, made a byll of the more part of thies pwyntis of brybery and extorcyon iij yerys past, and delyvered it to Morgan Kydwelle, justice of the pease ; which byll he promysed the said John Clavyle to delyver to the kyngis councill for the reformacion of Harry Uvedale and William Rawlyns extortionous demenor ; which byll the seyde Morgan Kydwelle incontynent delyvered to Harry Uvedale, enbesylyng hit fro the kyngis councill ; which hath caused grete anoyans unto this cuntre ever syns, and specially to the seyde John Clavyle, which never had syns of Harry Uvedale good wyll, but hy lokys and many thretenynges of hym and his unto this day ; and all thorow the dowbylnes of the forseyd Morgan Kydwelle.

Memorandum to speak with Thomas Cornyssh of Pole, and also with John Sly, dwellyng at Salisbery by the Myter.

[Endorsed in the same hand "A byll of remembranes made by John [Clavyle]" (This name blotted and illegible.)]

[An "Acte against shereffes and Undersheriffes" 11 Henry VII, c. 15, "Statutes of the Realm," ii. 579.]

Whereas greate extorcion is yerely used and had within dyvers Counties within this Realme of Englund

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by the subtile and untrue demeanour of Shirefs Undershirefs Shire Clerkis or any other officers holding or keping the Countes in the name of a Shiref, that is to sey if any man afferme a playnt before the Shireffes in the Counties the said Shirefs Undershirefs or his Shire Clerke, or before any other of the seid officers will entre or cause to be entred into ther bokes in the same plaintifs name dyvers and many playntes both of dette trespas and covenante at ther pleasure, and unknowing to the seid playntif in whose name the seid playntes be affermed, to thentent that if the defendaunt appere not at every shire day or courte, hangyng the same playntes, he shall lose for his defaute made at every playnte iiii d, where dyvers tymes by covyne bytwene the seid Shirefs Undershirefs Shire Clerkis and the other forseid officers, the seid defendauntes beyng never attached sommoned nor warned according to the due fourme of the comen lawe, wherfor the same parties so putte in sute have noe knowlege of any suche suyte ageyne them; And over that the same Shirefs Undershirefs Shire Clerkis woll cause dyvers playntes to be taken in the names of suche persones that ar not in pleyn lyf, where the seid defendaunte shall have like losse as is before reherced, so that by the unlauffull demeanour of the said Shrifes Undershirefs Shire Clerkis for the tyme being and the baillifs of the hundredes by their defaute and negligence in their offices and covyne bytwene the seid Shirefs Undershirefs Shire Clerkis and others of the forseid Officers causeth the amerciaments to be in on yere after the bokes be ingroced to amounte to greate and importunable sommes of money, which sommes of money be yerly levyed of the pouer Comons in the seid Counties by the seid Shirefs Undershirefs and Shire Clerkis and other ther deputies beyng of noon substaunce nether of haveour, which deputies taketh and levyeth

more by extorcion than is conteyned in ther estrettis 1495. to the expresse pillage and empovreysshing of the seid Comens ; Be it therefore enacted ordyned and establisshed by the King oure Sovereign Lorde and by thassent of the Lordis spirituall and temporall and the Commons in this present parliament assembled and by auctorite of the same, that noe Shirefs Undershirefs Shire Clerkis hereafter nether any persone in ther names nor by their commaundement shall take and entre noe playntes in to their bokis in no mannys name onlesse the partie playntif be in his propre persone present in the courtes or els by a sufficient Attorney or Deputie that is knowen to be of goode name and disposicion, and that the same partie playntif shall fynde plegges to pursue his seid playnt such persones as ar knowen their in that Countie and that the partye playntif shall have but on playnte for oon trespasse or contracte. And if the seid Shirefs Undershirefs Shire Clerkis take and entre or cause to be entred any moe playntes than the playntif supposeth he hath cause of accion ageyne the Defendaunt, that then the seid Shirefs Undershirefs Shire Clarkis that doth entre or cause to be entred any suche playntes contrarye to the seid provysion and ordynaunce shall forfeite for every defaute xl s the on halfe therof to be had to thuse of oure seid Sovereign Lorde the King and the other parte to hym or theym that woll sue and prove the same mater by accion of dette or informacion in the Eschequer.

[J.P's upon complaint to examine Sheriffs and if they find default to convict them and fine them xl s. To report same to Exchequer on pain of fine of xl s.]

And ferthermore that the seid Shirefs and Undersherifs and Shire Clerkis make or cause to be made a sufficient precepte to the Bailleffs of the Hundredes

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to attach sommone or warne the defendauntes that ar so in suyte to appere and answer to the seid playntes : And if ther be any defaute in the said Baillies of the Hundredis in warnyng of the defendauntes to appere ageyne and answeere to the seid playntes commenced them in their courtes or in executing their seid office, that then the same Baillyfs shall forfeite for every defaute unto our Sovereign Lorde the King xls and to be atteynte and convycte therof by lyke examynacion of the Justices of peace or every of them as before is reherced ; and that the same Shireffes Undershireffes Shire Clerkis and their deputies for the tyme beyng shall make noon estrettis to levye the seid Shires amer-ciamentis untill suche tyme that ij Justices of peas, wherof on shalbe of the Quorum, have had the viewe and oversight of ther bokes, and that the estrettis be endented betwixte the seid Justices of peas and the seid Shirefs and Undershirefs and sealed with their seales, the on parte to remayne with the seid Justices and the other part with the seid Shirefs or Undershirefs to thentent to understand if any disceite be or untrue demeanour in them in making of ther bokes ; and that those persons shall be gederers of the same amer-ciamentis as baillifs or other officers be sworne by the seid Justices that they take no more money than is forfeite and con-tyened in the estretes sealed with their seales of the Justices of the Peas upon the same peyne of forfeiture as before is reherced therof, the same gaderers to be convycte by examynacion of the Justices of the Peas or on of them as before is reherced : Provided alwey that the seid Justices of the peas shalbe appoynted and named at the generall Sessions after the fest of Seynt Michell tharchaungell by hym that is Custos Rotulorum of the seid Counties or els by the eldest of the Quorum in his absens, to have the oversight and countrollement

of the seid Shirefs and Undershirefs and Shire Clerkis 1495. and other of the seid Officers and of the seid Shirefs amerciamentes : And the seid Justice of the Peace upon suggestion or informacion of the partie so greved shall make the like proces in an accion of trespas ayenst the seid Shirefs Undershirefs or Shire Clerkis and other the forseid officers mysdemeaning as before is reherced for to appere before them to answer to the seid suggestion or informacion.

84.

[John, Lord Fitzwalter, to Sir John Paston, "Paston Letters," iii. 341-2. A sheriff's methods of recouping himself for his official expenses, and the privileges of tenants on the King's ancient demesne.]

Right worshipfull cosyn, in my most herty wise I ^{5 April,} ^{1488 ?} [comme]nd me to you. And where I am enformed that ye have takyn a disthresse within the [Du]chy of Lankastir for suche money as was commyng toward you of ryght for the tyme that ye were shiryef, me seme, cosyn, ye aught not to take it within the said Duchy of noon auncyen demene holdyn upon the King, for there be places inow to gadir it upon without the said auncyen demene, and so ye cannot lose it. And also, cosyn, I am enformed that it is paied alredy to oon John Burnam, which is of sufficiency inow. For whiche cause mesemythe it wer ne resone to levey it upon hym than ther where as is noon auctorite to levey it upon. Wherefore, cosyn, I pray you to be good mastir for my sake to thies pore men, whiche be the Kingz tenauntz, and to shew them the favour that ye may. And I shall be as glad to doo you as gret plesure in tyme commyng, by Goddz grace, Who preserve you.

[An "Act that Sherifes shall retorne sufficient Jurors," 11 Henry VII, c. 26, "Statutes of the Realm," ii. 590.]

1495.

Prayen the Comons in this present parliament assemblid, that where it was establissed and enacted the first yere of the raign of King Richard the iijrd late in dede and not of right King of Englund, that no Bailly nor other officer shuld retourne in any panell in any Shirefs Tourne or lawday any persone but suche as be of gode name and fame and have londes and tenementes of freeholde within the same Countie where they be inhabitaunte of the yerly value of xx s at leste, or ellis londes and tenementis holden by the custome of the maner called copiholde within the seid Countie of the yerely value of xxvj s viij d over all charges at lest, as in the seid statute more pleynty it appereth ; And that all inditementis and presentementes taken afore any Shiref in his tourne otherwise be voide and of none effecte: By reason of whiche statute many Shirefs of the Counties of Suthampton Surrey and Sussex, intending truly, have lost the profite of many of his or their tournes, and many greate nusances and offences not presented nor the offendour and trespassours in the same punysshed, to the greate hurte of the inhabitauntes of the same, for within somme hundres ther ther be not so many persones of suche landis and tenementis dwellyng out of fraunchises¹ and thogh they ware of that havior they wold not appere for the losse of ii d or

¹ The evil effect of liberties or franchises upon the administration of the common law had been a matter of complaint since the thirteenth century. See the Petition of the Barons 1258 c. 28 in Stubbs' "Charters," p. 386, and "Rot. Parl." ii. 166 where liberties are denounced as tending to the destruction of common law and oppression of the people.

iiij d at the day of the tourne, which small amercia-1495.
 ment is of olde tyme used, wherby the Kingis seid courtes in dyvers partes of the seid countees be loste: In consideracion wherof it may be stablissed and enacted by thadvyse and assent of the Lordes spirituall and temporall and the seid Comens in this present parliament assembled and by auctorite of the same, that it shall be lefull to every Shiref of any of the seid counties to ympanell and somone xxiiij^{ti} lauffull men of such inhabitauntes within the precincte of every of his or their tournes as owe suyte to the same tourne or tournes, and whereof every of the seid xxiiij^{ti} men have londes and tenementis of freehold to the yerely value of x s over all charges, or londes and tenementis of copiholde to the yerely value of xij s iiij d over all charges, within any of the seid counties where such tourn or tournes is or be to be kepte, and so many theire to appere at the day of the tourne before the seid Shiref Undershiref or Clerke to enquiry of the articles of the seid tourn. And that every of the seid xxiiij^{ti} men so beyng ympanelled and sommoned, not appering, be amerced in the seid Shirefs tourne or tournes for not doying of their suyte to the same xij d. Provided alwey that if ther be xij of the seid inhabitauntes so ympanelled within the precincte of every tourn appere, so that in every tourne ther be a lawfull jury of theym sworne, that then all the remenaunte of them so ympanelled that make defaute be not amerced for that defaute but only for their suyte, and as it was lawfully used afore the making of the seid statute.

And over that be it enacted that after due and lawfull sommons had of the inhabitauntes as is aforseid, if that ther appere not xij men in every of the seid Shirefs tournes of the seid inhabitauntes bavyng londes and

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tenementis of the yerly value of xs or xiijs iiijd as is above seid, and if ther be not xxiiij^{ti} suche inhabitauntes which may be ympanelled and sommoned in manner and fourme abovesaid in any of the seid tournes, that then it shalbe lefull to every Shiref Undreshiref Clerke Bailly or other minystre to charge and swere eny other persone or persones in any of the seid Shirefs tournes, where suche none sufficiente and defaute of inhabitauntes and apparaunce is had, suche as be of goode name and fame, and the best by his or their discrecion that appere afore hym or theym, and noon officer or servaunte to the seid Shirefs Undreshirefs Clerkis Baillies or mynistres: And that all inditementis and presentementis, other then felony, so taken concernyng the seid Shirefs turnes be good and effectuall notwithstanding the seid Acte made in the first yere of King Richard aforeseid. And that the seid Shirefs Undreshirefs Clerkis nor Baillies of any of the seid counties nor noon of theym doing according to this present Acte forfeite any thing or be in any wise prejudised for doying any thing contrarie to the seid Statute made in the first yere of the seid King Richard: And that every Shiref Undershiref Clerke Bailli or minystre that do contrary to this ordynaunce in any poynte, forfeite the somme of Cs at every tyme that they or any of theym doo the contrary of the same in any poynte of the same: Savyng to every persone and persones their lawfull liberties and fraunchises and tenauntes and inhabitauntes of the same. This acte to endure unto the next parlyament.

86.

[“An Acte agaynst Perjury and unlawfull mayntenaunce and corrupcion in officers,” 11 Henry VII, c. 25, “Statutes of the Realm,” ii. 589.]

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The Kingoure Sovereign Lorde, wele understanding the haynous and detestable perjuries dailly commytted

within this realme in enquestes and juries, taken as ¹⁴⁹⁵. well betwixt his Highnes and other his subgettis, and partie and partie, as in enquestis of office, to the high displeasire of Almighty God and letting of admynstration of justice, the whiche perjurie growith by unlauffull retheynders mayntenaunce embrasyng champertie and corrupcion of goode as well of the Shirefs as of other officers, notwithstanding any lawes before this tyme made for the punysshment of suche offendours: Wherfor the King oure seid Sovereign Lorde by thadvyse and assent of his lordes spirituall and temporall and of the Comons in this present parliament assembled and by auctorite of the same enactith, establissheth willeth and commaundeth, that all the seid lawes be duely put in execution.

[Justices shall review and reform Panels in Inquests.]

And ferthermore be it enacted by the seid auctorite, as for any perjurie commytted by any inquestes bytwene the King and partie, partie and partie, wherupon judgement is hereafter given, that the partie grieved, or any other that woll complayne of any unlawfull mayntenaunce ymbрасyng corrupcion of any officers wherby the seid perjurie was enduced, and of perjurie by the seid enquestes commytted, may compleyne bi bill to be presented afore the Justice or Justices by whom judgement shall be geven, which Justice or Justices shalbe bounde to receyve it, so that the compleynaunt present the same bill before the same Justice or Justices within vj daies after the judgement geven, and fynde sufficient suertie before the same Justice or Justices by his or their discreacion to be admytted, that will bynde them by reconysaunce or otherwise in such somme or sommes of money as shalbe lymytted by the discrecion of the same Justice or Justices to the severall parties upon whom he shall complayne, upon condicion that if the

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partie complaynaunts prove not sufficiently the mater of his complaynt to be true, that then the seid compleynaunte to pay suche costes and damages to the severall parties greved and at such tyme as shalbe considered and awarded by the discrecion of the seid persones that have power by this presente acte to examyne the same: And that the seid Justice or Justices, after the receyte of the seid bill of compleynt in fourme reherced, certifie the seid bill under his or their seale or seales unto the Chaunceller of Englund for the tyme being, and then the same Chaunceller shall cause by writte at the suyte and costes of the party complaynaunt all such persone or persones, ayenst whome the seid compleynte is so made, to comme afore the same Chaunceller and Tresorer of Englund the chief Justices of either Benche and the Clerke of the Rolles for the tyme being; which shall have full power and auctorite by this present acte by their discrecion to examyne all such persone or persones appering before theym, of all thinges comprised in the bill of complaynt, and to punysse all and every suche persone or persones as by that examynacion shalbe founde offender or offenders, as well of perjury as other, after their seid discrecion.

And over that be it enacted that if the partie compleynaunt pursue not or prove not his bill of compleynte then he to yeld to every persone by hym wrongfully vexid his costes and damages and make fyne to the King, after the discrecion of theym before whom the examynacion is so hadde.

[Verdicts shall remain good until reversed by Writ of Error or Atteynt.]

And over that be it ordeyned by the seid auctorite that if perjury bee commytted by proves in the Kinges Courte of the Chauncery or before the Kinges honorable Councill or elsewhere, that then the forenamed Chaun-

celler upon a bill to hym putte with like suertie as is ^{1495.}
 afore reherced, make like proces to call in the supposed
 perjured persones afore the seid Chaunceller, Tresorer,
 Justices and Clerke of the Rolles, and they to have
 power to here and examyn the seid persones, and if the
 seid persones of the perjury or other mysbehavyng before
 reherced so be convycted, that then they to be punysshed
 undre like fourme as is afore reherced. Provided alwey
 that this acte begynne to take his effecte at the fest of
 the Nativyte of oure Lord next comyng ; and noe lenger
 to endure but unto the next parliament.

87.

[“ An Acte agaynst Perjurye ” in London, 11 Henry VII, c. 21,
 “ Statutes of the Realm,” ii. 589.]

Where as perjurye is mucche and custumably used ^{1495.}
 within the Citie of London amonges such persones as
 passen and ben impanelled upon issues joyned betweene
 partie and partie in the courtes of the same Citie, to
 the greate displesire of Allmighty God and also to the
 disinheritaunce and manyfold wronges of the Kingis
 subgettis, for asmoche as there is impanelled in the
 same enquestes persones of litill substaunce discrecion
 and reputacion, and also none atteint ne other sufficient
 punysshement is for suche perjured persones before
 this tyme purveyed and ordeyned within the same
 Citie, Therfor it may pleas the Kingis Highnes by
 thadvice and assent of the Lordis spirituall and tempor-
 all and the Comens in this present Parliament assembled
 and by auctorite of the same, to establissh ordeyne and
 enacte, that noe persone ne persones hereafter be im-
 panelled sommoned or sworne in any jury or enquestis
 in courtes within the same Citie, excepte he be of
 londes tenementis or godes or catallis to the value of
 xl marces ; And that no persone nor persones herafter

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be impanelled sommoned or sworne in any jurie or enquest in any courte within the seid Citie for londes or tenementis, or accion personell wherin the dette or damages amounteth to the somme of xl marces or above, excepte he be in londes tenementis goodes or catalles to the value of C marces; and the same mater and cause allegged by any of the seid parties by wey of chalenge and so founden, shalbe admytted and taken in every of the same courtes as principall chalenge. And that every suche persone herafter to be ympanelled or sommoned to appere in any jurie or inquest, before any of the seid Jugges of the same Citie, making defaute atte first sommons lose and forfeit in issues xij d. and atte ij^{de} defaute ij s. and so atte every suche defaute after that, the issues and penalties to be dobled; and all suche issues lost in the Maires Courte shalbe forfeited levyed and perceyved to thuse and behoufe of the Maire and Comenaltie of the seid Citie; And all suche issues lost in the Shirefs Courte or Courtes shall be forfeited levyed and perceyved to thuse of the Shirefs of the same Citie for the tyme beyng towards their fee ferme.

And also be it enacted by like auctorite that the partie grieved by any untrue or fals verdite herafter to be geven in any of the courtes of the seid Citie, shall and may have and sue atteynt by bill in the Hustynges of London holden for Comen Plees before the Maire and Aldermen of the same Citie for the tyme being: And therupon a precepte to be awarded and made by the same Maire to every Alderman of the seid Citie or his depute in his absence to present and certifie the names of iiij indifferent and discrete persones of goode fame and every of theym of substaunce of C libri or more citezens of the same Citie dwelling in his Warde, to the Maire and Aldermen of the seid Citie for the tyme being

at the Hustinges of Comen Plees within the same Citie 1495. then next ensuyng to be holden, of which persones so presented and certified the said Maire and vj Aldermen or moo holding the same Courte of Hustynges shall take name and ympanell xlvij by their discrecions thought moost able and sufficient and indifferent ; And the Maire and his successours Maires of the seid Citie shall do to be sommoned the seid xlvij persones so by the seid Maire and Aldermen named and ympanelled, and also the jurours of the petty jury and the partie and parties named as tenautes or defendautes in the seid bill of atteynt, to appere before the Maire and Aldermen of the same Citie at the Hustinges of Comen Plees than next to be holden in the same Citie ; And if the same atteynt then or any other tyme happen to remayne untaken for or by defaute of jurours by chalenge or otherwise, that upon every *tales*¹ graunted the seid Maire and Aldermen shall impanell the seid persones which were certified by the seid Aldermen or their deputies and omytted oute of the seid panell, or put therein other persone or persones being citezens of the seid Citie and of the substaunce of C libri or more : And also that all plee and plees to be allegged or pleded by or for the tenaunte or defendaunts tenautes or defendautes or by any of the jurours of the petite jurie in the same atteynte, and triable by any jury or inquest, shall be tried within the same Citie and by thenquestes of the same and in none other place ne countie : and that none of the seid petite jury ne other parties named in any suche bille of atteynte shall or may have any chalenge to tharray or to any persone or poll therin

¹ *Tales* or *tales de circumstantibus* is used of the motion granted by the judge for empanelling additional jurors to supply defects caused by challenge or absence ; they might be taken from such of the bystanders, *tales de circumstantibus*, as were qualified.

1495. being ympanelled for lacke of sufficiens of goodes or of londes.

Over that be it provided and enacted that the juggedment in any suche atteynte shall not extende to any londes or tenementis ne to other punysshment of the petite jury, ne other proces to be in the same atteynt than is lymytted and appoynted in this present Acte; and if the xxiiij persones of the seid xlviij persones sworne in the same atteynte fynde that the jurours named in the petite jurye have made and yeven an untrue verdite that then the juggedment shall be ageynst the partie defendant in the same atteynt as is used in atteynt sued by writt at Comen Lawe; and ferther more the juggedment in the same atteynt shalbe ageyne the petite jurye that every of the jurours of the same petite jurie shall forfeite and lose xx libri or more by the discrecion of the Maire and Aldermen of the seid Citie, keping the same hustynges or any other hustynges of the comen plees, to such use and behof as other issues and penaltees been forfeited and loste in any accion or playnt commenced afore the Maire and Alderman of the same Citie, and his body to be ymprisoned, ther to remayne without baill or maynprise vj monethes, or lesse by the discrecion of the Maire and Aldermen of the same Citie for the tyme being, and to bee disabled for ever to be sworne in any jurie before any temperall jugged.

And over that be it enacted by the same auctorite that if it be founden by the graunde jurie in the same atteynt that the petite jurye haven given a true verdite, that then the graunde jurie shall have auctorite and power to enquire if any of the petite jurie toke or perceyved any somme of money; or other rewarde or promyse of money or other rewarde, of theym named defendantes or tenautes in the same atteynt or if any other persone or persones by the commandement covyne

or assent of any of theym, to or for thentent of ther^{1495.} verдите givying, wherupon the same atteynt is grounded; and after any suche corrupcion by the seid graund jury founden that then the jurour or jurours of the seid petite jurie that is founden so defectif in taking and Percyvyng any sommes of money or other rewarde or promyse of rewarde shall lose forfeite and pay to the playntif or playntifs named in the seid atteynt x times the value of that somme or other rewarde so taken perceyved or promysed in fourme above seid, and to suffre ymprisonement without baile or maynprise vj monethes or lesse by the discrecion of the seid Maire and Aldermen and to be disabled for ever to be sworn in any jury before any temporall jugge.

And over that be it enacted that suche defendaunt or tenaunt defendantes or tenautes in the same atteynt shall lose forfeite and pay to suche use and behof as other penalties ben forfeited within the same Citie, x tymes the value of that somme of money or other rewarde by hym or theym so yoven to any of the seid petit jurie; And the same defendaunt or tenaunt defendantes or tenautes to be ymprisonsd ther to remayne without baill or maynprise during vj monethes or lesse by the discrecion of the seide Maire and Aldermen: And if any if any dettes damages or costes be recovered in any accion wherupon such atteynt is grounded, and by the same atteynt that it be founde that the petite jurie have geven a false serment that then for the recovere and restitution of the same dette damages and costis the pleyntif or pleyntifs in every attente shall and may have and sue an accion of dette ayenst the same defendaute or tenaunte by writte bill or playnte in every of the kinges courtes wherin the same defendaute or tenaunte and every of theym shall not be receyved to do his lawe.

1495.

And over that be it enacted that if any playntif or playntifs in any suche atteynt commenced before the seid Maire and Aldermen, upon any recorde remaynyng within the same Citie and therein be nonsute, or if the first serement therin be affermed, that then he or they shall have ymprisonement and make fyne by the discrecion of the Maire and Aldermen of the seid Citie for the tyme being and that fyne to be and goo to the Maire and Cominaltie of the seid Citie: And if ther be ij or mo playntifs in any suche atteynt ordeyned by this estatute and any of theym die or be nonsuete the other by this Acte shalbe enabled to sue for the proceeding in the same atteynt; and not withstanding the deth of the defendaunt or tenaunt defendantes or tenautes or of any of the petit jurye named in the same atteynt, so that ther be too of the same petye jury on lyve, the same attent shall not abate.

And also be it ordeyned by the same auctorite that if any of the jurours of the seid graunde jury impanelled and sommoned in fourme aforseid at the sommons make defaute, so that the atteynt remayneth to be taken for defaute of jurours, that then every of the same jurours so making defaute lose and forfeite for the first default xl s. and at the ij^{de} default v libri and at every defaute after that x libri: And like processe to be made and sued ther ayenst the graunde jury and the petite jury, and the partie and parties as is to be made and sued in atteynt sued at the comen lawe, and that the same processe be retornable at every hustinges of comen plees; and that the atteynt remayne not to be taken after the first sommons returned for or by the defaute of the defendaute or tenaunte defendantis or tenautes or of any of pety jury named in the same atteynt by this Acte ordeyned; And that the seid issues or penaltees forfeited by any of

the graunde jury be forfeite levved and perceyved to^{1495.} thuse of the Maire and Cominaltie of the seid Citie, and that noe proteccion nor essoyn be allowed in this atteynt by this Acte purveyed.

Provided alwey that upon all atteyntes herafter to be commenced within the seid Citie upon any recorde wherin the triall and enquest was by half tonge,¹ that the seid Maire and Aldermen shall ympanell the graundez jurye in the same atteynt the tone halfe of straungers of good fame and of the substaunce of goodes to the value of an C libri and more inhabiting within the same Citie at large, and the residue of the same graunde jury to be of the like value and substaunce of goodes ympannelled of citezens as is aforeseid.

And over this be it enacted by the seid auctorite that none acte of attente of the petite jury made in this present parliament, nor nothing therin conteyned other than this present Acte, nor none other penaltie or punysshment in any other Acte then is afore conteyned in this present Acte, be hurtfull nor extend to any jury or inquest herafter to be taken before any jugge of and within the same Citie.

88.

[“An Acte for Writtes of Attaynt to be brought agaynst Jurors for untrue Verdicts,” 11 Henry VII, c. 24, “Statutes of the Realm,” ii. 588.]

The King our Sovereign Lord of his mooste goodely^{1495.} and gracious disposicion calling to his remembrance howe that perjurie in this londe is in manyfolde causes by unresonable meanes detestably used, to the disinheritaunce and great damage of many and greate nombre of his subgettis well disposed, and to the moste high displeasure of all mighty God, the goode statutes ayenst

¹ See above, No. 53.

1495.

all officers havynge retourne of writtes and their deputies making panelles parcially for rewardes to theym given, ageynst unlawfull mayntenours ymbrasours and jurours, and ageynst jurours untruely gevyng ther verдите, notwithstanding: For reformacion of the same by the King oure Sovereign Lord and the lordis spirituall and temporall and the Comens in this present parliament assembled and by auctorite of the same, be it enacted ordeyned and establisshed, that upon every untrue verдите hereafter geven betwixt parte and partie, in any suyte playnte or demaunde before Justices of recorde where the thing in demande and verдите therupon geven extendith to the value of xl libri and concerneth not the joperdie of mannys life, the partie greved by the same verdyte shall have a writte of atteynt ageinst every persone hereafter so gevyng an untrue verдите and every of theym, and ageynst the partie which shall have jugement upon the same verдите; and that in the same atteynte there shalbe awarded ageynst the petite jurie the party and the graund jury somme and resomme and distres infynyte;¹ which graund jury shall be of like nombre as the graund jury is now in atteynte; and every of theym that shall passe in the same shall have londes and tenementis to the value of xx^{ti} marces by the yere of freeholde out of auncien demeane; and upon the distresse, which shalbe delyvered of recorde upon the same, open proclamacion to be made in the courte there where the distres shall be awarded, more than xv daies afore the retourne of the same distresse, and every such distresse shalbe made upon the londe of every of the seid graunde jury as in other distresses is and hath be used; and if the seid partie defendaute or the petite jurours or any of theym appere not upon the

¹ Cf. Stubbs' "Charters," pp. 84, 231, "solvat et persolvat, et postea forisfacturam".

distresse, then the graund jury to be taken ayenst^{1495.} theym and every of theym that shall so make defaute; and if any of the seid pety jurye appere, then the party compleynaunt in that behalf shall assign the false serement of the first verdite untruly geven wherunto they of the petite jury shall have noun answer, if they be the same persones and the writte processe retourne and assignement good and lafull, excepte that the demaundaunt or playntif in the same atteynt hath afore be nonsute or discontinued his suyte of any attent taken for the same verdite, or hath for the same verdite in a writte of atteynte hadde juggement ayenst the seid petite jury, but only that they made true verdite; which issue shalbe tried by xxiiij^{ti} of the seid graunde jury; and the partie shall plede that they gave true verdite or any other matier which shalbe a sufficient barre of the seid atteynte; and that plee not withstanding the graunde jury to be taken without delaye to enquiry wheder the firste jurie gave true verdite or noe; and if they fynde that the seid pety jury gave an untrue verdite, then every of the seid petit jury to forfeit xx libri whereof the one halfe shall be to the King our Sovereign Lord and thoder halfe to the partie that sueth; And over that that every of the seid pety jury shal severally make fyne and raunsome by the discrecion of the Justices before whome the seid false serement shalbe founde after their severall offences defautes and sufficiencye of every of the seid petite jury; and after that that those of the seid petite jury so atteynted shall never after be of any credence nor their ooth accepted in any courte. And if such plee as the partie pledith which is a barre of the seid atteynt be founde or deemed ayenst hym that so pledeth, then the partie that so sueth shall have judgement to be restored to that he loste with his resonable costes and damages.

1495.

Forseen alwey that any outelawry in any accion or cause personell, or excommengement pleded or alleged in the partie playntif or demaundaunt shall be taken but as a voide plee and to that he shall not be putte to aunswere; and that in all thafforseid proces suche day shalbe geven as is in a writte of dower, and none essoynne or proteccion to lye nor to be allowed in the same. And if the seid graund jury appere not upon the first distresse had ayenst them so that the jurye for their defaute do remayne, he that makith defaute shall forfeite to the King xx s. and upon the seconde distrese xl s. and after making defaute for every suche defaute v libri and like penaltees and forfeitures to be ageynst them and every of theym that shalbe named in the *tales* as is afore expressed ageynst every of the seid graunde jury aforeseid; and that for and by the deth of the party or any of the seid petit jurye the seid atteynt shall not abate nor be deferred ageynste the remenaunt, as longe as ij of the seid petite jury be alyve.

[Attaints upon verdicts under £40 the same, except that qualification for grand jury is v marces freehold or c marces goods, and petty jury if attainted is only to forfeit £5.]

[If there are not persons qualified in the shire, *tales* shall be awarded in adjoining shire at discretion of Justices.]

And that the same lawes accion and remedy ordeyned by this present acte be kepte for and to all theym that shalbe greved by suche untrue verdites of any inheritance in discent revercion or remaynder, or if any freehold in revercion or remaynder. And if the partie in atteynte gevyn by this acte be none suyte or the same discountynue that then the same partie so nonsuyte or so discountynuyng the said atteynt make fyne and raunsome

by the discretion of the Justices afore whom the same ^{1495.} atteynt shalbe taken and depending. And that all atteyntes herafter to be taken shalbe taken afore the King in his Benche or afore the Justices of the Comen place, and in none other courtes; And that *nisi prius* shalbe graunted by discrecion of the Justices upon the distres; and every of the seid petite jury may appere and aunswere by attourney in the seid atteynt: And that the moyte of the seid forfeiture of the petite jury shalbe levyed to thuse of oure Sovereign Lorde by *capias ad satisfaciend* [um] or *fieri fac*[ias] or *elegit*¹ or by accion of dette, ayenst every persone of the pety jury so forfeiting and ageynst his executors and admynstratours having then sufficient goodes of their seid testatour not admynystred; and thodre moite shall by like proces be levyed to thuse of the party that sueth any atteynt gevyn by this acte, ageynst every of the said peti jury and his executours or admynstratours havynge then sufficiencie of goodes as is aforseid not admynystred. And that juggement of restitution to the party greved suyng this atteynt and execucion of the same to be hadde, and like juggement for the party defendaunt or tenaunt to be discharged of restitution as afore this present acte in case of a graunde atteinte hath be used.

Be it also ordyned and enacted by auctorite above-seid that in every writte of atteynt hereafter to be taken by or upon this acte, the whiche shall be suche as other writtis of atteynt be, and after the *Teste* of the same writte, shalbe written theis wordes in latyn, *Per statutum anno undecimo Henrici septimi editum.*

¹ These three are all writs of execution after judgement for debt, damages, etc. See Cowell's "Law Dictionary".

1495.

[Panels returned by the Sheriff to inquire for the King shall be reformed by the Justices.]

This acte to endure onely to the next parliament.¹

89.

[This case illustrates the above Act, Leadam's "Select Cases from the Court of Star Chamber," i. 18-20.]

Attorney General v. Parre and others.

This is thaunsure of William Parre Richard Vudrell John Vudrell Thomas Bedell Herry Savage John Nores James Savill Robert Woman Robert Chapell Nicholas Walter John Chamlet & Thomas Shoo to the informacion put agenst theym by Mr. Hobert the kinges attourne.

The seid William Parre Richard Vudrell John Vudrell Thomas Bedell Herry Savage John Nores James Savill Robert Woman Robert Chapell Nicholas Walter John Chamlet and Thomas Shoo seyn that thohthe [though] it is that they were impanelled vpon thacquitell of the seid John Wod and William Frank for the mater in the seid informacion specified be fore the kinges juges and at the tyme and place in the seid informacion specified how be it they had soche euydences geuyn theym at that tyme for the proffe that the seid John and William wer not geltie of that eschape wherof be forr that tyme they were indited That in their Consiensis they thought playnly they cowl no noder wise doo with owt they shold haue bene forsworne but to doo as they did in the acquitell of the seid John and William of the seid eschape for they sey one [blank in MS.] the wiff of John Edmundes the vnder keper of the kinges benche testified to the seid William Parre Richard Vudrell John

¹ This Act was, however, continued by 12 Henry VII, c. 2, and again by 19 Henry VII, c. 3.

Vudrell Thomas Bedell Herry Savage John Nores 1495.
 James Savell Robert Woman Robert Chapell Nicholas
 Walter John Chamlet and Thomas Shoo [that] the seid
 John and William, after the seid John Day was arrested
 for the felony in the seid informacion specified, delyuered
 the seid John Day to the keypyng of the kinges benche,
 and ther as a prisoner was receyued, and ther he con-
 tinued by the space of iij day vn to the tym he eschaped
 thens after that the seid John Wode and William Frank
 ware lawfully dischargid of hym; with owt that the seid
 William Parre Richard Vudrell John Vudrell Thomas
 Bedell Herry Savage John Nores James Savell Robert
 Woman Robert Chapell Nicholas Walter John Chamlet
 and Thomas Shoo acquitted the seid John and William
 of the seid felony by ony corrupt meane; or that the seid
 William Parre Richard Vudrell John Vudrell Thomas
 Bedell Herry Savage John Nores James Savell Robert
 Woman Robert Chapell Nicholas Walter John Chamlet
 and Thomas Shoo euer hadd ony suche euydens or in-
 formacion geyn theym which shold haue discharged their
 conciens to [have] atteynted the seid John and William
 of the seid Eschape; and with owt that the seid William
 Parre Richard Vudrell John Vudrell Thoms Bedell
 Herry Savage John Nores James Savell Robert Woman
 Robert Chapell Nicholas Walter John Chamlet and
 Thomas Shoo were periured in Gevyng the seid verdit,
 to their knowlege; all which maters the seid William
 Parre Richard Vudrell John Vudrell Thomas Bedell
 Herry Savage John Nores James Savell Robert Woman
 Robert Chapell Nicholas Walter John Chamlet and
 Thomas Shoo at all tymes ar redy to proue as this
 courte will award theym, & prayeth to be dismissid owt
 of that same with ther resonable costes & damages for
 ther wronge vexacion and trobill in that behalfe.

[“ An Acte to admytt such persones as are poore to sue *in formâ pauperis*,” 11 Henry VII, c. 12, “ Statutes of the Realm,” ii. 578.]

1495. Prayen the Comens in this present parliament assembled that where the King oure Sovereign Lord of his most gracious disposicion willeth and entendith indifferent justice to be had and mynystred according to his comen lawes to all his true subgettis as well to poure as riche, which poure subgettes be not of abilitie ne pouer to sue according to the lawes of this lande for the redresse of injuries and wronges to theym dailly doon, as well concernyng their persones their enheritance as other causes, for remedy wherof in the behalfe of the poure persones of this lond not able to sue for their remedy after the course of the comen lawe; Be it ordeyned and enacted by your Highnes and by the Lordes spirituall and temporall and the Comens in this present parliament assembled and by auctorite of the same, that every poure persone or persones which have or hereafter shall have cause of accion or accions ayenst any persone or persones within the realme, shall have, by the discrecion of the Chaunceller of this realme, for the time being writte or writtes originall and writtes of *sub pena* according to the nature of their causes, therfor nothing paieng to youre Highnes for the seales of the same, nor to any persone for the making of the same writte and writtes to be hereafter sued. And that the seid Chaunceller for the same tyme being shall assigne suche of the clerkis whiche shall doo and use the making and writing of the same writtes to write the same redy to be sealed, and also lerned councell and attorneyes for the same, without any rewarde taking therfor: And after the seid writte or writtes be returned, if it be afore

the King in his Benche, the Justices ther shall assigne to ^{1495.} the same poure persone or persones counsell lerned by their discrecions which shall geve their councelles nothing taking for the same, and in like wise the same Justices shall appoynte attorney and attorneies for the same poure persone and persones and all other officers requisite and necessarie to be hadde for the spede of the seid sutes to be hadde and made which shall doo their duties without any rewardes for their councelles helpe and besynes in the same; and the same lawe and ordre shalbe observed and kepte of all suche suytes to be made afore the Kingis Justices of his Comen Place and Barons of his Eschequer and all other Justices in courtes of recorde where any suche suetis shall be.

91.

[Kingford's "Chronicles," p. 257.]

And the Mayre kept dyuers afternones the Court of ^{1502.} Requestes, by meane wherof he ended many maters and variaunces hangyng atwene persones. And caused moch poore people to have their maters sped w^tout spence of money.

92.

[*Ibid.* p. 261.]

And this yere the king of his goodnesse diuliured out ^{1507.} of all prisons in London as many prisoners as laye for xl s and under.

(G) LOCAL GOVERNMENT.

93.

[Robert Havoek or Hancock, Mayor of York, to Sir Robert Plumpton on local jurisdiction, "Plumpton Corresp.," pp. 57-8.]

Right worshipfull Sir, I recommend me unto you, ^{York,} and wher ye have shewed by your curtace letter, of late ^{28 Septem-} ber, 1488.



September,
1488.

to me deryct by one Robart Becke your servant, beryng date at Plompton, the vi day of September, that your servants and lovers, John Person and his brother, should be greatly vexed and trobled by Wylliam Whit and his servants; Sir, as touching the same William, in the begynnyng of the troble and variance betwyxt the servants of his and John Persons, his bretheren, and other, he was innocent, as fare as I, my brethren aldermen, and other the common counsell of the Cyttie of York, by any wayes and meanes can understand; and the same Wylliam hath shewed unto us, that he at no tyme have given cause to the said Person so to deale with his servants, as they tofore have doun. And further, Sir, the sayd John Person and his brother bene fraunchesid and sworne to the Kyng and maior of the citie of Yorke for tyme being, to be and deale according to the effect of there othes. And if any variance or troble, tofore this, have bene betwixt my cocitisins, that they, according to ther duties, have shewed them in the same to the maior for tyme being, and to none other; and he to se an end betwyxt them and right wold, so that no more inconvenient should fall by reason of the same. Sir, I am the man, and take God to record, without favour or parcialite, to adoon the same in the premyses to the sayd John Person, and other in the premyses, and they had shewed them in the same variance unto me, as ther duties had bene. Wherefore, Sir, if it like you, and by your advice, the sayd John Person and his brother to come home, both my brethern and I shall endeavor us, in the sayd varyance and troble, to make a good and a loving end, and the better for your pleasure. And further, Sir, of my brethren behalfe and myne, we pray you to give credence to this bearer, and *Jesu* preserve you.

94.

["York House Books," Vol. VIII, f. 129; 15 March, 17 Henry VII [1502]; agreement to forswear all but local jurisdiction.]

It was agreed by all present "That if ther be any dette York, 15 March, 1502. dewte trespasse offense or any other cause of greiff herafter appering betwixt any of the xiith, xxiiith or betwix any other franchist men [they] shall not from hens forth compleyn to the kynges grace or to any lord or other person nor sew in any court at London or any other place to fore [th]at such cause and matere be shewed to the maior for the tyme beyng And by the maior and his counseill agreed and determyned within the space of xl^{ti} dayes next after that it be shewed to the maior And if ther be none Agrement ne dissecion taken therein by the maior and his Counseill within the said xl dayes then the partie greved in any suche behalve to have licence of the maior to sewe at the comon lawe accordyng to the Kynges charters And if any Alderman do contrary to this ordinance at any tyme hereafter to forfeit and lese toward the comon wellth of this citie xx^{li} and if any of the xxiii^{ti} do the contrary to forfeit and lese xl^{li} And if any other franchist person do the contrary to forfeit xl^s at every tyme in maner and forme abovesaid." ¹

95.

[The Earl of Surrey and local jurisdiction in York, "York House Books," Vol. VII, f. 84. The cases mentioned in this ungrammatical extract illustrate the judicial and magisterial work done by Surrey as the King's Lieutenant in the North parts.]

XI September 8 Henry VII. At which day it was York, 9 September, 1492. shewed by the mouths of Thomas Gray, alderman,

¹ For other privileges enjoyed by York, see Campbell's "Materials," i. 462. Henry VII remitted its entire fee-farm of £160 a year.

September,
1492.

and John Stokdale, one of the sheriffs of the citie, [1] that wher as the matier of variaunce for the imprisonment of Thomas Spyode merchant and Robert Deconson tanner cittizens of this citie, which matier the day before at Sheriffhutton was Ripele (*sic*) torned afor my lord of Surrey and ther by my said lord it was determynd; [2] that one Thomas Jakson of Tadcaster, which of late was emprisoned in the kidcote by commandment of the maior to the tyme he fynd suertie to be of good beryng and conservacion of the kynges peace and at the instance and desire of my said lord dimysed out of prison and put at large, should on Thursday next ensuyng be enlawed and [*supply* "brought"] within the citie unto the sheriffs ward and ther to remayne unto that tyme he fynd suertie as well for his good beryng conservacion of the peace and of late brekyng of thes liberties of the citie or of any other accion; [3] and also that a distresse of late taken at Oxton by the bailly of Ainsty for blamiche ferane [*supply* "blanche ferme"] and other dueties, and at the desire and instance of the said lord had agayn to Oxton, shuld be enlawed agayn on Thursday next ensuyng, and Sir William Gascoigne and Robert Barker bailly of Tadcaster suertie for the said distresse to be enlawed as abovesaid.

96.

[Campbell's "Materials," ii. 240; the earl had been appointed sheriff of Northumberland for life by Edward IV. on 14 August, 1474. The circumstance that he retained office under Henry VI, Edward IV, Richard III, and Henry VII, illustrates the saying that in Northumberland men would have no other prince but a Percy.]

10 Feb-
ruary,
1488.

Appointment, during pleasure, at the instigation of "great and urgent causes," of Henry earl of Northumberland to be sheriff of Northumberland; the earl to pay only one hundred pounds yearly into the Ex-

chequer in respect of his office, and render no other February, 1488.
account thereof. Given at Grenewiche.

97.

[Election of sheriffs at York, "York House Books," IX. f. 196.]

16 August, 19 H. VII. Mr. Recorder¹ showed how York, 16 August, 1504.
that yesterday he was with my lord Archbishop,² and ther was Robert Whetley and other comons to the nombre of xvth person with hym disired of my Lord Archbishop that thei myght have theyr Eleccion of the Shereffs lyke as they have of the maior. After whiche shewing it was determyned that Mr. Recorder and Alan Stavely, Alderman, tomorowe of the Comons costs shall go unto my said Lord Archbishop and shewe unto hym that sithen kyng Ric. IIth graunted theym to have two shireffs, ever sithen they have been used, by thassent of the Comons for peaceable eleccion of the Shireffs, to be chosen by the maior aldermen and Comon Counsell and never by the Comons.

98.

[An Act to restrict the franchise and regulate elections in the borough of Northampton, "Rot. Parl.," vi. 431-2.]

ITEM, quaedam alia billa, formam actus similiter in se 1489.
continens, porrecta fuit domino regi, in Parlamento predicto, ex parte inhabitancium ville Northampton, que in se seriem verborum sequentium continebat.

FORASMOCHE as of late greate divisions, dissentions and discordes have growen and been had, as well in the townes and borowghes of Northampton and Leycester, as in other dyvers townes and bourghs corporate with-

¹ Sir Brian Palmes, Serjeant-at-law.

² Thomas Savage, the King's Lieutenant and High Commissioner in the North parts.

1489.

in this realme of England, amongst the inhabitauntes of the same, for the election and choise of mayres, bailles and other officers within the same, by reason that such miltytude of the said inhabitauntes, beyng of lytil substaunce and haveour, and of no sadnes, discretion, wisdome ne reason, whiche oft in nombre exceed in their assembles other that be enapproved, discrete, sadde and well disposed persones, have by their multitude, and by their bandys, confederacys, exclamacions and hedynesse, used in the seid assembles, caused great troubles, divisions and discordes among theymselfe, as well in the said ellections, as in assessyng of other lawfull charges and impositions amongst theym, to the subversion of the gode rule, governaunce, and old politik demenyng of the said burghes, and oft tymes to the great breach of the kyngs peace within the same, to the fere, drede and manyfold perills that therby may ensue. For reformation wherof, and for the more quiete and restfulness of the kyngs subgietts hereafter, and for the conservation of the kyng's pease more surely to be observed and kept, be y^t ordeyned, enacted and stablished, by th'advyse and assent of the Lordes Spirituall and Temporall, and Commens, in this present Parliament assembled, and by auctorite of the same, that from hensforth, the ellections of mayres, baillyffs and other officers, and also the assessyng of all lawfull charges and impositions, that herafter shall be made and had in the burgh of Northampton, shall be had, made and used, after the fourme folowyng; that is to say, the maire of the towne of Northampton and his brethren, for the tyme beyng, that then oft tymes past have ben maires of the same, or the more part of theym, upon their othes, shall do name and chose xlviij persones of the most wise discrete and best disposed persones of the inhabitauntes within the said towne, by their discretions, other then

afore that tyme have ben maires and baillies of the 1489. same, and the same persones, or part of theym, from tyme to tyme hereafter to chaunge, when and as oft as they shall seme most necessarie and behovfull ; which persones so by theym chosen and named, and the said maire and his brethren, and such persones as then have been mayres and baillies of the said towne, for the tyme beyng, or the more parte of theym, shall have and make yerly election of all the maires and baillies that hereafter shall be maires and bailleffs of the said bourgh and towne, and the election by theym or the more parte of theym so made, to stand and be goode and effectuall in the lawe, yerly hereafter for ever to endure, in like maner, fourme and condition, as yf the elections were made by such way, maner and fourme, as afore tyme hath been used and accustomed, in, of, and for the same elleccions in the said bourgh and towne ; and over this, that all other officers of the said towne, that by the dutie of their offices owe to be attendant in the courtes of the same bourgh and towne, or upon the maire, and maires and baillyffes that nowe be, or that hereafter in the said borough shall be, to be electe, chosen and made, only by the said maire and his brethren for the tyme beyng, that afore in tymes past have been maires of the said bourgh and towne, or the more parte of theym, without assent or assemble of eny other persones, inhabitauntes of, in or for the same.

Provided alway, that if in the said eleccions, or any of theym, the voises be divided and equall for sundry parties, then the voise of the maire for the tyme beyng, to stand and be reputed for two voises in the same elecion ; and if any election or elleccions hereafter happ to be made, of maire or maires, baillies or othre officers of the said towne, in other wise then by this acte afore ys reherced, then that election or elleccions to be taken

1489. as voide, and of no strength ne effecte. And over this, be it ordeyned by the said auctorite, that yf any of the inhabitauntes nowe beyng, or that hereafter shall be inhabited in the said bourgh and towne, attempt or do to the breche, ympedyment, or lete of this present acte; that then the said persone or persones to forfeit the somme of x li, the moyte therof to be to the king, and the other moyte to be to the maire of the said towne for the tyme beyng, to employe to the charges of the said towne. And that yt shall be leeful to the maire of the said bourgh and towne for the tyme beyng, to comytte every such persone or persones to prison within the same towne and bourgh, there to remayne without baille or maynprise, tyll the said somme or sommes of money be fully levyed and paid.

Cui quidem bille perlecte & intellecte per dominum regem, auctoritate & assensu predictis, ut sequitur, respondebatur.

Le Roy le vuelt.

99.

[An Act almost identical with the preceding was passed in the same session for Leicester, probably during the first part of the session, January-February, 1489, and not during the second part, October-December, 1489. Many phrases of the Act are employed in the following writ, Campbell's "Materials," ii. 456-7.]

2 July,
1489.

Forsomoche as we be enfourmed that at euery elleccioun of maiour ther or burgesses of the parliamentes, or at the assessyng of any lawful inquisicions, the commonalte of oure seid towne, aswel poure as riche, have alway assembled at youre common halle, wher as suche persounes as be of lytel substaunce or reason and not contributories or elles full litelle to the

charges susteyned in such behalues, and haue had July, 1489. interest thurgh the exclamacions and hedynges to the subversioun not only of the good pollice of oure seid town, but likely to the open breche of the peax and othre inconveniences encresyng, and causyng the falle, mysery, and declayne of oure seid town, and to the discorage of you the gouernours their: for the reformation whereof, and to thentent that good rule and substanciale ordre may be had and entreteigned there from hensforthe, we wol and straitly charge and comande you the seid maiour, bailif and xxiiii. comburgeses of oure seid town now beyng and that for tyme hereafter shalbe, that alle common halles and assembles hereafter to be holden ther aswel for the elecioun of the maiour, of the justices of the peax, and burges of the parliametes, as also for the assessyng of any lawful impositiouns as othrewise, ye courtly chose and call unto you oure bailif of the seid town for the tyme beyng and oonly xlviiii of the moost wise and sadde Commons happenyng amonges you, as by youre reasons and consciens shalbe thoughte leeful and moost expedient.

100.

[Municipal government and elections in Exeter, Leadam's "Select Cases from the Court of Requests," pp. 3-7; cf. W. J. Harte in "Trans. Devonshire Association," xlv. 206-230.]

To the Kyng owre Soverayn Lord.

In most humble wyse shewith vnto your highnyse 1498-9. your true and faithfull Subiettes Richard undermayour of your cite of Exeter and his brethren citezens and inhabitantes of your saide cite that where your saide highnyse atte your last beyng atte your seid cite¹ for a fynall pease restfulnyse and comyn wele of your said

¹ In October, 1497; see Vol. i., pp. 172-3, 183.

1498-9.

cite by the advyse of your most honorable and discrete councell ordeyned enacted and stablissed that xxiiij of the most hablyst citizens of your saide cite shuld be of the comyn Councell of your saide cite for terms of their lyvez in lyke fourme and in lyke wyse as arre the Aldermen of your cite of London the which xxiiij citezens before reherced for the time beyng shuld have full auctorite and power yerly to ellecte and cheuse of theym sylfe a mayer iiij Ballyuys and other officers accordyng to the vse and laudable custom of your saide cite of Exceter in wold tymys vsed and that no man of yvell name and fame shuld be elect or chosyn to bere eny office or rule within your saide cite vppon payne of your most and high displesur as in your saide honorable ordynaunces more playnly it doith appere. So it ys gracious souerayn lord that oon Robert Newton that last occupied the last yere as mayer of your Stapell within your saide cite hauyng the seal of office of your said stapell there in his custody and keypyng by subtyll and crafty meanys beryng vnlaful favour vnto oon John Bonyfaunt of your saide cite of Exceter hath of late certified into your Chauncery that the said John Bonyfant to be maier of your said staple and oon Robert Bonyfant his brother and one Harry Faux to be constables of the same Staple lafully to be elett and chosyn for this yere folowyng contrary to all the gode order and vse that ever hath ben vsed with in your saide cite before thys tyme and therupon the same John Bonyfant hath priuely optayned your letters patentes agayn the wyll of all your Oratours and citizens nether your saide Oratours hauyng eny vnderstandyng of eny suche eleccion. Wher the vse and custome of your saide cite hath ben and yet is that all your saide Oratours and their predecessours burgesses of your saide Staple shuld be lafully warnyd viij days before the saide

eleccion and that the same eleccion shuld be made^{1498-9.} openly in the Yeld hall of your saide cite of Exeter.¹ And over that the lawdable custome and vsage of the same your saide cite ys that no man shuld be mayer of your said Staple there but yf he hath ben mayer of your saide cite before. And for asmoche as the saide John Bonyfant was neuer mayer of your saide cite but euermore a trobelys man and also a man of yvell name and fame and before this tyme hath been reprovod in many dyuers poyntes of falshode And over that hath been the mover sterer and causer of grete variance and discorde within your saide cite and dayly malyngneth agayn your saide Oratours entending to distroy the comyn wele of your saide cite for asmoch as he for his infamouse name and yevyll dispocicyon was by your saide hyghnesse and the lordys of your most discret and honorabele Councell refused and vtterly discharged to be eny of the saide xxiiij of the comyn Councell of your saide cite also the saide John Bonyfant hath callid to hym the saide Robert Bonyfant to be oon of the saide Constables of your saide staple the which Robert of late subtilly and vnruly sollicit and provokyd oon John Calwodeley late mayer of the Stapell of your saide cite to haue made blanke chartours vnder the seall of your saide Staple in grete number. Whereby yf the same John Calwodeley had bene of lyke disposicion it mouth have brought yn many a true man besides his godys and landys agayn al right and concience the which Almighty God forbede. Please it therefore your saide highnysse of your most habundant grace and blessed disposicion thes premysses tenderly considered for asmuche as the saide John Bonyfant intendith the breche of your saide ordynaunce and also the vexacion and

¹ Compare the regulations for the election of mayor at York, Campbell's "Materials," ii. 552-3.

1498-9. trobill of your said Oratours to order and to provide suche a direccion by the advyse of your most honorable counsell. Whereby the saide John Bonyfant may be discharged of the occupacion and exersice of the may-eralte of your saide staple within your seide cite of Exceter and of the custody of the seall of the same staple and over that William Frost oon of your Yomons of the Crowne may have and enioy the same office as he is therto lafully electt and chosyn and John Danaster and Rafe Pudsay to be constables of the same staple so that from hens forth your saide Oratours may lefully quietly and pesibly make yerly their free election as they have in wold tymys vsed to doo and thys for the love of God and in the way of charite and your said Oratours shall evermore pray to God for the long contynaunce of your most Royall estate.

18 Novem-
ber, 1498.

[*Endorsed xvij^o die Novembris anno xiiij^{to} H. vij.*]

ORDERS AND DECREES.

Decimo die Februarii anno xiiij^o.

10 Febru-
ary, 1499.

Johannes Bonefaunt comparuit virtute brevis de priuato sigillo sub pena vth li. et habet ad comparandum diem Lune proxime ad respondendum bille querele contra eum propositum et sic de die in diem quousque etc sub eadem pena

xxv^{to} die Februarii a^o xiiij^o.

Causa in controversia inter maiorem & inhabitantes ville de Excetre contra Johannem Bonyfaunt de & super eleccione maioris stapule facta committatur examinationi maioris ville de Excetre ac ceterorum de xx^{ti} quatuor eiusdem ville de communi consilio extra Johannem Atwill Robertum Newton Johannem Danastre et Radulphus Pudsay ad examinandum an idem Johannes Bonyfaunt sit abilis ad exercendum officium maioris stapule uel non ac eciam elleccio sic habita de eodem Johanne

sit habita secundum consuetudinem ex antiquo ibidem ^{February,}
 vsitatem et ad certificandum consilio domini Regis ^{1499.}
 secundum comperta in eadem.

xxix^{mo} die Aprilis anno xiii^{jo}.

Johannes Bonyfaunte personaliter comparens coram consilio domini Regis libere concessit deliberare in manus comitis Devon, et Willelmi Huddesfeld militis literas patentes sibi factas de & super officio maioratus stapule ciuitatis Exon ac comitatus Devon & Cornubie quumcunque ad hoc requisitus fuerit citra festum pentecost proximum prouiso quod acta & recogniciones per eum et suos officarios legitime accepta inter partes ibidem rat(a) & stabilia fiant ad effectum constitutum. Et deinde ad procedendum ad elleccionem noui maioris secundum consuetudinem dicte ciuitatis et super inde fiant litere dicto comiti Devon et Willelmo Huddesfeld militi tam ad recipiendum dictas literas patentes et ad examinandum acta & recogniciones coram prefato Johanne habitas vocatis partibus et ad ratificandum eadem pro effectu constitutionum quam ad discernendum novam elleccionem fieri alterius maioris secundum consuetudines dicte ciuitatis. Ac eciam ad recipiendum de Roberto Newton sigillum dicti officii.

101.

[Election of constables ; a riot at Stratford-on-Avon, Leadam's "Select Cases from the Court of Star Chamber," i. 230. Compare the details about the election of a bailiff in Campbell, "Materials," i. 293-4.]

A. To the Kyng our Soueraign lord.

Humbly shewith vnto your highnes your feithfull ^{1506.}
 Chapleyn and contyuell Oratour Siluestre¹ Bishop of

¹ de Giglis, one of the four Italians who held the bishopric of Worcester for nearly forty years previous to the Reformation.

1505.

Worcestre that where at a lau[n]day and Court holden for your supplyant at Stratford vppon avene in your Countye of Warwyk ellecon was made by the xij men sworn at the same lauday and Court of too Constables for the conseruacon of your peas within the precyncte of the same town and of a baily ther to be for the yere folowyng as all ways hath be used ther out of tyme of mynde one Thomas Thomasyn of the same town yoman which of his own presumptuous mynde wold haue be baily there for this yere, not plesyd with the seid ellecon assemble with one Richard Bentley and John Staffordshire of the same yomen and other mysruled personys to the nombre of xij with billes clubbys stauys and swerdes came riotously to the hous wher the seid laday and Court was holden and then ther wold haue slayne one John Elys deputie Styward sittyng and keypyng the seid Court and ther with exclamacon seid that William Cottoun which was ellecte baily as is aforesaid shuld not be baily ther Who so euer wold sey naye and with assautes & exclamacons riotously kept the seid deputie Styward baily and xij men tille hit was passed x of the klokke in the nyght to the grete distorbans of your peas and in contempt of your highnes & of your lawes to the perillous example of mysdoers enlesse they may haue due punyscion therfore. In consideracon wherof that it wille pleas your highnes to directe your honorable letters of pryue seale to the seide Thomas Thomasyn Richard Bentley and John Staffordshire to appere before your highnes and your most honorable Counsaill at your palous of Westminster at the viij^{tas} of seynt hillarii next commyng there to aunswere to thes premisses and to be punyshed for their seid riotte and contemptes. And your seid humble Oratour shall daily pray to God for the preseruacion of yor most Riale etate long to endure.

[*Indorsed*—Respondeat apud Westmonasterium octa- 1505.
bis hillarii Episcopus Wigornensis.

Termino Hilarii anno vicesimo. Episcopus Wigorniensis contra Thomam Thomasyn Rychard Bentley and Johannem Staffordshyre.

Worsecester].

B. This is the answer of Thomas Thomas[yn] Richard Bentley and John Staffordshire to the byll of Complaynt of Sylvester Bisshopp of Worcestere.

They sayen that that at the sayd lawe daye holden at the said Town of Stratford vppon aven that suche xij men that there shuld be sworne haue bene vsed owt of tyme of mynde to be xij of the most substanciall and honest persones of the same Town to thentent that they shuld chose substanciall men and men of honest conuersacon to be Constables and Bayllyffes of the same Town for the yere ensuyng And oon John Eylis beyng Stywardes deputie of the same Town to thentent that he wold make Bayllyffes and Constables of the said Town suche as hym shuld please caused the jurie to be made of the most senglest and symplest persones of the said Town And some of them wer but mennys seruantes And left the substanciall men owt of the same jury And after the said jury was sworn they kuld not agree vppon oon of the Bayllyffes and they so beyng not agreed the said John Eylis proclaymed Bayllyffes and Constables at large in the sayd Town suche as hym pleased as thoughe the same jurates hadde been fully agreed on the same without the assent or agrement of the said xij men and bifore any verdite by them geven And then Richard Bentley and John Staffordshire came to the said John Eylis and shewid hym that they did not well to proclayme the said officers bifore the said jurie were agreed vppon them but advised hym to put the said jury in a howse till they were agreed. And the

1505.

said Thomas Thomas saith that in the mornyng of the same day owt of the Courte and long bifore the Court began the same John Eylis and the said Thomas Thomas fell at wurdes for an entre made by the said John Eylis in the name of the said Bisshopp in to certen londes of Thomas handys [*and his*] wyfes by occasion wherof the same John Eylis was about to drawe his knyff at the said Thomas Thomas. Without that the said Thomas Thomas Richard Bentley and John Staffordshire with other to the nombre of xij persones came with billys clubbys staffes and swerdes riotously to the howse where the said lawe day and Court was holden or there wold haue slayn the said John Eylis sitting and keypyng the said Court And without that that they with assautes and exclamacions riotously kept the said John Eylis Baylyf and xij men till it was past x of the Clok in the nyght. And without that eny of them were or be guilty of eny riott or misdemenure comprised in the said bill And without that the said Thomas Thomas cam to the said Court at eny tyme duryng the same. All which matiers they bene redy to proue as this Court will award And prayen to be dismysed owt of the same with there reasonable costes and damages for their grete trouble and wrongfull vexacon in that behalf.

C. This is the replicacon of the Bishop of Worcettour to the aunswere of Thomas Tomeson Richard Bentley and John Staffordshire.

The seid Bishop seith and auerith his bille of Complaynt to be true. How be hit that the seid Thomas Tomeson Richard Bentley and John Staffordshire colerably wold excuse there rioute and mysbehauynges conteyned in the bille and moreouer he seith that the elleccon of the bailly and officers was made by agrement of honest personys sworn at the seid Court. Also he seith that one William lane and Richard Bucke receuour

and surueyour of his landes then beyng in the seid 1505. towne of Stretford and perceuyng the grete perell that was lyke to ensue by reason of the seid rioute and on-lawfull essemble of the seid defendantes went vnto doctor Collyngwod warden of the Colege of Stretford and desired hym to lycens certeyn of his seruantes to attende and assist theym in Company to the seid Court howse for the appesyng of the seid riotouse delyng wherupon certeyn of the seruantes of the seid warden and by his commaundement went with the seid William lane and Richard Bucke to the seid Court house and then they by their wisdommys with grete defyculte caused the seid mysdowers to departe and the seid depute Styward and othir of the xij men to come forth out of the seid house. Without that the seid jurie sworn at the seid Court was made of symple personys or mennys seruantes as is surmysed in the seid aunswere, and without that the seid John Eylis proclaymed the baillys and Constables of the seid town for the yere followyng before the seid xij men were agreed or without their assentes. Also he seith that the seid Thomas Tomeson rayled and hadde onsittyng language towardes the seid John Eylis in the mornyng before the Court and wold haue drawn his wodknyf on hym and by cause he coude not then accomlishe his malos and also haue the bailly to be chosen after his wille and entent he conspyred with the seid Bentley and Staffordshire to pyke quarelles and challenge the seid deputie styward sittyng in the Court accordyng and do [unto] as it is conteyned in the seid bille of complaynt and for asmeche as hit apperith by the seid aunswere that the seid riotous personys of their malicyous mynde entendyd and were aboute to take on theym the rule and ordour of the Court wher as yf ther hadde be any mysordore hit hadde be conuenyent to haue shewed hit to the seid receuour and surueyour then

1505.

present in the towne. All which maters he is redy to proue as this Court award hym and praith to be dysmysed with his reasonable costes for his wrongfull vexacon.

[*Indorsed (in modern hand).* Worcester, Bishop of
v. Tomeson and al.]

D. This is the reioynder of thomas thomas, Richard Bentley, And John Staffordshire To the replication of the bisshopp of Wosseter.

They sey And Auerre theire seid Answere to be good and trewe in euey thyng in the same Answere by fore Alleyed With ovtte that that they caused the seid depute Steward and xij men to be kepte in the seid cowrte howse tyll the ower of x of the clock at affter none or that the seid Thomas Richard or John departid from the seid cowrte by grett dificulte and labour of the seid William lane And Richard Buck or that they or eny of them compelled the seid depute Steward for any fere to tary in the seid cowrte howse. And with oute that that the seid thomas thomas rayled or had any on-syttyng langgage a genst the seid John eylys depute steward or wold haue drawyn his wodknyffe vppon hym and with oute that he conspired with the seid Richard bentley and John Staffordshire to pyck quarelles or challenge the seid depute steward or do any thyng that is comprised in the seid byll of complaynt And withoute that the seid thomas thomas Richard or John or eny of them entendyth or were aboute to take vppon them the ordre or rule of the seid cowrte but oonly cheritable to enforme in goodly maner the seid depute steward of his myssedelyng contrary to these lawdabill customez of the seid towne by fore tymes vsed all wiche maters they be redy to proue as this courte woll awarde and pray as in the seid answer they haue prayed.

[Grant of a market, courtleet, view of frankpledge, and other rights of local jurisdiction, Campbell's "Materials," ii. 208-9.]

Charter (addressed to archbishops, bishops, abbots, <sup>5 Decem-
ber, 1487.</sup> priors, dukes, earls etc. etc.) granting, from special favour and mere impulse, for the king and his heirs as much as in him lies, to the beloved and faithful John Trelawny, of Mahenest, co. Cornwall, that he (and his heirs) may have a market on the Friday of each week, at his manor of Mahenest, and a fair there every year, lasting for two days, viz. on the vigil and the day of St. Barnabas the Apostle; together with "toll and tem," and all powers, fines, ameraciements, and other profits and emoluments whatsoever, pertaining in any way to the said market and fair, unless the said market and fair should be to the injury of neighbouring markets and fairs. It is further granted to the said John Trelawny that he may forthwith have and hold to himself and his said heirs, a court leet and view of frankpledge within the said manor and the precinct of the same, with correction and punishment of assize of bread and ale, waifs and straves, infangthef and outfangthef, and all liberties and customs and everything pertaining to views of frankpledge; also the goods and chattels of felons and fugitives to be confiscated in any way within the aforesaid manor; and all other conveniences, emoluments, fines, issues, farms and ameraciements belonging to a court leet and view of frankpledge, without impeachment, and without account or any other thing to be rendered, paid or done, to the king, his heirs and successors.

[A suit brought in the Court of Star Chamber by a London draper against the city of Salisbury for exacting illegal market dues, Leadam's "Select Cases," i. 36-8; the decrees of the Star Chamber are unfortunately missing, and the result of the case is not known.]

February,
1493.

To the kyng oure soueraign lorde and the lordes of his most honourable Counsell spirituell and temporell.

Shewith and greuously complayneth vnto youre moost noble grace youre true and feithfull Subget hugh Couper Citezein and draper of youre Citie of london how that Where as he and many othre merchauntes of your seid Citie haue of long contynuaunce vsed to resorte every yere vnto the feyre of Salesbury there holden and kept at oure lady day in lent in the Comen market place of that Citie and every man to haue his conuenient rowme there to vttre in suche wares and goodes as he bringith thydder to and for the same entent during the season that the feire contynueth and at their departing to reward suche Officers as be appoynted therfore by the same Citie every man of his curtesy for the standing at his pleassur and nothing of duetie, Trouth it is gracious lord that at oure lady day was twelvemoneth one John Gervaux, of the same Citie goldsmyth, and John Chapman, of the same chapman, came to the bothe of youre said Oratoure and of hym asked iiij d for every foote of grounde that he occupied bering hym in hande that it was their duetie so for to haue, the contrary wherof is openly knowen to be true; and so because he asked theym what auctorite they had to shew for theym wh[ereby] to clayme the seid duetie they al to reviled hym and called hym knaue with othre cruell and dispiteing wordes and thretes and there made assaute vpon hym and finally by the supportacion and mayntenaunce of one Blakar then maire there toke from hym by force and

playne extorcioun a distresse [of his] goodes and the same caried away with theym at their pleasure without his love or leve expressly ayenste youre lawes to his grete hurt and wronges. And furthremore by the supportacion comferte and mayntenaunce of one Thomas Coke maire there the last yere your said Oratoure being . . . at the said feire there came to his stalle one William halle the Bisshopp vndre baillyf there and then and there made a grete assaute vpon hym and hym threte to kill and slee out of hande without he wolde pay the seid money afre their asking whervnto they haue no right which they nor none can shewe as it is evidently knowen but onely of their riall powere by myght and extorcioun, by means of whiche trouble the same baillyf caused youre said Oratoure clerely to lose his feire and feate of merchaundise at that tyme to his grete hurt and losse fere and jeopardie of his lyfe In somuche that lest he shuld haue ben murdered and slayne there amonges theym he was fayne to gette hym out of the Citie as hastily as he couth by possibilitie and yett as priuely as he departed thens the seid baillif vtterely set and disposed to haue slayne hym lay in a waite vpon hym with iij hors and asmany men arayed in maner of werre and in riottoux wise that is to sey with swordes and buklers speres and othre defencible wapyns and on horsbak moffeld euerychone bicause they wold not be knowen and so pursued and folowed hym from the seid Citie of Sarum to Andover bi their¹ . . . above seid wher your said Oratoure mette with men of london as his grace was and to theym resorted for saufgard of his lyfe and rode home with theym and so avoided their malice at that tyme. Please it your good grace in consideracion of the premisseez considering this youre seide Oratoure [has] noun power to sue your comen lawe for

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1493.

¹ Parchment torn.

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1493.

his remedie in this partie ayenst the seid Citie by whom this matier is borne out of wilfulnesse onely without eny lauffull grounde of your grete bountie to graunte hervpon your gracious lettres of priue seale directed to the seid Thomas Coke William Hall [John] Gervaux goldsmyth and John Chapman chapman Charging theym streitly by the same to be and appere personally before youre grace and youre said Counsell at youre palaice of Westminster vpon a reasonable peyne in the Vtas of the Purificacion of our blessed lady next comyng to a[nswer] vnto the premisses and to suche thing as then and there shall be obiected and layd ayenst theym at the reuerence of God and in wey of Charitee.

[*In another hand Emanarunt inde breuia sub priuato sigillo domini nostri Regis prout petitur primo die Februarii A[nno regni regis] Henrici vij^{mi} octauo ad comparendum apud Westmonasterium in octabis Purificacionis beate marie virginis proxime future s[ub] pena cuiuslibet eorum xl. li.*

Indorsed Hugh Cooper contra Sarum.]

104.

[Illegal by-laws made by a London craft-gild ; Butlond and others v. Austen and others, Leadam's "Select Cases from the Court of Star Chamber," i. 262 *et seq.*]

A. To the kyng our soueraigne lord.

1507.

In the moost humble and lamentable wyse besechen and shewen vnto your moost habundaunt grace your humble subgettes and true liegemen the Felishipp of the crafte of Founders of your Citee of London that where an acte was made amongst other in your noble parliament holden at Westminster the xixth yere of your moost noble Reigne, that no Wardeyns nor masters of any Crafte Fraternite or Guylde Corporate or not Corporate shall make any statutes or actes withyn them

self or Execute any Statutes or actes before made, that 1507.
be in derogacion of your heighnes or hurt of your
Comons without the same Actes or statutes be before
examined and allowed by the Chaunceller of England
or by your two Justices or by your Justice of peace of
that your countee where suche Acte or statute shalbe
made or executed vpon payne to forsaite to your heighnes
at euery tyme xl li.¹ and where oone Randolf Austyne
Founder subtilly entending his owne singuler lucre and
the vtter vndoing of your seid suppliauntes of his own
auctorite and power made an acte amongst your said
suppliauntes that they or any of them should not sell
any candell styk chafyng disshe or other wares to any
man not beyng of the seid crafte vnder such prices as
he named vpon payne to forsaite such sommes of money
as he assigned by his seid acte at euery tyme doying the
contrarie and that acte so made the same Randolf seid
vnto your seid suppliauntes that rather than any of
them shuld breke the same his acte, that they shulde
bryng their wares vnto hym and that he wold geve them
redy money for their wares after the fourme folowyng,
that is to sey, that where his acte was xij d he would
geve viij d. and where he set hit at viij d he wold geve
v d., and so your seid subgettes for fere of brekyng of
the seid Randolfs acte brought moche ware vnto the
seid Randolf and sold hit to hym after his owne price
and many tymes better chepe than he before grauntid
to pay, wherthurgh the same Randolf takyng no regarde
to his seid owne Acte but such wares as he had of your
seid suppliauntes for xvj d. he sold for ij s. and xxij d.,
and that he had for x d. and sumtyme for ix d. sold hit
for xvj d. and sumtyme at xiiij d., at his owne pleasure
puttyng his owne acte clerely apart and therby gate
great goodes and brought many of your seid suppliauntes

¹ 19 Henry VII, c. 7.

1507.

into so great pouertie and myserie, that they haue neither candelstyck nor metall to make a candelstycke of, to their vtter vndoing, where yf they myght haue sold their owne wares at their owne libertee as they haue doone in tyme paste, without punysshement of the seid Randolfs Acte, they myght haue sold for xxij d. to other men that they sold to the seid Randolf for xvj d, and sum that they sold vnto hym for x d. and sumtyme for ix d., might haue sold hit for xiiij d., and so myght haue had their competent leuyng, and now by means of his seid acte be vtterly vndoone, and where afterwards the seid Randolf Austyn and Robert Setcole and Edmonde Byrde late Wardeyns of the seid Felishipp contrarie to your seid Acte executed the seid Acte made by the seid Randolf in the seid Felishipp and took of oone Thomas Basset of the same Felishipp iij s iij d for a Fyne, for that that the seid Thomas Basset sold certeyn candelstyckes vnder the price that the seid Randolf had made in his seid Acte, And that the seid Thomas Basset than gave therof informacion to the Barons of your Escheker, the which your Barons therupon made processe chargid accordyng to your seid Acte ayenst the seid Randolf Robert Setcole and Edmond Byrde and was pleted to an issue and tried and past with your grace at a *nisi prius* at Seint martyns the Graunde in your Citee of london and the seid Randolf Robert Setcole and Edmonde were there caste vnto your heighnesse in xl li., ouer and above the costes, and for payment therof and for such costes as the seid Randolf Robert Setcole and Edmonde have spent in your lawes by reason of the premisses haue without assent or knowlege of your seid suppliauntz embeseled sold and spent all suche money juels and goodes as belonged to the seid hool Felishipp the whiche they in tyme passed had of the gift of other well disposed persones, to their comen wele

towardses their charges that amongst their Felishipp¹⁵⁰⁷. should be levyed and paide to your heighnes for their part withyn your seid Citee and otherwise to the charges and honour of your same Citee, And theryn your seid suppliauntes be without remedie to their great vndoing for euer, For now ther woll no persons take vpon them to be rulers of them in seyng the good rules and orders amongst them obserued and kept, without your moost habundant grace to them the souner be shewed in this behalf That hit woll therefore please your heighnesse the premisses tenderly to considre, and therupon of your moost habundant grace to commaunde the seid Randolf Robert Setcole and Edmond to come before your heighnes or before the lordes of your moost honorable Councell there to aunswere to the premisses, and such direcon theryn than to be sett as your seid suppliantz mowe be recompensed and restored of their seid money juels and goodes, and also now be set in such wey as they may haue honest men of their Felishipp assigned and chosen to se the good ordre and rules of their Felishipp obserued and kept as they haue doone in tyme past. And this at reuerence of god and in wey of charite, and your seid suppliauntes shall specially pray to God for the preseruacion of your moost roiall persone and excellent astate.

Plegii de prosequendo Johannes Roo de london yoman & Willelmus Doo de eadem yoman. John Rympyngden.

[*Indorsed*, xiiij die nouembris. Founders. Randolf Austyn sworn saith that to. Scilicet coram domino Rege & Consilio suo in crastino Ascensionis Domini proxime futuro.]

B. Thanswer of Randolf Austen Robert Setcole and Edmund Byrde to the Byll put ayenst them by John Butlond Thomas Bassett William knyght Thomas Sweting humfrey Walker John parker

1507.

Richard Fynche and Thomas perkykson in the name of the felyshipp of the craft of Founders in London.

The said Randolf Austen Robert Setcole and Edmond Byrde sayn that the said Bill is vncertein and insufficient to be answerd vnto and vntruly faynd of grete malys withoute cause or grounde reasonable by the said persones plaintyfes withoute thassent of the said felyshipp for the vexacion and trouble of the said Austen Setcole and Byrde and the matter in the said bill conteyned ys determinable att the common law and not in this courte, And they for any thing therin comprised owen not by the lawe to make answer and for the insuffyence therof they prayen that the said Bill may abate. Neuertheles thaduantage of the premisses to them sauid for declaracion of trowth in the premisses they sayen that ther was communycacion amonges the said hole felyshipp comonyd in the tyme that the said Austen Edmond Byrd and oon Thomas halyfax wer wardens whiche yet ben wardens, that for asmoche as dyuers persones vsyd to make sale of diuers wares aperteynyng to the said mystere or craft ferre better chepe than the charge therof cost and stood them ynne for the making and stuf of the same to the impouerishment of the same sellers and to the hurte and prejudice of all the hole felyshipp. Wherefore yt was comonyd emonges them in what wise and price they myghte sell their wares so that they myghte haue a conuenient lyuyng therby, and yt was thoughte emonges them that a chafing callid a mydyll dysse could not well be sold vndre the price of xiiij d. and a candilstik callid a small lampe vnder the price of viij d. and a candylstyck called a greate lampe vndre xij^d yf they shuld lyve therby and vpoun this communycacion the said felyshipp departid after whiche comunicacion

by the crafty meanys of the said Thomas Bassett and 1507.
for couetous and lucre ayenst all good consciens and
charyte put an informacion in the kinges Eschequier
ayenst the said Randolf Edmond Byrde and Robert
Setcole calling them wardens of the said felyshipp of
foundres where of trouthe the said Setcole was none of
the wardyns nor yet ys not, supposing that they and
othre of the said felyshipp shuld make an acte contrary
to the statute of the last Acte of parliament made that
none felishipp shuld make ordennaunces vpon pain of
xl li. the one half therof to the king and the other half
to the suter, that none of the said felishipp shuld sell a
grete lampe vndre xij d. and a small lampe vndre viij d
and a chafing dyshe vndre xiiij d vpon pain who so euer
dyd the contrary to forfeit iij s iij d to the said felyshipp
and that as oftyn as any suche case shuld happen vpon
which informacion by the sinistre meanys and labour of
dyuers persones they were condempyd in the somme of xl
li. whiche ys content and paid whiche was by thassent and
agrement of the most honest and substanciall persones
of the said felishipp aswell of them that haue ben war-
dens as of othre that ys to sey of the goodes and jewelles
of the said felyshipp xx li. and the othre xx li. of their
owne goodes bysyde their costes in suyte which
amountyd to x li. and aboue, Wythowte that that
the said Randolf Austen subtylly intending his owne
singuler weale and lucre and the vtter vndoing of the
said felyshipp of his own auctorytie made any suche
Acte emonge them as by the said Bill of Complaint is
surmytted and withoute that that the said Randolf
said vnto the said John Butlonde and othre of the said
felyshipp that rather than any of them shuld breke the
same his acte that they shuld bring their wares vnto
hym and that he wold gyve them redy monye for the same
wares after the fourme and prises surmyttid in the

1507.

said bill of complaint Or that the said Butlonde and othre of the said felyshipp for feare of breking of any suche act broughte any suche ware to the said Randolf and sold yt hym aftir his owne price or better chepe than he byfore grauntyd to pay Or that the same Randolf sold any suche wares for ij s. as he boughte for xvj d. or that he boughte any suche ware for x d and sold yt for xvj d. and therby gate great goodys and broughte many of the said felyshipp in great pouertie and mysery in maner and fourme as ys surmyttid in the said bill of complaint Butt that the same Randolf vppon good sufficient suertie wilbe glad to delyuer the same wares ayen to them for the monye that he paid for them And withoute that that they myght haue sold the said good at any suche price as ys specyfyed in the said bill of complaint and so have had their competent lyuyng but only for any suche acte made by the said Randolf And withoute that that the said Randolf Austyn Robert Setcole and Edmond Byrde contrary to the said act of parliament executid any suche act made by the said Randolf in the said felyshipp or took of the said Thomas Bassett the said iij s iijj d. for a fyne for that the said Thomas Bassett sold certen candilstykes vndre the said prices supposid to be in the said acte made by the said Randolf in maner and fourme as by the said bill of complaint ys surmyttid And withoute that that the said Randolf Robert Setcole and Edmond Byrde for suche costes as they had spent in the lawe in defens of the said suyte in thescheker withoute thassent and knowlage of the seid felyshipp embeselyd sold and spent all suche monye Jewelles and goodys as bylongyd to the said hole felyshipp in maner and fourme as ys surmyttid by the said bill of complaint And without that that there be no persones to take vppon them to be rulers of the said felyshipp for the good rules and

ordinaunces to be restorid and kept among the same 1507. felyshipp in maner and fourme as yn the said bill of compleynt ys surmyttid. ALL whiche matters the said Randolf Robert Setcole and Edmond Byrde ben redy to proue as this court will awarde wherefor they prayen that they may be dysmyssed from hens with their reasonable costes for their wrongfull vexacion in this behalf.

[*Indorsed* The Founderes materr.]

C. The replicacion of John Butlond Thomas Basset William Knyght Thomas Sweting humfrey Walker John Parker Richard Fynche and Thomas Perkynson and the substans of all the oder of the seid Felishipp to the aunswer of Randolf Austen Robert Setcole and Edmond Birde.

The seid John Thomas William Thomas humfrey John Richard and Thomas and all the oder substans of the said Felishippe seyn that their seid bill is certeyn and sufficient to be answerd vnto and the mater therin conteyned true and not feyned and that the same compleynt is made by the said Felishipp and by their hole assentes apou true and resonable groundes and greuous causes to be reformed by the kynges highnes and his most honorable Councell and not at the Comen lawe and ouer that they seyn in euery thing as they haue seid in their seid bill of compleynt. And that vppon the seid Communicacion hadde bitwene the seid Austen Setcole and Birde in suche wise as is specified in their seid answer for their singuler lucre and aduantage made an Acte and ordynauce in the seid Felyshipp that no man shuld sell eny candylstik chafyng dysshe or oder wares to any man but oonly to them of the same craft vnder such price as they then sett and vppon payne of forfiture for euery tyme xl. d. to the grete vndoing of the poure men

1507.

of the seid Felishipp and ayenst the comen wele of this lond which acte and ordynauce the seid Austen Setcole and Birde made for their own singuler profett and aduantage and wrongfully put in execucion to the great vndoing of your seid besechers and to the great aduantage and profite of the seid Austen Setcole and Birde and oder for the whiche the seid informacion was truly giffen ayenst them for the kynges grace and truly founden and they condempned for their own offences. And for asmoche as they haue confessed by the seid answer that they haue taken the money juelles and goodes belonging to the seid Felishipp to content and pay the seid condempnacion your seid compleynautes prayen that may be compelled to restore it to the seid Felishipp And also all suche oder goodes and juelles as they haue or hade belongyng to the seid Felishipp and also to restore your seid suppliautes to suche costes and damages as they haue putt them vnto according to right and goode consciens. Without that that the seid xx li. or any peny of the seid condempnacion was paid of the goodes and juelles of the seid Felishipp was paid by the assent and aggrement of the most honest and substanciall persons of the seid Felishipp or by thassent and aggrement of any oder person then of the seid Austen Setcole and Birde as is surmitted by the seid answer, all whiche matters the seid John Thomas William Thomas humfrey John Richard and Thomas ar redy to prone as this Court will awarde and prayen as they haue prayed in their bill of compleynt.

D. Randolf Augustyn sworne vpon this answer deposith and saith that true it is that among the felishipp of Foundours in London such an acte was made for sale of thair waris as in the byll of complaint is specified, but he denyeth that euer it was made by him onlye, but it was made as he saith vpon such consideracions as in

the within wreten answer it is declaryd by communica- 1507.
tion first had in this deponentes hous wher he dwellith
betwixt him and other of the best of the seid craft, that
is to say Robert Setcole, Edmund Bird Thomas Halifax
Robert Wellys, Robert Pynchbeke, John Payn, Robert
Storye, John Parker and diuers other of the clothing of
the said felishipp now not in this deponentes remem-
braunce, all which persons assembled to gether in the
hous of this deponent at a season sith the fynyssing
and ending of the last parlement condescendyd agreed
and concluded that the said acte shold be made in the
hoole crafte aforsaid to be kepte forthon. And for the
mor suretie therof thay agreed to do call all the hoole
companye of Founders aswele thoos that wer in the
lyverye as not for thair assent to the said acte, and thay
ther vpon wer assembled in the house also of this
deponent and vpon the shewing of this deponent
Robert Setcole Bird Halifax and other of thencon-
ueniences and damage that fell of the sales at sondrye
prices of thayr waris vsed among thaim, thay all wer
then and there agreed to the said acte, and thos that
now complayn wer besyest to haue that acte made
among thaim insomuch that thay set the price of euery
thing as thay haue said in thair complaint. Item to
the second parte of this answer he saith that true it is
that Thomas Basset was ceassid at iij s iij d. for breking
of the said acte which he broughte to this deponent
and therupon he bar it to the chamberlayn of London
which hath euermore the oone half of all suche forfeates,
For taking of which this deponent Setcole and Bird wer
condempnid by a *Nisi P(rius)* at saint martins in xl li.
for comyng agen the seid acte of parlement. Hoube it
he saith that the same fyne of xl d. was ceassid by the
hole felishipp of Founders and for payment of the same
xl li. the said Setcole movyd fyrst for sale to be made of

1507.

the plate of the felishipp to pay the king xxli. half of the said xl li. and at the first this deponent wold not agree therunto but said it was not wele doone to sell that was geven to the felishipp by good men but in conclusion he coude not as he saith bring bird Setcole and Halifax to the contrarie but that they wold haue it sold and so by thair assentes and steringes it was sold for xx li.

PART II. SOCIAL AND ECONOMIC HISTORY.

A. GENERAL DESCRIPTION OF SOCIAL CONDITIONS.

B. MANNERS AND CUSTOMS.

C. SOCIAL REFORM.

D. INDUSTRIES AND INTERNAL TRADE.

E. FOREIGN TRADE.

(i) GENERAL.

(ii) FOREIGN MERCHANTS IN ENGLAND.

(iii) ENGLISH MERCHANTS ABROAD.

(iv) COMMERCIAL TREATIES.

F. EXPLORATION AND DISCOVERY.

A. GENERAL NOTICES OF SOCIAL CONDITIONS.

105.

[“ Italian Relation ” (Camden Soc.), p. 31.]

The population of this island does not appear to me to bear any proportion to her fertility and riches. I rode, as your Magnificence knows, from Dover to London, and from London to Oxford, a distance of more than 200 Italian miles, and it seemed to me to be very thinly inhabited; but, lest the way I went with your Magnificence should have differed from the other parts of the country, I enquired of those who rode to the north of the kingdom, i.e. to the borders of Scotland, and was told that it was the same case there; nor was there any variety in the report of those who went to Bristol and into Cornwall, where there is the promontory that looks to the south west. The same thing is asserted by those who wrote the history of King Richard II; for they state, that England being threatened with an invasion by the French, about the year of grace 1390, the number of men capable of bearing arms was computed, and found to be 200,000 archers. And the bow being as decidedly the weapon of the English, as the pike is that of the Germans, I apprehend that there were not many more soldiers in England, at that time. The English, however, could muster a very large army, were they as devoted to their crown as the Scotch are; but from what I understand few of them are very loyal.

They generally hate their present, and extol their dead sovereigns.¹

106.

[Dudley's "Tree of the Commonwealth," pp. 19-20. Dudley's parentage has always been something of a mystery (see "Dict. Nat. Biogr." xvi. 100); probably he is the person referred to in the following extract from Henry VII's privy purse expenses; "To my Lorde of Dudley bastard broder, £66 8s." (Bentley's "Excerpta Historica," p. 112). The admirable sentiments expressed in this extract seem strange coming from one of the chief of Henry's financial agents; but they were written while Dudley lay under sentence of death in the Tower, and the character of those who exact dues is often misjudged by those who pay them.]

Yet it is requisite that this roote [concord] may also be well rooted in the Comynaltie of this realm, for there resteth the greate number; therein be all ye merchantes craftes men and artificers, laborers, franklins, grasiers, farmers, tyllers, and other generallie the people of this realme. Theise folkes maie not murmur nor grudge to liue in labour and paine, and the most parte of their tyme wth the sweat of their face. Let not them presume aboute their owne degree, nor let anie of them presume or counterfet the state of his better, nor let them in anie wise exceede in their apparell or dyet, but to vse them as their expences will surelie serve them. Let theise folkes remember their rentes and payments that they muste make, and rather pinch their bellie then to sell their necessarie, and let them beware of *pollers, pillars and of Westmr hall*, or else their purse wilbe thynne. To sessions and assizes make they not haste

¹ In the sixteenth century Cecil told a Spanish ambassador that it was proverbial how "the English run after the heir to the Crown more than after the present wearer of it" ("Spanish Cal.," 1553-67, p. 176).

except that neede enforce them. Let them *sequester themselves from costlie courts leaste care be their carroll when their silver is spent*; cloath not themselues in lyverie of Lordes, yet better weare the lyverie of their uyves. And good it were not to vse any vnlawful game, The tauernes and alehouses are not to these folkes much agreeable. If theie vse hawking and hunting, at length they will saie fye on their wyninges: And the chief of theis folkes, as the substanciall merchantes, the welthie grasiers and farmers,¹ let them not vse nor covet over great lucour and be to you unkinde that are lesser than they, but be they vnto their vnderlinges loving and charitable, and destroy them not wth your accompt wares and prises excessive, from daie to daie given, and not ouer hastelie caste them in prison for breaking of a daie or twoe; or take a greate gaine for a long daie to be given, or to deliuer them your mony to be the losse, and you to haue the profit and your mony also: and beware of usurie both plaine and colored, for to god both be indifferentlie knowne.² Beware of deceiptes of buyinge, and selling, and amende not your wares wth subiltie and crafte, wth oathes and lies sweetlie forged, for *if your gaines be reasonable the better it will abide*. Make not your ware to rise or to fall by your assemblie shortlie at a pointe, for that is but a crafte the poore people to polle; and consider howe your thrifte generallie increaseth by lending of wares to great men for daies, though your prices you knowe best yourselves, but secretlie to your conscience, as a scraping it is: And though you lefte the purchasing of landes, and sometimes buildinge and feasting, till your riches were greatlie grounded, it forced not much. Yee

¹ Dudley is the first of a long line of sixteenth century writers to make these complaints.

² See below, No. 122.

meane occupiers and begynners, make not your bargaines, but soe as ye be able to paie, leaste Westmr, St. Katherine's¹ or your boulded dores, be your reckoning place, and then your credence for euer is gone. . . .

107.

["Italian Relation," p. 37.]

I dare say that your Magnificence will have been surprised, when I stated that there was only one Chief Justice in the whole kingdom;² and will, perhaps, have imagined that I meant to imply that *the Dukes of Lancaster, York, Suffolk* and many others dispensed justice in their own countries; but these English noblemen are nothing more than rich gentlemen in possession of a great quantity of land belonging to the crown³; and any King who had several sons, or kinsmen, or persons of merit, not only gave them great estates to enjoy, but also conferred upon them the titles of duke, marquess, or earl, assigning to each of them some small influence over the revenue of the place from which their title is derived; as, for instance, 200 crowns per annum (£40 sterling) are paid to the Duke of York, from the royal dues of the city of York; and the jurisdiction, both civil and criminal, and the fortresses remain in the hands of the Crown. It is however true that the Church of Melnien (Dunelmensis, Durham) which is on the borders of Scotland, has several castles in her own power, and exercises temporal jurisdiction, and coins some small pieces of money, in like manner as the metropolitan city of Canterbury coins half groats, a piece of money of the value of two pence. In the earliest times of the Norman kings, it was no great

¹ St. Katherine's by the Tower was a hospital for the poor.

² See above, No. 31.

³ This was still the legal theory.

matter to give large estates to many gentlemen; for when King William the Bastard conquered England for the crown, all the land that was not fit for cultivation was divided into a number of parts called "military services" giving and assigning to each service, or as they were otherwise named, *fee*, 60 acres of land; ¹ an acre being about as much as two oxen can cultivate in a year. It is computed that there are at present 96,230 of these fees; but the English Church is in possession of 28,015 of them; the remainder are the property of the crown, or of the barons of the realm, who, however, pay acknowledgements to the crown for them. There is not a foot of land in all England which is not held either under the King or the Church; and many monasteries also pay acknowledgements to the King for their possessions; a great number of them having been founded out of the royal funds, by the crown, after the conquest by King William. And, if any knight should have acquired a sufficient number of these fees to be able to keep up a great establishment, he may get himself created an Earl by the King, howbeit the present King Henry makes very few. In former times the titled nobility, though, as I said before, they possessed no fortresses, nor judiciary powers, were extremely profuse in their expenditure, and kept a very great retinue in their houses (which is a thing the English delight in beyond measure); and in this manner they made themselves a multitude of retainers and followers, with whom they afterwards molested the Court, and their own countries, and in the end themselves, for at last they

¹ The absurdity of the Italian's estimate is illustrated by the fact that there are 32½ million acres in England whereas his calculation accounts for less than 6,000,000. A knight's fee was nearer ten times the extent of 60 acres; but his estimate of the relative wealth of the Church has commonly been accepted.

were all beheaded. Of these lords, who are called *milites* (knights), there are very few left, and those diminish daily. But the present King Henry has appointed certain military services, to be performed by some of his own dependants and familiars, who he knows can be trusted on any urgent occasion ; and can be kept on a much smaller number of fees, costing him, it is said, on an average 60 nobles per annum, which are equivalent to 120 florins of the Rhine (£204 sterling).¹ All the lands of the nobility, however, are not in cultivation, for a great portion lies barren and waste ; and I am told that there are more than 4000 parks in England, all inclosed with timber fences. And such is the condition of the Lords temporal, in this kingdom.

108.

[*Ibid.* p. 41.]

Eboracum was in ancient times the principal city of the island, and was adorned with many buildings by the Romans, in their elegant style ; but, having been sacked and burnt in the reign of King William the Conqueror, she never afterwards could recover her former splendour ; so that, at present, all the beauty of this island is confined to London ; which, although sixty miles distant from the sea, possesses all the advantages to be desired in a maritime town ; being situated on the river Thames, which is very much affected by the tide, for many miles (I do not know the exact number) above it ; and London is so much benefited by this ebb and flow of the river, that vessels of 100 tons burden can come up to the city, and ships of any size to within five miles of it ; yet the water in this river is fresh for twenty miles below London. Although this

¹ This is the translator's equation, for which no reason is given.

city has no buildings in the Italian style, but of timber or brick like the French, the Londoners live comfortably, and, it appears to me, that there are not fewer inhabitants than at Florence or Rome. It abounds with every article of luxury, as well as with the necessaries of life : but the most remarkable thing in London, is the wonderful quantity of wrought silver. I do not allude to that in private houses, though the landlord of the house in which the Milanese ambassador lived,¹ had plate to the amount of 100 crowns, but to the shops of London. In one single street, named the Strand, leading to St. Paul's, there are fifty-two goldsmith's shops, so rich and full of silver vessels, great and small, that in all the shops in Milan, Rome, Venice, and Florence put together, I do not think there would be found so many of the magnificence that are to be seen in London. And these vessels are all either salt cellars, or drinking cups, or basins to hold water for the hands ; for they eat off that fine tin, which is little inferior to silver (pewter). These great riches of London are not occasioned by its inhabitants being noblemen or gentlemen ; being all, on the contrary, persons of low degree, and artificers who have congregated there from all parts of the island, and from Flanders, and from every other place. No one can be mayor or alderman of London, who has not been an apprentice in his youth ; that is, who has not passed the seven or nine years in that hard service described before.² Still, the citizens of London are thought quite as highly of there, as the Venetian gentlemen are at Venice, as I think your Magnificence may have perceived.

The city is divided into several wards, each of which has six officers ; but superior to these, are twenty-four gentlemen whom they call aldermen, which in their

¹ Probably Raimondo de Soncino.

² See below, p. 222.

language signifies old or experienced men ; and, of these aldermen, one is elected every year by themselves, to be a magistrate named the mayor, who is in no less estimation with the Londoners, than the person of our most serene lord (the Doge) is with us, or than the Gonfaloniers at Florence ; and the day on which he enters upon his office he is obliged to give a sumptuous entertainment to all the principal people in London, as well as to foreigners of distinction ; and I, being one of the guests, together with your Magnificence, carefully observed every room and hall, and the court, where the company were all seated, and was of opinion that there must have been 1000 or more persons at table. This dinner lasted four hours or more ; but it is true that the dishes were not served with that assiduity and frequency that is the custom with us in Italy ; there being long pauses between each course, the company conversing the while.

A no less magnificent banquet is given when two other officers, named *sheriffs* are appointed ; to which I went, being anxious to see everything well ; your Magnificence also was invited, but did not go in consequence of the invitation having come from the Lord Privy Seal. At this feast, I observed the infinite profusion of victuals, and of plate, which was for the most part gilt ; and amongst other things, I noticed how punctiliously they sat in their order, and the extraordinary silence of everyone, insomuch that I could have imagined it one of those public repasts of the Lacedemonians that I have read of.

109.

[“ An Acte that noe Butcher slea any manner of beast within the Walles of London,” 4 Henry VII. c. 3, “ Statutes of the Realm,” ii. 527.]

To our liege Lorde the Kyng and his Lordis Spiritual and temporall and to his Comens in this present Parlia-

ment assembled ; Most humbly besechith yr habundant ^{1489.} grace your povere subgiettes and oratours parissbens of the parisshes of Seynt Feyths and Seint Gregorys in London, next adjoynaunt unto the Cathedrall Church of Powles ; That where as it ys so that the greate concours of people aswell of your most roiall persone as of other greate Lordes and estatis with other of your true subgiettis is often tymes had into the seid Cathedrall Chirch of Powles, and for the moost parti thorowe out the parisshes aforseid, the which oft tyme is gretly anoyde and invenemd by corrupt eyrs, ingiendrid in the seid parisshes by occacion of blod, and other fouler thynges unto your most noble grace not to be named, by reason and occasion of the slaughter of bestes and skaldyng of swyne had and doon in the bochery of Seynt Nycholas Flesshamles, whos corrupcion by violence of unclene and putrifid waters is born down thorowe the seid parisshes, and compasseth ij parties of the palace where youre moost roiall Estate is wount to abide when ye come to the seid Cathedrall Church for eny acte to be don, to the jupardous abydyng of your moost noble persone, and to the over greate anoyans of the seid parissions ther, and of other of your subgiettis and straungers that passith by the same ; complaynt wherof at dyuers and meny seasons almost by the space of xvj yeres contynually, aswell by the Chanons and Petychanons of the seid Cathedrall Chirch, landlordis there, as also by meny other divers of your subgiettis of right honest behaviour, unto dyvers Meires and Aldermen of your Cite of London hath be made, and no remedy had ne found : yt myght please your seid moost habundaunt grace both to provyd for the conservacion of your seid moost roiall persone, as also to succour your poure subgettes in this behalve ; considryng that in fewe noble cytes and townes or non within Krysten-

1489.

dome, wheras travelyng men have labred that the comen slaughter howse of beestes shuld be kept in any speciall parte within the walles of the same, lest yt myght ingendre syknes to the destruccion of the people, to ordeyne and establissh by thadvyce and assente of the Lordes spirituall and temporall and the Comens in this present parliament assembled and by auctorite of the same, that no bocher nor his servaunt slee no manner beste within the seid house called the Skaldyng house or within the walles of London, upon payne to forfeit for every oxe xijd. and for every cough and every other best viij d. the oon halfe thereof to you Sovereign Lord, and the other halfe thereof to every youre lieges that will sue for the same by accyon of dette, and that no proteccion or esson be alowed to eny of the defendaunts ayenst whome eny such accion shall be conceyued; and that in the same accion of dette such processe be made as in other accions of dette sued at the comyn lawe. And over this be it ordeyned and enacted by the seid auctorite, that the same ordynaunce acte and lawe extend and be observed and kept in every cite bourgh and towne walled within this realme of Englund, and in the towne of Cambrigge, the townes of Berwyk and Karlile only except and forprised. Provided alwey that this present Acte begyn to take effecte at the fest of the Annunciacion of oure Lady next coming and not afore.

B. MANNERS AND CUSTOMS.

110.

[“ Italian Relation,” p. 33.]

They have a very high reputation in arms; and from the great fear the French entertain of them, one must believe it to be justly acquired. But I have it on the best information, that when the war is raging most

furiously, they will seek for good eating, and all their other comforts, without thinking of what harm might befall them.

They have an antipathy to foreigners, and imagine that they never come into their island, but to make themselves masters of it, and to usurp their goods; neither have they any sincere and solid friendships amongst themselves, insomuch that they do not trust each other to discuss either public or private affairs together, in the confidential manner we do in Italy. And although their dispositions are somewhat licentious, I never have noticed any one, either at court or amongst the lower orders, to be in love; whence one must necessarily conclude, either that the English are the most discreet lovers in the world, or they are incapable of love. I say this of the men, for I understand it is quite the contrary with the women, who are very violent in their passions. Howbeit the English keep a very jealous guard over their wives, though anything may be compensated in the end, by the power of money.

The want of affection in the English is strongly manifested towards their children; for after having kept them at home till they arrive at the age of seven or nine years at the utmost, they put them out, both males and females, to hard service in the houses of other people, binding them generally for another seven or nine years. And these are called apprentices, and during that time they perform all the most menial offices; and few are born who are exempted from this fate, for every one, however rich he may be, sends away his children into the houses of others, whilst he, in return receives those of strangers into his own. And on inquiring their reason for this severity, they answered that they did it in order that their children might learn better manners. But I, for my part, believe that they

do it because they like to enjoy all their comforts themselves, and that they are better served by strangers than they would be by their own children. Besides which the English being great epicures, and very avaricious by nature, indulge in the most delicate fare themselves and give their household the coarsest bread, and beer, and cold meat baked on Sunday for the week, which, however, they allow them in great abundance. That if they had their own children at home, they would be obliged to give them the same food they make use of for themselves. That if the English sent their children away from home to learn virtue and good manners, and took them back again when their apprenticeship was over, they might, perhaps, be excused ; but they never return, for the girls are settled by their patrons, and the boys make the best marriages they can, and, assisted by their patrons, not by their fathers, they also open a house and strive diligently by this means to make some fortune for themselves ; whence it proceeds that, having no hope of their paternal inheritance, they all become so greedy of gain that they feel no shame in asking, almost " for the love of God," for the smallest sums of money ; and to this it may be attributed, that there is no injury that can be committed against the lower orders of the English, that may not be atoned for by money.

Nevertheless, the apprentices for the most part make good fortunes, some by one means and some by another ; but above all, those who happen to be in the good graces of the mistress of the house in which they are domiciliated at the time of the death of the master ; because, by the ancient custom of the country, every inheritance is divided into three parts ; for the Church and funeral expenses, for the wife, and for the children. But the lady takes care to secure a good portion for herself in secret, first, and then the residue being divided into three parts

as aforesaid, she, being in possession of what she has robbed, of her own third, and that of her children besides, (and if she have no children, the two thirds belong to her by right) usually bestows herself in marriage upon the one of those apprentices living in the house who is most pleasing to her, and who was probably not *displeasing* to her in the lifetime of her husband ; and in his power she places all her own fortune, as well as that of her children, who are sent away as apprentices into other houses. Then, when the boys are of age, their fortunes are restored to them by their mother's husband, who has enjoyed them for many years, but never to the full amount ; and these boys in process of time enact to others the same part that their step-fathers performed to them. No Englishman can complain of this corrupt practice, it being universal throughout the kingdom ; nor does any one, arrived at years of discretion, find fault with his mother for marrying again during his childhood, because, from very ancient custom, this license has become so sanctioned, that it is not considered any discredit to a woman to marry again every time that she is left a widow, however unsuitable the match may be as to age, rank and fortune.

I saw, one day, that I was with your Magnificence at court, a very handsome young man of about 18 years of age, the brother¹ of the Duke of Suffolk, who, as I understand, had been left very poor, the whole of the paternal inheritance amongst the nobility descending to the eldest son ; this youth, I say, was boarded out to a widow of fifty, with a fortune, as I was informed, of 50,000 crowns ; and this old woman knew how to play her cards so well, that he was content to become her

¹ Suffolk had two brothers, Richard and William ; Richard, afterwards known as the "White Rose," was killed at the battle of Pavia in 1525. The story more probably relates to William.

husband, and patiently to waste the flower of his beauty with her, hoping soon to enjoy her great wealth with some handsome young lady; because, when there are no children, the husband succeeds to the whole of the wife's property, and the wife in like manner to her husband's, as I said before; the part, however, belonging to the Church always remaining untouched. Nor must your Magnificence imagine that these successions may be of small value.

111.

[Dudley's "Tree of the Commonwealth," pp. 35-6.]

And ye honeste merchantes and other welthie Commoners, be not ashamed to give to your children parte of theis paringe of profitable tranquility. Let not the femynine pittie of your wives destroye your children; pompe not them at home in furred coates, and their shirtes to be warmed against their uprising, and suffer them not to lie in their beddes till tenne of the clocke, and then a warme breakfaste ere his handes be washed: his nature is soe tender, he may neether learne nor labour. Mr. John he muste be called; and his fathers servauntes set their bodies to some busynes and that betymes. Remember yourselves howe ye wonne your thriftes. Dandell them not to derelie, lest follie fasten on them; for oftentimes all that you leave, though ye were longe in gettinge therof, wth much penuri and paine, shortlie they spend it wth vnthrifitie manner.

112.

[“Italian Relation,” p. 20.]

The English are, for the most part, both men and women of all ages, handsome and well-proportioned; though not quite so much so, in my opinion, as it had

been asserted to me, before your Magnificence went to that kingdom; and I have understood from persons acquainted with these countries, that the Scotch are much handsomer; and that the English are great lovers of themselves, and of everything belonging to them; they think that there are no other men than themselves, and no other world but England; and whenever they see a handsome foreigner, they say that "he looks like an Englishman," and that "it is a great pity that he should not be an Englishman"; and when they partake of any delicacy with a foreigner, they ask him, "whether such a thing is made in *their* country?" They take great pleasure in having a quantity of excellent victuals, and also in remaining a long time at table, being very sparing of wine when they drink it at their own expense. And this, it is said, they do in order to induce their other English guests to drink wine in moderation also; not considering it any inconvenience for three or four persons to drink out of the same cup. Few people keep wine in their own houses, but buy it, for the most part, at a tavern; and when they mean to drink a great deal, they go to the tavern, and this is done not only by the men, but by ladies of distinction. The deficiency of wine, however, is amply supplied by the abundance of ale and beer, to the use of which these people are become so habituated, that, at an entertainment where there is plenty of wine, they will drink them in preference to it, and in great quantities. Like discrete people, however, they do not offer them to Italians, unless they should ask for them; and they think that no greater honour can be conferred, or received, than to invite others to eat with them, or to be invited themselves; and they would sooner give five or six ducats to provide an entertainment for a person, than a groat to assist him in any distress.

They all from time immemorial wear very fine clothes, and are extremely polite in their language; which, although it is, as well as the Flemish, derived from the German, has lost its natural harshness, and is pleasing enough as they pronounce it.¹ In addition to their civil speeches, they have the incredible courtesy of remaining with their heads uncovered, with an admirable grace, whilst they talk to each other. They are gifted with good understandings, and are very quick at every thing they apply their minds to; few, however, excepting the clergy, are addicted to the study of letters; and this is the reason why any one who has learning, though he may be a layman, is called by them *a Clerk*. And yet they have great advantages for study, there being two general Universities in the kingdom, Oxford and Cambridge; in which are many colleges founded for the maintenance of poor scholars. And your Magnificence lodged at one named Magdalen, in the University of Oxford, of which the founders having been prelates, so the scholars are also ecclesiastics.

113.

[Kingsford's "Chronicles," p. 199.]

And this yere [1494] was a Roiall feste kept at Westmynster by the kyng, on the Twelvith day, where dyned the Mayr and his brethir, and at nyght was a disgysyng of xij ladyes and xij gentilmen. And all the greate hall was hanged w^t Arras, and staged Round abowte w^t Tymber, that the people myght easely behold. And after the disgysyng was doon, the kyng was serued

¹ "The language of the Scotch" (says the Italian elsewhere, p. 18) "is the same as that of the Irish, and very different from the English; but many of the Scotch people speak English extremely well, in consequence of the intercourse they have with each other on the borders."

with lx disshes of dyuers confections, and the Quene w^t as meny, and the Mair and his brethir w^t xxiiij; And after w^t spicis, among the which dysshes was nother flesh nothir ffysshe; and that day before dyner the kyng made iiij knyghtes, whereof the Mair was one and William Martyn, Alderman that other, and ij Iresshmen of therlis of Kildare.

114.

[Extracts from the Privy Purse Expenses of Henry VII, Bentley's "Excerpta Historica," pp. 85-133.¹]

A^o. 7 H. VII. 1491.

- Dec. 24. For heling of a seke body this day, 6s. 8d.
 To a fello with a berde a spye in rewarde, £1.
 To two monkes aspyes in rewarde, £2.
 To Ringley, lorde of mysrewle, upon a prest, £5.
26. To the Kinges Confessor, to offre at Canterbury, 20s., for almosse by the wey, 6s. 8d., and for his costs, 20s., in all, £2 6s. 8d.
27. To the Scolers of Oxonford for ther exebucon, and for making of two Baculers of Arte, £11. 13s. 4d.

A^o. 1492.

- Jan. 2. To Carter for writing of a boke, 7s. 4d.
 8. To the King to play at cardes, £5. To him that brought the pronosticacon, 6s. 8d.²
15. Delivered by the Kinges commandement for diverse juels pledges oute of London for the household, £350.

¹ Bentley printed from Orde's transcripts in *Add. MS.* 7099; and most of the originals, from which Orde selected, are in the P.R.O. Exchequer Accounts, Bundley, 414, Nos. 6, 16, 415 No. 3.

² Possibly a kind of barometer. Among Henry VIII's effects was a "Prognostication covered with green velvet".

1492.

16. To one that brought the King a lyon, in rewarde, £2. 13s. 4d.
24. At Shene. For a bow bought for my Lorde Prince, 6s. 8d.
29. To my Lady [of] York¹ mynstrels in rewarde, £1.
- March 1. To the Walshmen on Saint David day, £2.
4. To the childe that playeth on the records, £1.
- April 6. At Shene. To Doctor Fitz James for preching, £1.
14. To Master Lynche the Phisicon, £3. 6s. 8d.
- May 27. Delivered by the Kinges commandement for diverse peces of cloth of gold, and for certain and many precyouse stones and riche perlis bought of Lambardes for the garnyshing of salades, shapnes, and helemytes agenst the King's noble voyage, £3800.
- June 4. To bere drunken at a fermors house, 1s.
To Sir Edw. Borough whiche the King lost at Buttes with his crossebow, 13s. 4d.
9. To one that brought the King a box with pomand, 10s.
10. To a Spaynarde that pleyed the fole, £2.
18. To the folysse Duke of Lancastre, 3s. 4d.²
- July 1. To the King which he lost at cardes, £4.
8. To the maydens of Lambeth for a May, 10s.
15. To a man of Suthwark wrongfully arrestede, £1.
31. At Sittingbourne. To the foolyshe duc of Lancastre, 6s. 8d.
- Oct. 24. To Ringeley, abbot of mysreule, £5.
- A^o. 1493.
- Jan. 1. To the queresters at Paules and Saint Steven, 13s. 4d.

¹ Cicely, widow of Richard, Duke of York; she died on 31 May, 1495.

² Apparently but somewhat singularly "the Duke of Lancaster" was a sobriquet of one of the King's fools.

6. To Newark for making of a song, £1. 1493.
 March 25. To one that brought the King a masse of
 the Passyon of our Lady, in rewarde,
 6s. 8d.
 May 13. To the waytes of Northampton in rewarde,
 13s. 4d.
 16. To Padesey piper on the bagepipe, 6s. 8d.
 Aug. 5. To the young damoyzell that daunceth, £30.
 Sept. 24. To hym that had his bull bayted, in rewarde,
 10s.
 Nov. 12. To one Cornysse for a prophecy, in rewarde,
 13s. 4d.
 30. Delevered to a merchaunt for a par of organnes,
 £30.
 Dec. 6. To the King of Fraunce fole in rewarde, £4.

A^o. 1494.

- Jan. 2. For playing of the Mourice dance, £2.
 Feb. 15. To Walter Alwyn in full payment for the dis-
 guysing made at Christenmes, £14. 13s. 4d.
 March 6. To the Walshemen towards ther feste, £2.
 12. To the Priour of Shene for beelding there,
 £200.
 25. To thirty-eight poer men in almes, £6. 0s. 4d.
 Oct. 31. To the Challengers at the Justes, £66. 13s. 4d.
 To the defenders at the Joustes, £66. 13s. 4d.

A^o. 1495.

- Jan. 4. Delivered in newyeryests [New Year gifts] by
 the King's commandement, £120.
 20. Delivered to Sir Robert Clifford by thand of
 Master Bray, £500.¹
 Feb. 20. To Sir William Stanley at his execution, £10.²

¹ Presumably for turning King's evidence against Sir William Stanley.

² See Vol. i., No. 75.

1495.

- Feb. 27. For Sir William Stanley buryall at Syon, £15. 19s.
- March 9. To the gardiner of Shene for sedes, 6s. 8d.
- July 30. For the wages of 100 horsemen for fourteen days, every of them 9d. by day, £52. 10s.
For the wages of 100 fotemen for fourteen days, every of them 6d. by day, £35.
- Sept. 11. To James Keyley for King Richard tombe, £10. 1s.
- Oct. 23. To two freers of Inde in rewarde, £2.
30. To Sir Charles Somerset for a preste of Inde in almes, 10s.
- Nov. 2. To a woman that singeth with a fidell, 2s.
27. To Hampton of Wourecestre for making of balades, in rewarde, £1.
- Dec. 21. To Richard Emson in rewarde, £13. 6s. 8d.

A^o. 1496.

- Jan. 22. To a barbor that did shave the King, 4s.
24. To the Juewes towards hir marriage, £2.
- May 19. Delivered to John Shaa towards the beleding of Seint George Chapell, £333. 6s. 8d.
24. To the Kinges grace to play at the cardes, in gold, £20, in grotts, 100s. in grotts, £19, and in grottes, 60s.
- Aug. 5. Delivered to therle of Kildare £66. 13s. 4d.
25. To a preste that wrestelled at Cecetr', 6s. 8d.
- Sept. 20. To the Blynde Poete in rewarde, £3. 6s. 8d.¹
- Nov. 7. To Clement Clerk for writing of thamytie of Flanders, £2.²
18. To a preste for making a pronostication, £1.
- Dec. 11. Delivered by the Kinges commandment for rigging forth of the King's navy, £4575. 5s.

¹ Bernard André.² The *Intercursus Magnus*.

A^o. 1497.

1497.

- Jan. 20. To John Flee for a case for the capp and swerde of mayntenance, £1. 2s.¹
- Feb. 1. Delivered to the Quenes grace for to pay hir detts, which is to be repayed, £2000.
- March 31. Delivered to the Greek in rewarde, £4.
To the freer that preched in Frensh, £2.
- April 3. To a Walshe rymer in rewarde, 13s. 4d.
- Sept. 10. Delivered to Richard Emson for to carry to Exeter for the busyness ther, £666. 13s. 4d.²
25. To a man that came from Perkyn, £1.

A^o. 1498.

- May 25. For a rewarde yeven at the paper mylne, 16s. 8d.³

A^o. 1499.

- March 6. To Master William Paronus, an astronmyre, £1.
- June 7. To the pleyers with marvels, £4.
To the Printers at Westmr, £1.
- Aug. 3. To a servant of the Popes sonnes, £6. 13s. 4d.
- Sept. 2. To the Baylif of Winchester for taken of prophecys, 13s. 4d.

A^o. 1500.

- July. Delivered the Kinges grace for play on Sunday at night, £1. 13s. 4d.
- Dec. 1. To a felow for eting of coles, 6s. 8d.
To Thomas Blakall the Kinges foule, 6s. 8d.

A^o. 1501.

- March 25. Delivered and payd by the Kinges commandment for diverse and many juells brought

¹ Sent by the Pope to Henry VII.

² To resist Perkin Warbeck ; See Vol. i., Nos. 116-20.

³ In the latest edition of the "Encyclopædia Britannica," xx. 726, the earliest paper-mill in England is assigned to the sixteenth century.

1501.

oute of Fraunce agenst the marage of my
Lorde Prince, £14,000.

May 28. To Poule Giglys for the costs of the tran-
sampts of the Kinges bulls, £39. 3s.

June 30. To Massy for shaving the King from the 25
day of March unto the 25 day of Juyn,
£2. 12s.

July 23. To Master Esterfelde for the Kinges tombe,
£10.

A^o. 1502.

Jan. 7. To my Lorde of York [aged 9, afterwards Henry
VIII] to pley at dice, £3. 6s. 8d.

Feb. 19. To Master Esterfeld for the Kinges tombe at
Windsor, £10.

Oct. 1. Delivered to thabbot of Westminster for the
beleding of the Kinges new Chapell, £40.¹

To Halyband for thexpens of my Lady Princess
household for the moneth of November, £83.
6s. 8d.

Dec. 16. Delivered and payd by the Kinges commande-
ment for purchasing of lands for the Kinges
Chapell at Westminster, £30,000.

31. To the children of the Kinges Chapell for
singing of Gloria in excelsis, £2.

A^o. 1503.

Jan. 2. To one that brought the King a leopard, £13.
6s. 8d.

To the pleyers of Essex in rewarde, £1.

13. To Master Esterfeld for conveying of the Kinges
towmbe from Windsor to Westminster, £10.

A^o. 1505.

June 25. Delivered to Henry Smyth for fynissyng of
the newe towre at Richemount and paving

¹ Between October 1502 and June 1505 the Abbot received
£9650. 17s. 4d. for this purpose.

both galoryes and ledging of the said towre and paying for bryke and stone and other diverse workes, as apperethe by a bille signed, £133. 6s. 8d.

115.

[Remuneration of the Poet Laureate, Rymer's "Foedera," xii. 317.

The significance of the title "poet laureate" is doubtful. Skelton claims to have received it from both the Universities of Oxford and Cambridge, and it seems to have been an academic custom to crown a graduate who distinguished himself in poetry with laurel. But André's title appears to have been a court and not an academic distinction; see Dyce's "Skelton," Vol. i, pp. xi-xv. Dyce denies that Skelton ever received a salary as royal Poet Laureate, but André apparently did. "Poet," however, was then applied to writers of prose as well as of verse.]

Henricus Dei gratia, Rex Angliæ & Franciæ & ^{24 Novem-} Dominus Hiberniæ, thesaurio & camerariis suis qui ^{ber, 1486.}
nunc sunt & qui pro tempore erunt, salutem.

Cum nos, vicesimo quarto die instantis mensis Novembris, de gratia nostra speciali, per literas nostras patentes, concesserimus *Bernardo Andreae* POETAE LAUREATO quandam annuitatem decem marcarum habendam & percipiendam dictas decem marcas annuas præfato Bern. de quousque quodam corodio, beneficio, annuitate, præbenda seu libera capella, sive pensione valoris decem marcarum vel supra per annum in loco competentis per nos promoti sibi provideretur, de denariis sive thesauro nostro primo convenientibus de sive ad receptam Scaccarii nostri, per manus thesaurarii & camerariorum ejusdem receptæ pro tempore existentium ad festa Sancti Michaelis Archangeli & Paschæ per aequales portiones, prout in litteris prædictis plenius continetur.

Vobis mandamus quod eidem Bernardo id, quod ei a

November,
1486.

retro est de predictis decem marcis annuis, a prædicto festo Paschæ ultimo præterito, & easdem decem marcas annuas præfato Bernardo a nunc singulis annis, quousque ei de quodam corrodio, beneficio, annuitate, præbenda, seu libera capella, sive pensione, valoris decem marcarum vel supra per annum in loco competenti, per nos promoti, sibi provideatur, ad receptam prædictam, de denariis sive thesauro nostro prædictis, ad festa prædicta, de tempore in tempus, solvatis, juxta tenorem literarum nostrarum prædictarum, recipientes a præfato Bernardo de tempore in tempus litteras suas acquitantiæ, quæ pro nobis sufficientes fuerint in hac parte.

C. SOCIAL REFORM.

116.

[Manumission of villeins on the King's ancient demesne, Campbell's "Materials," i. 166-7. Compare Sir Thomas Smith, "De Republica Anglorum," ed. 1904, pp. 130-1.]

18 Novem-
ber, 1485.

Henricus, Dei gratia rex Angliæ et Franciæ et dominus Hiberniæ, reverendo in Christo patri Johanni Wigorniensi episcopo, cancellario nostro, salutem. Vobis mandamus quod, litteras nostras patentes sub magno sigillo nostro in forma sequenti fieri faciatis. Rex omnibus ad quos, etc, salutem. Cum, ab initio omnes homines natura liberos creavit, et postea jus gentium quosdam sub jugo servitutis constituit, pium fore credimus et penes Deum meritorium, certos in villinagio nobis subjectos a tali servitute liberos penitus facere. Sciatis igitur nos, de gratia nostra speciali ac ex certa scientia et mero motu nostris, manumisisse et ab omni jugo servitutis liberasse dilectos subditos nostros Rogerum Bonde, Johannem Bonde et Philippum Bonde et eorum quemlibet nativos nostros, ut de manerio

nostro de Calstok, cum tota sequela sua, tam procreata, ^{November,}
 quam procreanda, ac cum omnibus bonis, catallis, terris ^{1485.}
 et tenementis suis perquisitis et imposterum perquiren-
 dis. Ita quod dictæ personæ et earum quælibet, cum
 tota sequela sua procreata et procreanda, in forma
 prædicta, sint et sit, de cætero, liberæ et liberæ con-
 ditionis erga nos hæredes et successores nostros in
 futurum, aliquo statuto, actu, ordinatione seu provi-
 sione in contrarium facto, edito sive proviso non
 obstante.

117.

[An Act "for kepyng up of houses for husbondrye," 4 Henry VII,
 c. 19, Caxton's "Statutes," 1489; "Statutes of the Realm,"
 ii. 542.]

Item, the Kyng our Souereyn lorde hauynge a singuler ^{1489.}
 pleystur aboue all thyng to auoyde suche enormytees and
 myscheuous as ben hurtful and preiudyciall to the
 comen weale of this his londe and his subgettes of the
 same, Remembreth that amonge all other thynges grete
 inconuenyences dayly doo encrease by desolacion and
 pulling downe and wylfull wast of houses and townes
 wythin this his reame, and leying to pasture londes
 whiche custumably haue ben used in tylthe, wherby
 ydlenesse is growde and begynnyng of all myscheuous
 dayly dooth encrease. For where in some townes ii
 hundred persones were occupied and lived by their law-
 full labours, now ben there occupied ii or iii herdemen,
 and the residue falle in ydlenes, the husbondrie whiche
 is one of the grettest comoditees of this reame is gretly
 decayed, chirches destroyed, the seruyse of God wyth-
 drawen, the bodies there beried not praied for, the
 patrone and curates wronged, the defense of this londe
 ayenst our enmyes outwarde febled and impeyred to the
 grete displeysur of God, to the subuersion of the policie

1489.

and good rule of this londe and remedy be not therefore hastily purueyed. Wherefore the kyng our sayd souerein lorde, by thaduyse of the lordes spirituell and temporel, and the Comens in the sayd parliament assembled, and by auctorite of the same hath ordeyned, enacted, and stablished that noo persone, what estate, degree, or condicyon that he be, that hath any hous or houses that at any tyme within iii yeres passed hath ben or that now is or hereafter shal be leten for ferme with xx acres of londe at leest or more, liynge in tyllage and husbondrie, that the owner or owners of eueri suche house or houses and londe be bounde to kepe susteyn and mayntene houses and byldynges upon the sayd grounde and londe conveyent and necessarie for mayntenynge and upholdyng of the sayd tyllage and husbondrie, And yf any suche owner or owners of any suche house or houses and londe take, kepe, and occupye any such house or houses and land in his or their owne handes, that the sayd owner or owners by the sayd auctorite be bounde in likewyse to kepe and mayntene houses and byldynges upon the sayd grounde and londe conveyent and necessary for the mayntening and upholdyng of the sayd tillage and husbondrie. And yf any man doo contrarie to the premysses or any of them, that thenne it be liefull to the kyng, yf any suche londes or houses be holden of hym immediatly, or to the lordes of the fees, yf any suche londes ben holden of theym immediatly, to receive yerely halfe the value of thyssues and profytes of any suche londes, wherof the house or houses ben not soo mayntened and susteyned. And the same halfendele of thissue and profytes to have, holde, and kepe to his or their owen use wythoute any thyng therefore to be payed or yeven to suche tyme as the same house or houses be suffyciently bylded or repayred ayen. And that noo maner of freholde be in

the king ne in ony suche lord or lordes by the takyng^{1489.}
of ony such profytes of or in ony suche londes in noo
maner of fourme, but oonly the kyng and the sayd lord
or lordes have power to take, receive, and haue the sayd
yssues and profytes as is aboue said, And therefore the
kyng or the sayd lord or lordes to have power to
dystreyne for the same issues and profytes to be had
and perceyued by theym in fourme aboue sayd by
auctorite of this presente acte.

118.

[An Act to remedy the evil effects of engrossing and enclosures in
the Isle of Wight, 4 Henry VII, c. 16, "Statutes of the Realm,"
ii. 540.]

For as moche as it is to the Kyng our Sovereign^{1489.}
lordes grete suertie, and also to the suertie of the
Realme of Englund, that the Isle of Wight in the
Countie of Suthampton be wele inhabited with English
people, for the defence as well of his ancien ennemyes
of the realme of Fraunce as of othir parties, the
whiche Isle is late decayed of people, by reason that
many townes and vilages been lete downe and the
feldes dyked and made pastures for bestis and cattalles,
And also many dwelling places fermes and fermeholdes
have of late tyme ben used to be taken in to oon manns
hold and handes, that of old tyme were wont to be in
many severall persones holdes and handes, and many
severall householdes kepte in theym, and therby moche
people multiplied, and the same Isle therby well in-
habited, the whiche nowe by thoccacion aforseid is
desolate and not inhabited, but occupied with bestis and
catall, so that if hasty remedy be not provided that Isle
can not be longe kepte and defended, but open and redy
to the handes of the Kingis ennemyes, which God for-

1489.

beed : For remedy wherof be it ordeyned enacted and stablissed by thadvyse and assent of the Lordis spirituallis and temporellis and the Comons in this present parliament assembled and by auctorete of the same, that from hensforth no manner of persone of what estate degre or condicion he is or shalbe, take eny severall fermes more than oon, of maners londes tenementis personages or tythes wherof the ferme of theym all togidre shall excede the somme of x marces yerely ; and if any severall leeses afore this tyme have been made to eny persone or persones of divers sundry fermeholders over the seid yerely value of x marces, then the persone or persones that nowe holde the same to chose oon or moo of the seid fermeholdes at his pleasure, so that the ferme of theym all so chosen be not above the yerely value of x marces, to holde aftir the fourme of his lees ; and the remenaunt, from the fest of seynt Michell tharcangell whiche shalbe in the yere of our Lord mcccc-lxxxx to cease and be utterly voide, and the occupier and termer of theym from thens to be discharged ayenst his lessour of the rent reservid upon the same leses ; And if eny persone do hereafter to the contrarie of this Acte that then the lessee in that behalfe forfeyt to the kyng for every suche takyng x libri. Provided alweyes that they whiche have paid any fynes, or made bildinges or done grete reparacion upon any suche fermes, and be putte fro the same ferme by reason of this Acte, shalbe recompenced for suche bilding or reparacion as right and gode conscience requiren ; that recompence to be adjudged by the discrecion of the capitaigne of the seid Isle for the tyme beyng or his lieutenaunt of the same in his absence.

[“An Acte agaynst vacabounds and beggars,” 11 Henry VII, c. 2,
“Statutes of the Realm,” ii. 569.]

For as moche as the Kyngis grace moost entierly 1495. desireth amonges all erthly thingis the prosp[er]ite and restfulnes of this his land and his subgettis of the same to leve quietly and surefully to the plesure of God and according to his lawes, willing and alweis of his pitie intending to reduce theym therunto by softer meanes then by such extreme rigour therfor purveied in a Statute made in the tyme of King Richard the second,¹ considering also the great charges that shuld growe to his subgettis for bringing of vagabondse to the gaoles according to the same Statute and the long abiding of theym therin, wherby by likelehede many of theym shuld lose their lives, in modring of the seid estatute his highnes wull by thauctorite of this present parliament it be ordeyned and enacted, that where suche mysdoers shuld be by examinacion commytted to the comen gaole ther to remayne as is aforseid, that the shiref maires baillifs high constables and pety constables and all other governers and officers of citees burghes townes townshippis villeges and other placis, within iij daies after this acte proclaimed, make due serch, and take or cause to be taken all suche vagaboundes idell and suspecte persones lyvyng suspesciously, and theym so taken to sette in stokkes, ther to remayne by the space of iij daies and iij nyghtes and ther to have noon other sustenance but brede and water; and after the seid iij daies and iij nyghtes to be had oute and set at large and then to be commanded to avoide the towen; And if eftsomes he be taken in suche defaute in the same

¹ 12 Richard II, c. 9, ordering that all vagabonds should be imprisoned without mainprise, etc.



1495.

town or township then he to be sette in the like wise in stokkis by the space of vj daies with like diete as is before reherced; and if eny persone or persones geve eny other mete or drinke to the seid mysdoers being in stokkes in fourme aforseid, or the same prisoners favour in their mysdoing, that then they forfeite for every tyme so doing xijd.

And also it is ordeyned by the seid auctorite that all manner of beggers not able to werke, within vj wekis next after proclamacion made of this acte, goe reste and abide in his hundred where he last dwelled, or ther where he is best knowen or born, ther to remayne or abide without begging out of the said hundred, upon payne to be punysshed as is be aforeseid. And that no man be excused by that he is a clerke of on unyversite or of other, without he shewe the lettres of the Chaunceller of the Unyversite from whens he seith he comyth, nor none calling himself a souldowr shipman or travelyngman without he bringe a lettre from his captayn or from the town where he landed, and that he then to be commaunded to go the streight high wey into his country.

And over this it is ordeyned by thauctorite abovesaid that if any shiref or other officer afore reherced execute not the premisses as is above seid of every vagabounde heremyte or begger able to labre, or clerk pilgryme or shipman, as ofte as eny such comyth in his sight or that he hath therof knowlege within the towne where he hath auctorite rule or governaunce, that as often as eny suche of the seid mysdoers abiding ther by the space of a day departen unexamyned and unpunysshed as is abovesaid, for every mysdoer so departed he to lose xxd. And that the lord of every lete within this realme and the shiref in his tourne have auctorite to enquire therof in his lete and tourne and the lord of the lete

to have for every defaute founde as is abovesaid xxd ; 1495. And the shiref to enquire in his tourne of suche escapes within the jurisdiction of his tourne and to have xxd. for every such defaute founde in his tourne ; And that the penaltie lymytted by this ordynauce to be forfeited by any officer or any other persone for noun punysshment of vagaboundes and other mysruled persones within every cite where maire and aldermen be that the profite of every suche penaltie be unto the alderman of every warde where suche forfeiture is had or made to his owne use and profite.

And also it is ordeyned and enacted by the seid auctorite that it shalbe lafull to every man intituled to have the seid penaltie to distreyne for it, in like wise as the lorde of any lete may do for amerciamendis and fynes had and assessed in the same lete.

And furthermore it is ordeyned and enacted by the seid auctorite that noon apprentice ne servaunt of husbondry laborer ner servaunt artificer pley at the tables from the xth day of January next coomyng but onely for mete and drinke, ner at the tenys closshe dise cardes bowles nor any other unlafull game in no wise out of Cristmas, and in Cristmas to pley oonly in the dwelling house of his maister or where the maister of any of the seid servauntes is present, upon peyne of imprisonment by the space of a day in the stokkis openly ; And that the housholder where disyng carding tenys pleiyng bowles clossh or any other unlawfull game afore reherced shalbe used, otherwise then is afore reherced, and that lafully be presented before justices of peas the maire shiref in his tourne or stuard in his lete, or by examynacion afore the seid justices of peas, that proces be made upon the same as upon endytment of trespas ayenst the kingis peas and that the seid mysdoer be admytted to no fyne undre the somme of

1495. vjs viijd. And that it be lafull to ij of the justices of the peas, wherof oon shalbe of the Quorum, within their auctorite to reiecte and put away comen ale selling in tounes and places where they shall thinke convenient and to take suertie of the keepers of ale houses of their gode behavyng by the discrecion of the seid justices, and in the same to be avysed and agreed at the tyme of their sessions.

Provided alwey that dymynucion of punysshement of vagaboundes and beggers aforseid may and shalbe had for women greate with child, and men and women in extreme sikenes by him that hath auctorite to do the seid punysshementis, this acte not withstanding.

120.

[An Act entitled "De validis mendicantibus¹ repellendis," 19 Henry VII, c. 12, "Statutes of the Realm," ii. 656 ; it contains some important modifications of the preceding Act of 1495.]

1504. For asmuche as the Kynges Grace most interely desirith amonges all erthely thynges the prosperite and restfulness of this his land and his subgettes of the same, to leve quietly and suerly to the pleasure of God and accordyng to his lawes, willyng alwey of his petie and intendyng to reduce theym therunto, by softer meanes then by extreme vigour, therfor purveid in a Statute made in the tyme of Kyng Richard the second, considering also the grete charges that shall growe to his subgettes for bringyng of vacaboundes to the gaoles accordyng to the same Statute, His Highnes will by auctorite of this his present parliament it be ordeyned and enacted, that where suche mysdoers shuld be by examynacion commytted to the commen gaole ther to remayne as is aforeseid that the shirifs maires bayles high constables and pete constables, and all other

¹ Sturdy beggars.

gouvernours and officers of citees borowes and townes 1504. townshippes villages and other places, within iij days after this Acte proclaymed, make dewe serche and take or cause to be taken all such vagabundes idell people and suspecte persons lyvyng suspesiously and theym so taken to sette in stokkys there to remayne by the space of oon day and oon nyght, and ther to have noon other sustenaunce but bred and water ; and after the seid day and nyght passed to be had out and sette at large, and then to avoide the towne or place wher they be take into such cite towne place or hundred wher they were borne, or ellis to the place wher they last made their abode by the space of iij yeres, and that as hastely as they conveniently may, and ther to remayne and abide ; and if eftsones they be taken in such defaute in the same towne or townshippes then to be sette lykewise in stokkes by the space of iij dayes and iij nyghts with lyke diete as is afore reherced ; and if any persone or persones yeve eny other mete or drynk to the seid mysdoers being in stokkes in fourme aforseid, or the same prisoners favour in their myssedoyng or theym resseyve or harbour over oon nyght, that then they forfeite for every tyme so doing xijd.

And also it is ordeigned by the seid auctorite that all maner of beggars not able to werk, within vj wekes next after proclamacion made by this Acte, goo reste and abide in his cite towne or hundred when they were borne, or els to the place where they last made their abode the space of iij yeres, ther to remayne or abide without beggyng oute of the seid cite towne hundred or place uppon payne to be punysshed as is aforseid ; and that no man herboure nor kepe eny suche begger in his hous over oon nyght uppon the same payn ; and that no man be excused by that he is a clerk of an universite from whens he saith he comyth

1504.

without a letter of the Vicechancellor of the universite from whens he comyth, nor noon callyng hymselfe a sowedyer shipman or travelyngman without he bryng a letter from his capitayne or from the towne where he landid, and that he then be commaunded to go the streight high wey into his countrie; and if he departe not accordyng to such commaundement in that behalf to hym geven that then he is to be taken reputed and punysshed as a vagabond; and that he that harbour eny such person shall forfeite for every oon such persone that he herberth over oon nyght xijd.

[Any sheriff or officer neglecting to enforce this act to forfeit 3s. 4d. for every misdoer who departs unpunished.]

[Penalties may be recovered by distress.]

[Chancellor Keeper of the Great Seal Treasurer two Chief Judges Chief Baron of the Exchequer and the Justices of Assize may enquire into the neglect of the sheriffs etc. to enforce this statute in the counties.]

[Like power to Steward, Treasurer and Controller of King's Household and to the Mayor and Aldermen of London.]

(Clauses vii & viii same as in Act of 1495.)

Furthermore be it enacted by the seid auctorite that the justices of the peace or ij of theym at the lest within their shires, and every maire shereff and baily within their citees townes and boroughes, shall have full power and auctorite to make iiij tymes in the yere, that is to say, every quarter ons or offer as by their discession shalbe thought necessary throughowte all their shire, a dewe and diligent and a secrete serche, and if they or eny of them cane fynde by reason of the seid serch eny of the seid mysruled persons the seid

mysruled persons so founden to have lyke punysshment 1504. and correccion as is aforseid.

121.

[“An Acte for Waightes and Measures,” 7 Henry VII, c. 3, “Statutes of the Realm,” ii. 551; cf. Campbell’s “Materials,” i. 302, 493, 574.]

To the King our Soverayn Lord: Prayen the Com-¹⁴⁹¹mons in this present parliament assembled, that where aswell by the Chartre of Magna Carta as by oder divers ordenaunces and statutes made in diverse parliamentis in the tyme of your noble progenitours and predecessors, it hath be ordeyned that oon mesure and one weight shuld be throughoute all this realme of Englund, which weight and mesure should be according to the standard of your Escheker, and that every man shuld by and selle by the same and with none oder uppon certeyn peynes and forfeitures lymyted in the seid statutes and ordinaunces as in theym more pleynly yt doth appere; which statutes and ordinaunces have not in tyme passed ne yet be put in due execucion, Wherefor your grace of your most blessid disposicion entendyng reformation in the premissez and that indifferent justice shuld be had and exercised amonge all your subgettes within this your seid realme according to theeffect of the seid statutes and ordinaunces, and considering that in divers partes of this your seid realme ther be used mesures and weightes som more large than the seid standard and som lesse because that the very true mesure of the seid standard is not to all your true lieges verily knowen, at your owne propre cost and charge have do lette make bothe weightes and mesures of brasse according to the very true standard. Which yt may pleas your seid grace by thadvyce and assent of the lordes spirituall and temporall in this present parliament

1491.

assembled and by auctorite of the same, to ordeyn stabliss and enact that the seid mesures and weightes of brasse be delyvered to the citezeine or burgeises of the chief cites or shire townes or burghes of every shire in this realme in this parliament nowe being, or to the chief officers of every suche cites shire townes or burghes where suche citizens or burges lak, by indentur therof to be made betwene the Tresorer of Englund or Under Tresorer for the tyme being. And the seid citizens burgeises or other chief officers afor-seid so theym receyvynge, sauflly to be conveyed to that cite towne or borough that they be of, at the cost and charge of the seid cite towne or borough, and to be delyvered to the maire shiref baillif or other the chief officer of the same, there to rest as your tresour in the custodie of the seid chief officer of the seid cite towne or borough for the tyme being and of his successours for ever, to thentent that as well all mesures and weightes within the seid cite towne or borough as the mesures and weightes within the seid shire may be correct reformed amended and made according and after the mesure of the seid standard before the feste of Seynt Mighell tharcangell next comyng. And that the seid chief officer for the tyme beyng in every suche cite towne or borough have for that cause a speciall marke or seale, to do marke every suche weight and mesure so made to be reformed and brought unto hym without fraude or delaye. And that he take for his labour for sealyng of every busshell jd. of every other mesure ob. of every C weight j. d. of every di C. ob and of every weight under q^a, and not above uppon peyne to forfeite for every tyme that he refusith or dothe the contrarie xl s. the oon half therof to be to you Soverayn Lord and the other half to hym that is greved and will sue in that behalf by accion of dette to be recovered after the cours

of the comen lawe and that the defendant in eny 1491. suche accion be not receyved to wage his lawe. And that the justices of peace in every shire of Englonde have full auctorite and power to enquire here and determyn the seid defaultes; And over that, that opyn proclamacion be made in every shire of this your seid realme that no man bye ne selle after the seid feste of Seynt Mighell by eny other weight or mesure than is according to the seid standard upon suche peynes and forfeitures as is lymyted in the seid statutes.

122.

[“ An Acte agaynst Usurye,” 11 Henry VII, c. 8, “ Statutes of the Realm,” ii. 574. See also No. 106 above, and compare Stat. 3 Henry VII, c. 5. For a general discussion of mediaeval views of usury, see Ashley’s “ Economic History,” Vol. I, c. vi.]

Praien the Comens in this present parliament assem- 1495. bled, that where in the parliament holden at Westminster the iij^{de} yere of youre most noble raygn, it was enacted ordyned and stablissed,¹ that of for and upon bargeynes grounded in usury, colored by the meanes of newe chevesaunce or eschaunge, contrary to the lawe of naturall justice, to the great displesire of god and of oure seid Sovereign lorde and the comen hurte of this his londe, that certeyn punysshmentis and penaltees shuld ren upon the offenders in that behalffe, as in the seid acte more at large is conteined; whiche acte was and is so obscure derke and diffuse that the true entent of the makers therof cannot perfytely be undrestond:² Wherfor and for the playn explanacion and declaracion of usurye and of penaltees to be hereafter executed upon the offendoure in the same, The Kyng our Sovereign

¹ 3 Henry VII, c. 5.

² It seems probable that this Act at any rate represents the unfettered efforts of the House of Commons.

1495.

lorde by thassent and advyce of the lordes spirituall and temporall and the Comens in this present parliament assembled and by the auctorite of the same, ordeyneth enacteth and establissheth, that all manner of persone or persones lenyng money to and for a tyme, taking for the same lone anything more besides or above the money lent by wey of contracte of covaunte at the tyme of the same lone, Savyng lafull penaltees for nounpament of the same money lent; and that all manner of persone and persones which hereafter sell eny goodes catalles or merchaundises to eny persone or persones being in necessite, and the seller hymself or by his broker or factour in that behalf ageyn by the same godes catelles or merchaundises, of the same persone to whom they were solde, being in necessite, of his broker or factour in that behalfe, within iij monethes after they be solde for a lesse somme of money then they were solde for, knowyng the same goodes so bought ayen afore by the same bier or biers to be sold after the fourme aforeseid; And that every persone and persones lenyng or taking any money to eny persone or persones to a certeyn tyme, and takith londes tenementes or any heredytamentis or other bondes for suertie perfite and sure repayment of his or their money lent at the tyme assigned without any condicion or aventure, and also at the time of the same lone or taking of the seid money covaunteth appoynteth or contracteth covaunten appoynten or contracten that he or they that so lene or take money shall have the revenues and profites of the londes tenementis or hereditamentis of him that so boroweth or taketh money by a certeyn tyme; that then every persone hereafter upon any of the premysses convicted forfeite the moite of the value in money of the seid money goodes catalles merchaundises as is abovesaid so solde or lente, after such value

as they be sold or lent for after any fourm aforeseid ; 1495. wherof the Kyng shall have the oon moite of the same forfeiture and the partie that will sue the other moite, and if no man will sue then the King to have the hole ; and this sute for the seid penaltie and forfeiture to be as well at the Kingis sute as at any other that woll sue by informacion in any of the Kingis courtes of recorde and such proces to be had in the same as is used in other accions of dette at the comen lawe in the same courtes ; Provided alwey that in the Courtes of Chauncerye and Eschequer they shall make such proces as hath been used afore tyme in informacions afore theym commenced, wherin the defendaunt shall not wage his lawe¹ ner proteccion ne assoyne *de service le Roy* in the same alouable. And that the same acte and ordinaunce made the seid iij^{de} yere and all thing therin conteyned be from hensforth utterly voide and of none effecte : Reservyng alwey to the spirituall jurisdiccion their lawfull punysshments in every case of usurie.²

D. INDUSTRIES AND INTERNAL TRADE.

123.

[“Italian Relation”, p. 28.]

The riches of England are greater than those of any other country in Europe, as I have been told by the oldest and most experienced merchants, and also as I myself can vouch, from what I have seen. This is owing in the first place, to the great fertility of the soil, which is such, that, with the exception of wine, they import nothing from abroad for their subsistence. Next, the sale of their valuable tin brings in a large sum of money to the kingdom ; but still more do they derive from

¹ i. e. shall not be permitted to clear himself by compurgation.

² All taking or paying of interest was prohibited by canon law.

1495.

their extraordinary abundance of wool, which bears such a high price and reputation throughout Europe. And in order to keep the gold and silver in the country, when once it has entered, they have made a law,¹ which has been in operation for a long time now, that no money, nor gold nor silver plate should be carried out of England under a very heavy penalty. And every one who makes a tour of the island will soon become aware of this great wealth, as will have been the case with your Magnificence, for there is no small innkeeper, however poor and humble he may be, who does not serve his table with silver dishes and drinking cups; and no one, who has not in his house silver plate to the amount of at least £100 sterling, which is equivalent to 500 golden crowns with us, is considered by the English to be a person of any consequence.²

124.

[*Ibid.* p. 9.]

They (the Islanders) are not without vines; and I have eaten ripe grapes from one, and wine might be made in the southern parts, but it would probably be harsh. This natural deficiency of the country is supplied by a great quantity of excellent wines, from Candia, Germany, France, and Spain; besides which, the common people make two beverages from wheat, barley, and oats, one of which is called beer, and the other ale; and these liquors are much liked by them, nor are they disliked by foreigners, after they have drunk them four

¹ 4 Henry VII, c. 23. For violating this statute Bishop William Smyth was condemned to pay the immense sum of £1800; but the money was refunded on Henry VIII's accession ("Dict. Nat. Biogr." liii. 139).

² See above, No. 108.

or six times ; they are most agreeable to the palate, when 1495.
a person is by some chance rather heated.

Agriculture is not practised in this island beyond what is required for the consumption of the people ; because were they to plough and sow all the land that was capable of cultivation, they might sell a quantity of grain to the surrounding countries. This negligence is, however, atoned for, by an immense profusion of every comestible animal, such as stags, goats, fallow-deer, hares, rabbits, pigs, and an infinity of oxen, which have much larger horns than ours, which proves the mildness of the climate, as horns cannot bear excessive cold ; whence, according to Strabo, in some northern countries the cattle are without horns. But, above all, they have an enormous number of sheep, which yield them quantities of wool of the best quality. They have no wolves, because they would, immediately, be hunted down by the people ; it is said, however, that they still exist in Scotland, as well as in the forest of Caledonia at the extremity of the island, towards the north. Common fowls, pea-fowls, partridges, pheasants, and other small birds abound here above measure, and it is a truly beautiful thing to behold one or two thousand tame swans upon the river Thames, as I, and also your Magnificence have seen, which are eaten by the English like ducks and geese. Nor do they dislike what we so much abominate, i.e. crows, rooks, and jackdaws ; and the raven may croak at his pleasure, for no one cares for the omen ; there is even a penalty attached to destroying them, as they say that they keep the streets of the towns free from all filth.¹

It is the same case with the kites, which are so tame, that they often take out of the hands of little

¹ But cf. Bentley's " *Excerpta Historica*, pp. 99, 111.: " *To the crowsaker, 2s. ;*" and " *To Bayly for watching the crows, 13s 4d.*"

1495.

children, the bread smeared with butter, in the Flemish fashion, given to them by their mothers. And although this is general throughout the island, it is more observed in the kingdom of England, than elsewhere.

This island also produces a quantity of iron and silver, and an infinity of lead and tin; of the latter, which is of the purest quality, they make vessels as brilliant as if they were of fine silver; and these are held in great estimation.

A certain shellfish is taken in the sea, called by the inhabitants *Muscles* [*sic* in translation], in which many, though small, pearls are found; and I myself, dining one morning with the Milanese Ambassador, discovered several; but, as I have said, they were very minute, and not round like oriental pearls.

Ibid. p. 23. The common people apply themselves to trade, or to fishing, or else they practise navigation; and they are so diligent in mercantile pursuits, that they do not fear to make contracts on usury.

125.

[T. Griggs to Sir John Paston, "Paston Letters," Vol. iii., No. 906; royal rights over sea-fisheries.]

Wells,
Norfolk.
2 February,
1489.

Right reverent and honorable, after the ordre of all diew recommendacion had, I recommaunde me un to your maistership. Sir, it is so that John Talyour of Brytcham, debite [*deputy*] in your office of th'admirallite, was with me this mornyng to have myn advyce in this mater folowyng, the whiche is this.

There was taken ageyns Thornham, in the Kynges streeme, leyng ij fadam and an halff depe upon the see, a whalle fyssh, by Thornham men labouryng all nyght on Sunday nyght last was, and so have slayn it, and brought to lande; upon the whiche your said debite hath

ben ther as yister day, and seysed my lordes part therof ; ^{February,} wherof the puple was glad it shuld so be. Than John ^{1489.} a Lowe was there, and he seyde to your debite that he wold have the Kynges part in this wyse, that the Kyng and my lord shuld part the halff. Sir, the lawe cyvyll seyth thus, "If any fyssh ryall be founde on the se, that is to say, *whalle, bales, sturgion, porpeys, or gra[m]peys,* that my Lord Admyrall shall have the halvendele," etc.

I thynke my lord hath the Kynges prerogatyff upon the see, the whiche I remytte to your discrecion, etc.

Sir, by lyklyhode without ye take hede and send thedir som of youres, my lordes part shall be litill. It is a greet fissh and a ryall ; your debite sheweth me it is xj fadam and more of length, and ij fadam of bygnes and depnes in the mydde fyssh.

Sir, remembre what ye have to do ; there came not such a casualte in your tyme of your office etc. Wherefore this, by th'enfourmacion of your sayd debite, cause me to wryte un to you this sympill bille, praying you to pardone me of the wrytyng, for it was don in hast ; and this bille I sent to Willyam Brykkes your servant, to Matelask, by masse tyme, to brynke it to you. And this day they purpose to breke it. Do hereyn now as it please you, and Allmighti God have you and all youres in Hese keypyng ; besechyng you that this symple bille may recomaunde my pouer wiff un to your maister-shipp.

126.

[Henry VII to the Earl of Oxford, "Paston Letters," iii. No. 922 ; the Iceland fishing trade.]

Ryght trusty and ryght welbelovyd cousyn, we grete ^{Sheen,} yow well, etc. In that ye desyer all the dogers [*fishing* ^{6 April,} *smacks*] ^{1491.} of thos partes schuld have our licens to departe

April,
1491.

in the viage towardes Islond, as they have ben accustomed to do yerly in tyme passyd, and that ye woll undertak they shall have with them no more quantities of graynes then woll only suffice for ther vitallyng and expensis; we late yow witte that our fully interly belovyd cousyn the Kyng of Demarke, hath showyd and compleynyd un to us by dyverse his letters, that when our subjectes come to the seid Islelond, beyng in hys obeissiance, they stelle, robbe, and exstorte his subjectes ther ageynse ryght and conciens. Wherefore, the seyde doggeres fyndyng sufficient surte be forne yow, such as ye will answer unto us, that they shall not have with them no graynes mo then shall only suffice for ther vitallyng, nor odyr thyng woith them that ys for bedyn, and that also they shall not in goyng, comyng, nor in ther beyng at the seyde Islond, take noo thyng but that they treuly pay or agre for, and frendly entret our seyde cousyns subjectes withowth eny robbing or ex'startyng them in there bodyes ner goodys; we be content the seyde doggeres make ther viages thedyr at ther libertes, eny our wrytyng or comandment mad to the contrary not withstandyng; and ellys we woll that our restraynte of ther thedyr goyng stond styll in his strenthe and vertu.

127.

[The Earl of Oxford's commission for the execution of the King's command, *ibid.*]

10 April,
1491.

John Ver, Erle of Oxynford, Gret Chambyrleyn and Admirall of Ynglond, Viscount Bulbek, and Lord Skalys, to all them that this present wrytyng shall see or here, gretyng. And for asmuch as I late have recevyd the Kyng our Sovereyn Lords letters, beryng date the vjth day of this monyth of Aprile, accordyng to a copy of the same, signyed with myn hand, wiche my

ritht trusty servant, John Rowe, Marchall of my April, 1491.
Admyralite, hath for to showe ;

Know ye that I, the seyd Erle and Admirall, have assygned and deputyd my seyd servant to see our seyd Sovereyn Lordes lettyrs pleynty executyd accordyng to the tenure of the same, and by thys present wrytyng have yevyn to hym full autoryte and pouer to put undyr arest all such doggeres as be dysposyd to mak the viage towards Islond, to such tyme as they have fownd surte afor me, accordyng to owr seyd Sovereyn Lordys comandment, for ther demenyng in the seyd viagys.

128.

[The Earl of Oxford to Sir John Paston, *ibid.* iii. No. 926 ; robbery in the Narrow Seas ; cf. Campbell's "Materials," ii. 232.]

Right worshipfull and right interly welbeloved coun-October, 1491. [?]
cellour, I comaund me to you. And whereas I undirstond, by your writing to me delyverid by this berar, the roborye and dispoyling of certayn Corvers of Holond and Selond, done by the shipp callyd *the Foole*, wherof Robert Spenser was maister, aswell in herryng, vitayle, and takelyng, as ye be enfourmyd by iij personnys of the same shippe, and of th' entent and disposicion of the master and feleshyp of the same, whiche shewe, as ye write, that Barkeley, aswell with that shipp as with a prise that he hathe bought, late takyn of the Frenchemen, were disposid and determenyd to do myche harme, wherupon ye have indevarid you to breke the same ; how be hit that the seyd Barkeley hath be late with me, and found suertie in a Cli to answer to all suche demeanyng, when he shall be callyd ; and therupon I wrote to you to suffre hym, his men, and shippis to departe at libertie ; yet nevyrtheless, concidering your

October,
1491. [?]

large writing, I cannot be content in my mynde to suche tyme as I may here bothe you and Barkeley to geder; willing therf[or that ye do] kepe the shippys and goodes in suertie, and to be with me your selfe.

129.

[An Act "Ayenst th'ordynauce of London of goyng to feyres," 3 Henry VII, c. 9, Caxton's "Statutes," 1489; "Statutes of the Realm, ii. 518.]

1487.

Item it was shewed unto the Kyng our sayd sovereyn lorde how by a peticyon put unto hym in his sayd parlamente that how of late tyme the Mayre aldermen and citezeins of ye citee of London have made an ordenaunce wythin the same citee upon a grete payn that noo man that is a free man or citezein of the sayd citee shall go or come at ony feyre or market oute of the sayd citee of London with ony maner of ware or marchaundyse to selle or bartre to this entente that all byers and marchauntes shold resorte to the sayd citee to bie their ware and marchaundyses of the sayd citezeins and free men at London aforsayd bycause of theyr syngulayr lucre and avayle. The Kynge our souereyn lorde in consideracyon of the hurte likly to growe of and by the premysses hath by the advyce and assent of the lordes spirytuell and temporell and the comens in his sayd parliament assembled and by auctoryte of the same, ordeyned stablissed and enacted that every free man and citezein of the sayd citee of London that now is or hereafter shall be, may carie and goo wyth his or their vitayle, ware, or marchaundyse, whatsoever it be, at his or their libertee to ony fayre and market that shall please hym or them wythin this reame of Englonde, ony statute or ordenaunce made or to be made within the sayd citee of London to the contrarie of the premysses notwith-

standyng. And the sayd ordenaunce and acte made in 1487. the sayd citee be voyde and of none effecte, And that noo persone of the sayd citee be hurte nor preiudised in losyng of his liberte and fraunchise wythin the sayd cite or otherwyse by reason or occasion of anullynge of the said ordenaunce and acte or for none obeying to the ffecte of the saume. And yf any persone be preiudyced in any wyse by occasion of the same that he that putteth or causeth any persone to suche preiudyce loose and forfeyte to the kyng x li as ofte as he soo dooth. And he that wylle sue for suche forfeiture haue therefore an action of dette ayenst suche offender, the kyng to haue execucyon of thone halfe, and he that sueth the other halfe. And in suche action the defendaunt be not amytted to wage his lawe.¹

130.

[Kingsford's "Chronicles," p. 199.]

In the yere [1494] Whete was at iiij s. a quarter, Malt at iij s. iiij d. Bay salt at xij s. a wey, that is to say xl bushelles, Nantwich Salt at vj d. an bushell, White heryng at ij s. viij d. a corde, Reed sprattes at vj d. and Gascoigne wyne at vj li. a Tun.

131.

[The lead miners of Yorkshire v. the merchants of York, Leadam's "Select Cases from the Court of Star Chamber," i. 69.]

To the kyng our souereyn lord.

Shewith humbly vnto your highnes your poer sugettes¹⁴⁹⁹ and continuall oratours all the myners and makers of

¹ The version in the "Statutes" has a longer preamble in which it is pointed out that the London ordinance would be "to the utter destruction of all other fairs and markets within this your realm, which God defend, for ther be many fairs for the common weal of your said leige people, as at Salisbury, Bristol, Oxenforthe, Cambridge, Notyngham, Ely, Coventre, and at many other places, etc."

1499.

lede within the countie of York that where it was late ordynyd and enactyd in your most high court of parlement holden at Westminster the [seventh] yeare of your most noble reigne by the autorite of the same¹ such weghtes and mesures of brasse as your grace hadd then causid to be made accordyng and agreable vnto certen old weghtes and mesurs of long tyme remaynyng in your exchecquer shuld be oonly vsed and occupied and that noon other weghtes ne mesures except such as were agreable and of lyk weght and mesure with the same should be vsid within this youre realme, and by the same autorite it was enactyd that oon of euery of the said weghtes and mesurs shuld be conveyd vnto euery shire town within this your realme to thentent there to be vsid and occupied and noon other accordyng vnto the said ordynance by force where of oon of euery of the said weghtes and mesure were conveyd vnto the citie of York and there remayneth in there Gyld hall ; which notwithstanding, so it is now good and gracious lord that the said marchauntes will nott by of your said oratours there said lead by your said weghtes but visis at all tymes, after that your seid oratoures be agreid with the said marchauntes what they shuld haue for a foder, your said oratours trustyng verly to be vsid with the same weghtes, to wee the said leed after there pleasour and for there synguler lucour wee the said leed with certeyn weghtes made by the said marchauntes withoute eny auctorite, which excedeth your said weghtes in euery D^c weight xxx^{ti} or xl li. or more, and yit the said marchauntes not therwith contented lyeth in the scale a by weght of vij li to euery grete peece of leed which they will in no wise rakyn in part of the foder by which vntrue and feynyd weghtes and dyuers misdemeanynges of the weyer and keper of the crayn your said poor

¹ See No. 121.

orateurs er gretly inpouerysshed and almost vtterly 1499.
 undeyn. And more ouer wher withoute tyme of mynd
 there was neuer payid nor vsid to be payd more then
 ij d. ob. for weyng and drawyng vp of a foder of leed at
 the said crayn. So it is nowe good and gracious lord
 that the yere now last past oone John Metkalff beyng
 mayre of the said cite the said mayre to geder with the
 comen Councell of the same cite of there cuvetus myndes
 and without eny lawful autorite ordayned and enacted
 among theym selff that your said Oratours shall pay for
 euery foder of leed by theym brought to the said cite
 and weid at the said crane at all tymes thiraftir xiiij d
 whan the saide mayre and bredren of the said cite hath
 euer after sett decre ¹ said ^{levyd}
 contrary right and good conciens wherevpon your said
 poer Orators well seyng and perceyueng aswell the said
 onlawfull wegghtes as the said unlawfull decre indendyd
 and of ^{past downe your streme of}
 Ows forby the said cite with there said leed vnto your
 town of Kyngeston upon Hull intendyng there to haue
 vttered and sold the same which as soon as the said
 mayre and his brethren perceived withoute eny lawfull
 autorite and to thentent to compel your said sugettes to
 vtter ^{weghte}

would not suffre them to passe downe your seid
 streme to such tyme as they had paid vnto the said
 marchauntes ^{the foder xiiij d.}

132.

[Tucker v. Halle, Leadam's "Select Cases from the Court of Re-
 quests," pp. 7-10.]

A. To the Kyng our soueraigne lorde.

In most lamentable wyse shewyth and compleyneth 1504.
 vnto your excellent Highnesse and noble grace your

¹ The blanks are due to the mutilation of the MS.

1504.

true and faythefull liegeman subgiēt and dayly Oratour John Tucker of your Cite of London coriour of the age of lxxiiij yeres and more, That where your saide Highnesse the xiiij day of the moneth of May yn the sixth yere of your moste noble reygne of your habundant grace by your gracious lettres patentes ensealed redy to be shewed at the humble petition of your saide Oratour yave and graunted vnto him free liberte and license to exercice vse and occupy diyng of leddir and hides yn reed colour withoute any penaltie or ynterruption, togedir with his owne occupacion of coriours, duryng youre pleasure as yn your saide gracious lettres of licence more plenyly yt apperythe, It ys soo most victorius prynce and good and gracious soueraigne lorde that your saide Oratour vpon hope and truste of your saide gracious licence boughte and purveyed asmoche stuffe and ymplementes necessary for the color yng and perfeccion of the saide reed as coste hym beside his house cc li. sterlynges and more, and sone aftirward that notwithstanding oon John Halle now dede than beyng oon of the sargeantes of sir William Capell knyghte¹ that tyme maire of your saide noble Cite of London, thurghe the commaundmentes and confortes of the same sir William and of William Milborne, than chambreleyn of your saide Cite, takyng no regarde vnto your saide gracious lettres of license nor also regarde

¹ Capell, from whom the Capels, Earls of Essex, were descended, and Capel Court takes its name, was mayor in 1503-4. While alderman in 1495 he had been fined £2743 "for brekyng of certayn statutes and actes of parliament". He got off with paying £1615 6s. 8d. : but in 1508 he was again "put in vexacion by sute of the kyng for thinges doon by hym in the tyme of his mairaltie" (see Vol. i. Nos. 209, 210). There may be some connexion between these events and the fact that in 1505 the city had to pay 5000 marks for a confirmation of its liberties. Nevertheless in January, 1510, Capell was re-elected mayor (Kingsford, pp. 205, 260, 262-3).

vnto your noble commaundment yevyn by your other ^{1504.}
gracious lettres vnder your signet and signe manuell
came vnto the house of your saide Oratour yn the
parysshe of Saynte Sepulcre withoute Newgate of your
saide cite and there and than caused oon William
Rotherey and other to breke the house of your saide
Oratour and to cary and convey away alle his goodes to
the value of ccc li. and more, and beside that caused
hym to be broughte to prison, and laide vpon hym the
commaundement of the saide sir William Capell late
maire whiche sir William and the saide late Chambreleyn
aftir ward spake with your saide Oratour and saide vnto
hym that your highnesse had noon auctoryte to graunte
or gyf any suche licence withyn your forsaid cite. And
where as your saide Oratour at the desire of William
Stele your sadillar hadde begon to colour dyvers reed
hides for your noble vse, and with the same sadillar
hadde desired yn your gracious name licence of the
said maire and Chambreleyn to fynysse them, yt ys
soo gracious prince that the saide maire and Chambreleyn
wold not consent therto, but manassed and thretened
to ley them fast yn pryson, soo that your saide besechar
whan he was at large toke sayntewary and lost his
goodes, and toke such a grete thoughte whiche cast
hym ynto suche dyuers sekenes that he felle blynde,
and ever sythen he hathe ben blynde and ys lyke to be
vttirly vndoon yn this worlde withoute that your moste
noble grace haue pite and compassion vpon hym yn this
his grete age and poverté. It may therfor please your
excellent Highnesse and noble grace of your blessing
disposicion the premisses tendrely considered, and for
asmoche as your saide Oratour ys not of habilité and
power yn goodes to sue for his remedy yn this bihalve
accordyng to the course of your comen lawes, to sende
your gracious lettres of commaundement vnto the for-

1504.

saide sir William Capell late maire and William Milborne late Chambrereyn charging them by the same to ordeyn and see that the executours of the testament of the forsaide John Halle make vnto your saide Oratour playne satisfaccion and payment aswele for his forsaide goodes takyn from hym as for costes and lossis by reason of the premissis by hym had and susteyned thurghe his wrongfull vexacion, orelles that the saide executours and the said late Maire or Chambrereyn at a certain day appere bifore your highnesse and your moste noble Counsell there to answer vnto the premissis. And this at the reuerence of God and yn wey of charyte. And your saide Oratour duryng his lyfe shalbe your true bedeman and shalbe specially pray to God for the preseruacion of your moste noble and royall astate long to endure yn as grete comforte joy and felicite as evir did any christen prince.

[*Endorsed* John Tukker coriore London xxviii^o die Nouembris.

Partes deffendentes tenentur ad comparendum vbi-
cunque in die Veneris proxime.

Tucker versus executores Johannis Halle.]

B. Thanswere of John Woodeale and William Mede executours of the Testament of Johane Halle executrice of the Testament of John Halle to the bille of Compleynte of John Toker Coryoure.

The saide Executours seyen that the saide bille is vntrue contryved and feyned for vexacion and trouble and also is vncerteyn and insufficient to be answerd vnto, and the mater therof is determynable at the commen lawe and not in this Courte. And to any mater in the saide bille conteyned the saide Executours be not bounden nor compellable by any lawe therto to make any answer. And for thensufficience therof the saide Executours prayen that the saide bille may abate.

Neuerthelesse for declaracion of trouthe in the pre-1504.
mysses the saide Executours seyen: That Sir John
S—— knyghte Sir John Fyneux knyghte the kynges
chef justice, sir William Capell, sir Robert Sheffelde,
and divers other the kynges Commyssioners of Sewers
by vertue of the kynges lettres patentes sewed viewed
and caused to be made curraunte the water and diche
that commeth from Flete brigge oute of Thamyse and
ebbeth and floweth vnto Holborne brigge accordyng to
the tenour and vertue of the saide lettres of commyssion
to them directed, and the saide Toker iiij oxen hides of
leder and as many calff skynnes or therabout cast
and leide [them] in the saide water, to the great hurt
and befowlyng of the saide water to the noyaunce of the
kynges people contrarie to the kynges lawes and the
lawes of this Citie. Wheruppon the saide John Halle
beyng a sargeaunte of the saide sir William Capell
thanne Maire of the saide Citie, and also one of the saide
comyssioners toke the saide hides oute of the saide water
and leide them in a constable hous there and shewed this
to the saide John Toker and his mysdemeanare thereynne,
and advised hym to goo and speke with the Maire therfor
and to entrete hym forto have agen his saide hides, whiche
so did. And after the laboure of the saide Toker to the
saide sir William Capell made the saide Toker hadde
his saide hides and skynnes ayen. And the saide Exe-
cutours further seyen that the saide Toker and one John
Dauncye were bounden in thescheker by recognisaunce
for one Grone thenne the kynges eschetoure of Buring-
ham in a certain somme of money vppon a certeyn
condicion whiche the saide eschetour perfourmed not
and for fere thereof the saide Toker fled to Saint Bartil-
mewes to sayntwarye vnto suche tyme that the saide
John Dauncye and oder of the suerties of the saide
eschetour hadde paide the saide somme of money. And

1504.

the saide Executours sayen that if the saide Toker was had to pryson it was for his defaults and noon obedyence to the saide sir William Kapell thenne Mair. Withoute that that the saide John Halle came vnto the hous of the saide Toker and caused William Rotherey in the saide bille named to breke the house of the saide Toker or to carye or convey goodes of the same Toker to the value of ccc li and more, or that the saide Halle regarded not the kynges lettres signed with his signe in maner and fourme as in the saide bille is surmyttad. And withoute that the said Halle caused the said Toker to be broughte to pryson or leide vppon hym the saide Mayres commaundement to the knowlege of the said Executours, and yf the saide Toker was broughte to pryson and the saide Maires commaundement leide vppon hym it was for his mysdemeanure and disobedience to the saide Maire accordyng to the lawes and customes of the saide Citie as the saide Executours suppose. And withoute that that any thyng of substaunce and materiall in the saide bille supposed is true oder thenne in this aunswere is allegid to the knowlege of the saide Executours. Alle whiche maters they bene redy to approve as this courte wolle awarde and prayed to be dysmyssed oute of this Courte with their reasonable costes and damages susteyned for their wrongfull vexacion in this behalf. And that the saide Toker may be punysshed and imprysoned to fyne and raansom for his saide suyte of compleynt whiche is ayenst the kynges lawes and estatutes in suche case purveyed and made, consideryng specially that noon suche sute lieth nor oughte to be taken ayenst the said Executours for any suche defaute doon by their saide testatour yf he had any done as he did not to the knowlege of the saide Executours etc.

E. FOREIGN TRADE.

(i) General.

133.

[Dudley's "Tree of the Commonwealth," pp. 21-2.]

Yet hath this tree greate neede to haue the fowrth¹⁵⁰⁴ roote of peace. By this vnderstande good vnite and peace betwene our Soverayne Lorde and his realme, and other outwarde princes and realmes, the w^{ch} is a verie necessarie roote for the tree of commonwealth in euery region or cuntrie; for though there be neuer soe good concord and vnite among themselues, if they be sore trowbled and vexed by warres wth outward partes, yet it wilbe a greate ympedym^t to this tree of commonwealth, and speciallie in this realme of Englande, consideringe (lawded be god) that the commodities of this noble realme be soe noble, and wth that so plenteous, y^t they cannot be spende or all employed wth in the same, but necessarilie there muste be entercourse betwene this realme and outward partes for the vtterance thereof, and speciallie for the wooll and cloth, tynne and leade, fell and hide, besides diuers other commodities that doth greate ease to the subiectes. Howe be it I feare that the best commodities of this realme be soe much appared [deteriorated] by subtiltie and falshoode, that they be not reputed, esteemed, or soe much made of as they haue bene. First the woolls of this realme be not soe well ordered in the growers handes as they haue bene, but for lacke of good order they be much impared in fynenas, that when it commeth to the handes of the merchantes, by them and their packers it is subillie appared and altered. In likewise the clothes of this realme, what by vntrue making, and what by the subtl demeanour in the handes of

1504. thadventurers and merchantes, they be little sett by in all outward partes, not onlie to the greate preiudice of the kinge and his subiectes, but alsoe to the infamy and rebuke of people of this realme. I doubte me there is like crafte and subtiltie vsed in leade and other commodities of this realme.

134.

[An Acte "for reperacyons of the Navee," 1 Henry VII, c. 8, Caxton's edition of the "Statutes," 1489; "Statutes of the Realme," ii. 502.]

1485. Item, in the sayd parliament it was called to remembrance of the grete mynysshynge and decaye that hath be now of late tyme of the navye within this reame of Englonde, and idlenesse of the maryners within the same bi the whiche this noble reame within short processe of tyme wythoute reformation be had therin shall not be of habylite and power to deffende itselfe. Wherefore at the prayer of the sayd comyns the kyng our souereyne lorde by the aduyse of the lordes spyrituell and temperell in this sayd present parliamente assembled, and by auctorite of the same it is enacted ordeyned and established that noo maner of persone, of what degree or condycion that he be of, bye nor selle wythin this sayd reame, Irlonde, Wales, Calays, or the Marches therof, or Berwyk, from the fest of Myghelmas next now comyng ony maner wynes of the growing of the duchie of Guyen or of Gascoygne but such wynes as as shalle be aventured and broughte in an Englysshe, Irysshe, or Walshe mannys shyppe or shyppes, and the maryners of the same [be] englysshe, Irisshe or Walshe men for the more parte, or men of Calays or of the marches of the same, and that upon peyne of forfeiture of the same wynes soo boughte or solde contrary to this acte, the oon halfe of that forfeiture to be

to the kynge our souereyn lorde and that other halfe to 1485. the fynder of that forfeiture. This acte and ordenaunce to endure bytwix this and the begynnyng of the next parliament, savyng alwaye to the kyng his prerogatyue.

135.

[An Act "Of wyne and Tolouse woode," 4 Henry VII, c. 10, Caxton's "Statutes," 1489, "Statutes of the Realm," ii. 534.]

[Repeats the preceding Act, prohibiting import of 1489. wines from Gascony or Guienne] or wood called Tolowse wode, but such as shall be conveyed, aventured, and brought in shypp or shippes, wherof our sayd souerein lord or some of his subgettes of this reame of englund, Irlonde, Wales, Calays, or berwycke ben owners, possessours, and proprietaries, and the mayster under God and the maryners of the same shyppe or shippes Englysshe, iryshe or Walshe or men of Berwyke or men of Calays or of the marches of the same for the more partie, upon peyne to forfeyt the same wyne and wood soo broughte contrary to this Act, the one half therof to the kynge, and other halfe to him or them that seasith the same wyne or wood. And also hath ordeyned and stablISHED by the sayd auctoryte that noo person inhabyted wythin this reame other than merchantes strangers from the sayd fest of Saint John freight ne charge wythin this reame or Wales ony shippe or other vessel of ony alien or stranger with ony maner marchandise to be carried oute of this reame or Wales, or to be broughte in to the same yf he maye haue sufficyente freghte in shippes or vesselles of the deynszens of this reame in the same porte where he shall make his freghte, upon peyne to forfeite the same marchandise, the one halfe therof to the kynge our souereyne lorde and the other halfe to hym or thym

1489. whiche seaseth the same merchaundises. Prouyded alwaye that this acte extende not to ony shyppe or shyppes hauyng ony of the said wares or marchaundyses constreyned by tempest of weder or enimyces to arryue in ony porte or place wythin this reame. Soo that the owners of the sayd wares and marchaundyses make therof noo sale within this reame other thenne for vitaylle or repayryng of the same shyppe or shyppes, or takeling thereof, whiche they of necessitie be compelled to make.

(ii) *Foreign merchants*¹ *in England.*

136.

[Kingsford's "Chronicles," p. 193.]

1485. In this yere was greate varyaunce bitwene the marchauntes of this Cite, adventurers in to fflaunders, for their maister of the ffelishippys in fflaunders; wher-vpon the Mayr and the Benche had moche besynesse to appese the matier, and in conclusion they named one Robert Rydon² for Meister, a lerned man in the spirytuell lawe, but when he come thedyr he was sone discharged.

137.

["An Acte that Denysons [denizens] shall paye Customs and Subsidy," 1 Henry VII, c. 2, "Statutes of the Realm," ii. 501.]

1485. Where in tyme past dyvers graunts have be made by Kyng Edward the iiiijth, aswell by his lettres patents as by Acts of Parlement, to dyvers merchauntes straungers

¹ These documents refer almost exclusively to foreign merchants in England; there were, however, some foreign handicraftsmen; cf. the licence to introduce foreign clothworkers (Campbell's "Materials," ii. 134).

² See Vol. i., No. 7: he was afterwards one of the clerks of the Privy Council, Rymer's "Fœdera," xii. 429, xiii. 105.

born owt of this realme to be denesyngs, wherby they 1485. have and rejoyce such fredomes and liberties as doth denesyngs born within this realm, aswell in abatement of their custome which they shuld bere if they were no denesyngs as in buyng and sellyng of their merchaundise, to their grete avail and luker, and oft tymes suffre other straungers not denesyngs deceitefully to ship and cary grete and notable substaunce of merchaundise in their names, by the which the seid goodes be freed of custome in likewise as they were goodys of a denesyng, where of right they owe to pay custome as the goods of straungers, by the whiche they be gretely avaunsed in richesse and havour and after they be so enriched for the moste parte they convey their self with their seid goods unto their owne contreys wherin they be naturally born, to the grete impoverysshyng of this realme and to the grete hurt and defraude of the Kyngs Hignesse in payment of his customes: Wherefore be it enacted stablissed and ordeyned by the advice of the Lordes spiritual and temporall and the Comons in this present parliament assembled and by autorite of the same, that every persone made or hereafter to be made denesyng pay for his merchaundise like custome and subsidie, as he owght and shuld pay afore that he were made denesyng, any lettres patents or other ordynaunce by parliament or otherwise contrarie to this made notwithstanding.

138.

[“Revocacion of Kyng Richardis Acte ayenst Italiens,” 1 Henry VII, c. 10, Caxton’s “Statutes,” 1489; “Statutes of the Realm,” ii. 507.]

Item the Kyng our sayd souereyn lorde, underston-1485. dyng by a supplycacion put unto his highnes in this his sayd parliament by the marchauntes of Italye residente

1485.

in this his sayd reame of Englonde that where by an acte of parliamente made in the parliament of Richarde, late pretending him to be kyng of Englonde the thirde, holden at Westmynster the first yere of his reigne [various penalties and disabilities were imposed on Italians trading in England] The kynge our sayd souereyne lorde by thaduyce of the lordes spyrituell and temporell, and commons in this present parliamente assembled, and by auctorite of the same, hath ordeyned, stablished and doo to be enacted that the aboue sayd forfeitures, penaltees, seisours, and actions comprised in the sayd actes and eueriche of hem be reuoked, voide, annulled and of noo strengthe agaynst all maner persones, excepte and reserued oonly to the kyng to be at libertye to haue and enioye all maner seisours, forfeites, and penaltees in the sayd actes specified. And that it be liefull to the kyng to graunte to his sayd besechers his letters of sauftconduyt and letters patentes surely to be enioyed, accordyng to the tenours therof, the abouesayd acte and actes notwithstondyng, in as ample wyse as though thei had neuer be had nor made.

139.

[“An Acte that all Straungers and Denysons shall pay Custom,” 11 Henry VII, c. 14, “Statutes of the Realm,” ii. 579; the Act of 1485 (above, No. 137) had been largely ignored by Henry himself, cf. the rebate on tonnage and poundage granted to Venetians, Campbell’s “Materials,” i. 373-7; ii. 245-7.]

1495.

Where the Kyng our Sovereign Lorde is greatly disceyved in his customes and subsidies by merchauntis straungers suche as the King our Sovereign Lorde hath graunted by his lettres patentes to be deynesyns and to pay non other coustomes ne subsidies for ther merchaundise inward and outward but as a denysyne, undre colour whereof they custome not all only their

owne merchaundise undre the fourm aforseid, but also ^{1495.} they colorably enter into the custumers bokes the merchaundise of other straungers, calling and seieng the seid godes of other merchauntes to be the godes of theym so made deynesyns, to the greate losse and defraude to the King our Sovereign Lorde: Wherfor be it enacted by the King our Sovereign Lord the Lordis spirituall and temporall and the Comens in this present parliament assembled and by auctorite of the same, that all marchauntes straungers and other that be made deynesyns by the Kingis lettres patentes or otherwise paye frohensfourth such customes and subsidies for ther goodes and marchaundise inwarde and outward as they shuld have paied if such lettres patentes and grauntes had never to theym be made.

140.

[An ordinance limiting the number of foreign brokers in London, Kingsford's "Chronicles," p. 225.]

This yere in the moneth of Marche was ended the ^{March,} plee bitwene the citie and the Brocours Alyauntes; ^{1499.} which said plee had hanged before the kynges Counsell from the tyme of the lattre Mayraltie of sir Henry Cole [1495-6] till the tyme abouesaid; and than was a direccion taken by the kyng and his Counsell for the space of thre yeres folowyng, that no brocour aliaunt shuld occupie the ffeate of Broocage, but such numbre as at that tyme was appoynted, where before that tyme of late euery straunger toke vpon hym the said ffeate that wold, w^tout any othe or condicion; where now it was ordeyned that the said numbre shuld not excede, and that they shuld be by the Mair and his brethern admytted and sworne, and for their mysdemeanure there after by the said Mair and Aldremen to be correctid; which numbre was as foloweth :—

March,
1499.

Venysians	iiij	Lucaners	ij
Janueys ¹	iiij	and for euery other nacion	
Spaynardes	ij	Reciaunt w th in the Citie	
florentynes	iiij	of London	ij.

Which Ordeinaunce, wth greate labour and diligence of the Mayr and his brethern, wth the good and assiduat labour of the Recorder and other of the Counsell of the Citie, was brought vnto effect and concludion.

141.

[An Act "for the Stillyard" 19 Henry VII, c. 23, "Statutes of the Realm," ii. 665. The saving clause for the benefit of London has reference to the grant made to its citizens in 1498—in return for £5000—securing to them the monopoly of retail trade in the city (Busch, p. 244).]

1504.

Be it ordeyned established enacted and provided, by the Kyng our Sovereign Lorde by thadvyse of his Lordes spirituall and temporall and the Comens of the same in this present parliament assembled, for merchauntes of the Hanse in Almaine having the House in the Citie of London comenly called Guilde halda Theotonicorum, that by the auctorite of this seid parliament, every acte statute or ordinaunce, actes statutes or ordinaunces, heretofore made concernyng merchauntes merchaundises or other wares, extend nott to the prejudice hurte or charge of the seid merchauntes of the Hanse, contrarie to there auncient liberties privileges free usages and customes of olde tyme graunted to the seid merchauntes of the Hanse, aswell by the kinges noble progenitours and ratified and confermed by the kinges grace, as by auctorite of diverse parliamentes, but that all suche acte statute and ordinaunce actes statutes and ordinaunces, soo made or to be made in derogacion of ther seid liberties

¹ Genoese.

privileges free usages and custumes, stand and be as ^{1504.}
 ageynst the seid merchauntes and ther successours and
 every of them voide repeled annynetissed and of none
 effecte; eny acte statute or ordinaunce, actes statutes
 or ordinaunces, to the contrarie made or to be made
 notwytstondyng.

Provided alwey that this acte or enything therin
 conteyned extende nott or be in eny wysse prejudiciall
 or hurtfull to the mayre shireffes citezens or comynaltie
 of the Citie of London or eny of them, or the successoures
 of eny of them, of or for eny interesse liberties privileges
 fraunchises or other thing to them or eny of them geven
 or graunted by the kinges moste noble progenytours or
 predecessors kinges of this realme, or by auctorite of
 Parl^t or other wysse, this present acte notwithstanding.

142.

(iii) *English merchants abroad.*

[The appointment and duties of a consul, Campbell's "Materials,"
 i. 543-5.]

Rex omnibus ad quos etc. salutem. Quia nonnulli ^{20 August,}
 mercatores et alii subditi hujus regni nostri Angliæ ^{1486.}
 habent intentionem, Deo volente, partes exteras, maxime
 ipsas Italiæ, cum suis propriis seu conductis navibus,
 bonis et mercibus, frequentare, tanto libentius quanto
 liberius et commodius, in eis, cum illuc applicuerint,
 poterunt conversari; volentes ipsorum quieti et utilitati
 quantum possumus providere, ac, per experimenta
 aliarum nationum, pro certo scientes oportere inter eos
 aliquem magistratum peculiarem erigi et creari, cujus
 iudicio et diffinitioni lites et contentiones, quas inter
 ipsos subditos nostros mercatores seu alios, dum in illis
 partibus moram traxerint, suboriri contigerit, submitti
 debeant; cumque intellexerimus civitatem Pisanam,

August,
1486.

inter alia loca Italiæ, maxime propiciam^{us} futuram, aptamque et convenientem pro residentia mercatorum nostrorum hujusmodi, de fidelitate, igitur, probitate et egregiis virtutibus dilecti nobis Cristofori Spene mercatoris Florentini, plenissime confidentes, de gratia nostra speciali, et ad humilem supplicationem mercatorum regni nostri Angliæ et aliorum subditorum nostrorum partes Italiæ, et præcipue dictam civitatem Pisanam portumque ibidem partesque adjacentes frequentantium frequentareve in futurum volentium, ipsum Cristoforum præficimus, constituimus et ordinamus consulem et præresidentem super factis omnium et singulorum subditorum nostrorum ad dictam civitatem partesque illic, ut præmittitur, adjacentes confluentium, damusque et concedimus eidem Cristoforo, quantum in nobis est, facultatem et potestatem causas, quæstiones, controversias atque lites, quas inter ipsos subditos nostros in partibus ipsis moveri contigerit, audiendi, discutiendi, terminandi, et diffiniendi summarie, et de plano, sine strepitu et figura judicii, quotiens ad id per alteram partium hujusmodi dissidentium requisitus fuerit cæteraque omnia, et singula faciendi exercendi et expediendi, tam in judicio quam extra, quæ ad officium consulatus et presidentiæ hujusmodi de jure seu consuetudine aliarum nationum spectare noscuntur. Mandantes omnibus et singulis subditis nostris antedictis, cujuscumque status, gradus, ordinis, dignitatis et præeminentiae existant, tam mercatoribus quam aliis, qui in futurum ad dictam civitatem Pisanam, portumve seu loca illa adjacentia, accedere, concurrere, habitare seu residere curaverint, quatinus eidem Cristoforo in exercitio sui officii consulatus antedicti obedientes sint assistentes et obtemperantes in omnibus prout decet. Et quia dignus est operarius mercede, utque ipse Cristoforus tanto diligentius officium hujusmodi, pro

pacificandis subditorum nostrorum differentiis, ex-^{August, 1486.} quatur, quanto merita et studia sua, ab eis gratius intellecta, cognoverit, volumus et concedimus quod ipse Cristoforus habeat et percipiat de valore et estimatione omnium et singularum mercium et rerum venalium, quas in dictis civitate et portu per subditos nostros hujusmodi modo mercatorio, emi aut vendi contigerit, quartam partem unius ducati de quolibet centenario ducatorum; præsentibus, quamdiu nobis placuerit, in omnibus et per omnia valituris, donec has litteras nostras, per intimationem publicam eidem Cristoforo faciendam, nos, aut aliquis successorum nostrorum regum Angliæ, aliis litteris patentibus duxerimus aut duxerit revocandas.

143.

[Proclamation at Calais for the rate of exchange, Campbell's "Materials," ii. 195-6.]

Writ addressed to Giles de Daubeney, knight, lieutenant of Cales, or his deputy, Thomas Thwaytis, knt, treasurer, and William Bentham, mayor, of the same town, requiring them to make the following proclamation in Cales and the marches thereof:—For asmoch as the kinge oure soueraigne lord Henry by the grace of God etc, consideryng howe that in the tyme of his noble progenitour Edward the iiith, late king of England, for the pollitique wele of the toune and marches of Caleys, and the subgiettes and thenhabitantes of the same, dyvers ordinaunces and establisshementes were ordained and made for and vpon the cource of all maner of coynes of golde and siluer, aswelle of the realme of England as of alle other parties, and theruppone by the counseille of the said late kinge estemed, rated and valued, as more pleynely appereth in a table remaynyng in the staple of the said toune of Caleys; and every

30 Septem-
ber, 1487.

September,
1487.

coyne in the said table specified, aswelle of gold as of siluer, to haue course within the said toune and marches, for euery xx s. sterling xxx s Flemmysse, and xxx s, Flemmysse for euery xx s. sterling, and not above; and also howe the aforesaid ordinaunces and establisshementes beene nowe of late brokyn and discontynued, and all maner of coynes haue course within the said towne and marches at ouer greate and excedyng value and price to the greate damage of oure said soueraigne lord, and inespialle of the subgettis and inhabitauntes of the said toune and marches; for redresse and reformation where of our said soueraigne lord by thaduis of his counseille stretly chargith and commaundith that no maner of persone or persones, of what estate, degre, nacioun or condicioun he or they be of, receyue ne pay, priuely ne partely within the saide toune and marches of Caleys for eny maner of vitaille merchandise to be bought or sold, housrent, or eny other thinge whatsoever it shalbe, any of the said coyns in the aforesaid table specified but after the rate of xxx s. Flemmysse for the xx s. sterling, and the xx s. sterling for the xxx s. Flemmysse, and not aboue, after the xx day of August next comyng, oppone payne of forfeiture of alle suche coynes to be paied or resceiued, that one halfe of euery such forfeiture to the king, and that other halfe to the fynder of the same; And also that no manne vppon payne of imprisonment of their bodies at the kinges wille from hensforth receyue ne utter any newe deuysed coynes brought or to be brought vnto the said toune and marches for eny vitailles, marchaundise, or other thing, as is aboue said, vnto such tyme as by thaduyce of the kinges counseille estemed, rated, and valued after the value of the coynes specified in the aforesaid table. And also that alle vitailles be prysed and sette after the rate and value of the said coynes.

144.

[Exchange value of moneys; Sir Charles Somerset and Warham to Henry VII, "Letters and Papers," ii. 111.]

Furthermore, in case we shall conclude with the said ^{Antwerp,} commissioners as we truste to doo, yet we perceyve by ^{17 May,} 1502. them that in what money so ever they shall receyve the somme of l.m. crownes of gold to be advaunced to the said kynges¹ warres anempste the Turques, they woll resceyve it none otherwise but as the crowne is here curraunt, the which is valued at xxxv^{ti} stufers² and a di.³ And xii grotes sterlinge maketh only xxx^{ti} stufers; and when we esteme to the said commissioners every crowne at iiiij^s sterlinge, thei say thei knowe not the value of sterlinge money otherwise then it is here valued. . . .

We have made suche secrete moynes as we can to knowe howe the eschaunge of the said lm crownes myght be made, but we can fynde no bankers that will take upon them to make any paiement of soo great a somme, except Gherom Friscobald, with whoes factor we have spokyn, which woll have ij monethis warnyng, and yet woll none other paiementes make here but after the rate of vj gilders of gold for a li. sterlinge.

145.

[William Cely to Richard and George Cely, merchants of the staple of Calais, addressed to "Martt" Lane, London, "Cely Papers," (Camden Soc.) pp. 166-8.]

Ryght worschypffull Syrs and my reverent mastysr, ^{Calais,} ^{22 Janu-} ^{ary, 1487-8.} aftyr all dew recomandacion hadd, I lowly recomend me unto your mastysrschypys etc. Item, Syr, plese hytt yowre mastysrschypys to understond that I sent

¹ Maximilian, King of the Romans.

² Stivers.

³ Dimidium.

January,
1487-8.

unto yowr masterschyppis be Wylliam Smyth willpacker a letter where yn was enclosyd ij letters of payment, the whyche I truste yee hawe receyved; and syr as for all oder, thynges ys as yowr mastyr schypp lefte hytt, whych I thyncke ye schall nott repent, for I fere me of Flaundyr's hytt staundyth marvelously w^t Bruges; for the worschypfull merchautes of the town hadd lever than myche goode they were owte of the town, for they loke every owre when the comens of the town schall ryse and rewle agaynest the Romayns kynge,¹ for they hawe ben upp onys or twyse allredy but they hawe ben pesyd be fayr menys and the kynge lyeth styll yn Bruges and wold hawe the gydyng of the town but the Comyns wyll nott suffur hym and soo he hath sent Phelypp Mounsyre and the byschopp of Luke yn to Brabant for men; what schall com theroff God knowyth, but all the lorddes of the land takyth the kynges parte etc. Item Syr plese hytt yow to understond that syr Jamys Tyrrell hath ben at Bruges and hath spoken w^t the Kyng of Romayns diversse tymes and the Kyng made Syr Jamys grett chere and soo dydd the town of Bruges and all odyr towns of Flaundyr's that he cam throwe as grett chere as any man myght hawe, and soo hytt ys thowth yf the Kyng of Romayns maye subdew Gaunte and rewle Flaunders as withyn schortt space wee thynke he schall or elles muste flee hys weye owte of the contrey or be destroyed, that he wull graunte owre sovereyn lordd kynge all thynges that he wyll leffully desyre for to have pese w^t us, for the contrey wold gladdly hawe pese w^t us, for as now we nor they dar nott resoort to nor froo w^t saffcondite nor odervyse; for Harold Staunton, Edmund Knyght, Nycollz Taylor, mercer they hath ben at Barow Martt and yn ther comyng homward from the Martt at Slewce they ben taken prisoners and leyd yn the

¹ See "Cambridge Modern History," i. 448.

castell of Slewce and lyeth styll there and hath doon thys January, 1487-8.
 iij wekes and nott lykly to come schorttly w^t they
 . . . mych mony for ther rannsom. Item syr my lordd
 of sent Jonys¹ comaundyth hym harttly unto yowr
 masterschypys and he sayth he longe sore to see yow,
 and hys mynd was for to aben yn Ynglond long or thys
 but the Danys ar on the see and every day afore Callez
 hawen, wherffor hee dar nott aventure to take passage.
 Syr my lord sayth he marvell that ye wryte hym noo
 letters; he sayth had noo word from yowr mastyrshyppis
 syns he departed owte of Ynglond wherfor he feryth hym
 yee schuld tak som displeysr w^t hym or w^t som of hys.
 Item syr thys same day ys oon com from Bruges and
 he sayth ther ys an ymbassett sent from Bruges and from
 Ipur [Ypres] unto Gaunte for to make the pesee betwyxte
 the Kyng of Romayns and them whyche ys thowzte they
 schall conclude and that doon ther schall an imbassett
 com from thens yn to Ynglond yn as possybull hast as
 may be to make a goode pese as I trust to Godd schall
 be who ever preserve yow.

146.

[The same to the same, *ibid.* pp. 168-170.]

Ryght worschypfull Syrs and my reverent mastyrs, Calais, 19 February, 1487-8.
 aftyr all dew recommendacion precedyng, I lowly re-
 commend me unto yowre mastyrshyppys. Fyrdyr
 more plese hytt yowre masterschypes to understand
 that I have receyved yowr letter datyd at London the
 xvij day of Jenyvere the whych I doo well underston;
 and as tochyng John Delowppys I hawe wrytten hym
 acordyng to the tenour of yowr letter, but the ceson ys
 syche at Bruges now that noo man there hath noo leyser

¹ Sir John Weston, thirty-first Prior of St. John's from 1476 to 1489; see "Dict. Nat. Biogr." lx. 377. He was succeeded by John Kendal, see above, Vol. i., Nos. 87-92.

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to goo abowght any thynges perteynyng merchaundyse ; for viij dais longe the gates of Bruges were schytt and noo man sufferyd to com yn nor owte, and evyr syns Candyll messe evyn all the comoners of Bruges hath ben yn harnesse and kepe the markett place and they hawe sett the Kyng of Romayns owte of hys place and put all hys men from hym and kepeth hym under ward, but they saye they wyll doo hym noo bodyly hurtt and they hawe taken diversse that were rewlars abowte hym, whych men thyncke they hawe or schall suffer deth, and many of hys lorddys ben fledd and the cheyffe rewlars of Gaunte be com to Bruges ; and soo they wyll playnly hawe pese w^t Fraunce and to be under the abesaunce of the Kyng of Fraunce yff the town of Bruges wold be agreabull to the same, but as yett they be nott agreed amongyst hemselfe, wherfor they hawe sent ynto Braband and ynto Holond and Selond that everyche of thes contreys doo send to Bruges serten wysemen w^t full auctoryte of ther contrey for to coomen and talke w^t the Gauntnerse and them and that may take syche wayes and concludion amongyst them as they can dryve be reson moste benyffycyall for them and ther contreys ; but they ar utterly determenyd that the Roymayns Kyng schall rewle noo longger amongyste them, for all redy they hawe dischargyd all the old wytt of Bruges the which was sett yn be the Kyng and made a new wytt, and they seye that they wyll hawe the quoynz sett down agayne, and soo they of Bruges sayth all schall be well schorttly, but hytt ys onlyckly ; the imbassettors that schuld a comen yn to Ynglond beth fledd to Slewce. Item Syr I hawe receyved anoder letter from yow datyd at London the x day of Fevere the whych I hawe well understand and as tochyng makyng over of mony at Bruges be exchaunge or oder wayis of conveyauce yn redy mony or fyne gold ; ther can be none tell thys hete be over, for every man ys yn harnesse

yn the markt place and soo ys John Delowppis and Gomers Desers bothe. And Syr as for the payment of the nexte halffe zere ys wage at the vj day of Apryll I truste and putt noo dowttes yn hytt. Yowre wulles schall be owte of the town or any purveyaunce or provysion schalbe made for payment therof, for John Delowppis man ys here at Callez redy to receyve hytt as sone as he heryth they be at a conclucyon at Bruges; wythyn viij or x days wee schall knowe at the uttrest what weye they of Bruges wyll take, for they hawe deyned them of Gaunte diverse of ther desyrys etc. Syr the saynges ys that the quoyns schall be sett down at Bruges and yff it soo be, hytt were best yowre mastyr-schypes taryed yn makyng ower of yowre monys, for hytt ys now at to owtreages losse; the ryall ys wurth xx^s fl. and all oder goldds after the rate and as for new grottes ar wurth viij^d a pese yn Bruges now etc. Syr w^t the next passage I schall wryte yowre masterschypys syche newes as I can here etc. No more unto yowre mastyr-schypis at this tyme but allmyghty Jhesu preserve yow.

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1487-8.

147.

[The same to the same, *ibid.* pp. 170-1.]

Ryght worschypffull Syr and myn especyall good mastyr w^t all dew recomendacion had, I umbly recommend mee unto yowr good mastyr-schyp. Fyrdyr please hytt yowre good mastyr-schyp to understond that I have receyved be Thomas Graungers servaunte yowr letter datyd at London the ijth day of Marche, the whych I hawe well understond; and as tow[c]hyng the matter betwyxte yowr mastyr-schyp and Sybson I hawe nott eis yett spoken w^t John Hubbard theroff, but w^t yn thys ij days I wyll goo to Guynesse and speke w^t hym therfor and I dowght nott all the favour that hys mastyr and

Calais,
12 March,
1487-8.

March,
1487-8.

hym both can doo yn that matter or yn any oder agaynyst hym I know hytt well yowr mastyrshypp schall hawe hytt; and syr for the quetaunce that Sybson made to Wylliam Strycke of Sentrycasse I hawe nott yett seyn hytt, but I spake w^t Stryck hys wyffe here at markett and sche sayd her husband hathe a quytaunce of Sybson the whych I schall see whan I com theder, wheroff I schall send yowr mastyrshypp the copy schorttly and tydynges how ze schall spede yn that matter. Syr as for tydynges owte of Flaunders they contenow styll yn myscheyff lycke as I hawe wrytten yow yn my last letter be on Thomas Spycer of the north contrey, save on Satterday last was beheddyd at Bruges the lordd Dugell and moo ys lyk to be schorttly; they surmysed a matter uppon John Delowppys, but he hath stoppyd them w^t money and soo syche men as beth of any substaunce yn Bruges feryth thys rekenyng, and diversse of them stelyth dayly aweye and goyth to Myddellborow yn Selond, for they fere the end wyll be nawght, whych I pray allmyghty Jhesu amend hytt whoo evyr presyrve yow.

(iv) *Commercial Treaties.*

148.

[Commercial treaty with the Netherlands, Rymer's "Foedera," xii. 320, prolonging the treaty of 1478, *ib.* xii., 67-86.]

2 January,
1487.

Philippus permissione divina Abbas Monasterii Sancti Petri juxta Gardanum¹ Ordinis Sancti Benedicti decretorum doctor, Thomas de la Papoire dominus de Pipiix utriusque juris licentiatus procurator generalis, Thomas Portinari & Egidius de Bois consilarii, ac Petrus Puissant secretarius, oratores, ambassiatores, procuratores, & nuncii speciales serenissimorum &

¹ Gandavum, Ghent.

illustrissimorum principum & dominorum nostrorum, ^{January, 1487.}
 dominorum Maximiliani divina favente clementia
 Romanorum regis semper augusti, & Philippi Dei
 gratia Austriæ archiducum, Burgundiæ Lotharingiæ
 Brabantiæ Limburgiæ & Gheldriæ ducum, Flandriæ
 Thirolis Arthesii Burgundiæ Hanoniæ Hollandiæ
 Zelandiæ Namurci & Zutphanæ comitum, ac Sacri
 Imperii marchionum dominorum Friziæ Salinarum &
 Mechliniæ specialiter deputati, universis & singulis
 præsentibus literas inspecturis salutem.

Cum nuper certa diæta fuerit per præfatos dominos
 nostros principes ex una, & serenissimum principem,
 dominum Henricum regem Angliæ etc. partibus ex
 altera, concepta & ordinata teneri in villa Calesiæ
 ultima die mensis Novembris novissime præteriti per
 nos ex & pro parte eorundem principum & dominorum
 nostrorum dominorum Romanorum regis & Philippi
 archiducum, una cum carissimo & generoso milite,
 domino, Egidio domino d'Aunbeney locumtenente
 præfati domini regis Angliæ etc. in villa & marchiis
 Calesiæ, necnon venerabili & circumspecto viro, domino
 ac magistro Johanne Gunthorpt utriusque juris doctore,
 decano ecclesiæ Wellensis, ac nobilibus militibus,
 Thoma Thwaytis thessaurario & Humfredo Talbot
 marescallo ejusdem villæ Calesiæ, Thoma Fynes armigero,
 locum tenente castris Calesiæ, necnon venerabili
 viro, domino Johanne Baldiswel legum doctore, clerico
 concilii præfati domini regis Angliæ, & honorabilibus
 viris, Richardo Yorche maiore stapulæ dictæ villæ
 Calesiæ, Ricardo Hatton doctore utriusque juris,
 Guillelmo Roos vitellario & Adriano Wethill contrarotulatore
 dictæ villæ Calesiæ, Johanne Pykreng gubernatore
 mercatorum in partibus Flandriæ, Brabantæ etc.
 & Thoma Grafton locumtenente majoris stapulæ
 ejusdem villæ, oratoribus, ambassiatoribus, & com-

January,
1487.

missariis præfati domini regis Angliæ etc. super inter-
cursu seu concursu mercatorum inter subditos
utrorumque regum & principum prædictorum hactenus
observato & aliis articulis. Qua quidem ultima die
Novembris nos, neque oratores præfati domini regis
Angliæ etc. ob arduorum negotiorum eorundem prin-
cipum & regum exigentias, minime convenire potuimus.
Quamobrem, consensu mutuo dictorum dominorum
regum & principum dicta dieta usque ad hujus mensis
Januarii diem continuata sit & prorogata.

NOTUM FACIMUS quod nos, indempnitati subditorum
dictorum regum & principum providere volentes, com-
municatione cum præfatis oratoribus regis Angliæ etc.
ac deliberatione inter nos habita cum eisdem oratoribus,
convenimus & conclusimus, convenimusque & concludi-
mus per præsentés, illum intercursum seu concursum
mercantiarum per dominum Johannem Coolre,¹ am-
bassiatorem, recolendæ memoriæ, Edwardi Quarti nuper
regis Angliæ etc. ac magistros, Thomam de Plane &
Justum Baldinum,² utriusque juris doctores, nomine
illustrissimorum dominorum Maximiliani & Mariæ
tunc archiducum Austriæ, ducum Burgundiæ, etc.
Insulis,³ die duodecima mensis Julii, anno Domini
millesimo quadringentesimo septuagesimo octavo in-
itum & conclusum, postque per eosdem principes pro
se, suis subditis, patriis & dominiis hincinde approbatum
& ratificatum, modo & forma in eodem contentis, con-
tinuari & rennovari debere; eundem intercursum seu
concursum, modo & forma eisdem ac sub eisdem
punctis & articulis præsentium tenore continuamus &
renovamus a prima die hujus mensis Januarii usque

¹ Sic in Rymer; probably is John Cooke, afterwards archdeacon
of Lincoln, see "Letters and Papers," i., 11, 16, 46.

² Sic in Rymer, for Balduinum.

³ i. e. at Lille, which was formerly spelt Lisle.

ad Festum Purificationis beatæ Mariæ Virginis proxime sequens inclusive duraturum. January,
1487.

Et, si forsan in contrarium per subditos præfatorum dominorum nostrorum Romanorum regis & archiducum aliquid attemptatum fuerit, dicti domini principes condigne restitui & reparari facient; promittentes, pro eisdem dominis nostris Romanorum rege & archiducibus principibus & ipsorum nominibus, quod ipsi præsentem continuationem & renovationem suis patentibus literis, si & dum opus fuerit, citra dictum Purificationis Festum, ratificabunt & approbabunt.

Acta fuerunt hæc in sæpe dicta villa Calesiæ sub sigillo signetis & signis nostris manualibus præsentibus appositis, anno Domini millesimo quadringentesimo octuagesimo sexto, die vero secunda mensis Januarii suprascripti.

149.

[The "Intercursus Magnus," so called by Bacon, concluded between England and the Netherlands, Rymer's "Fœdera," xii. 578-88. Some grammatical and other errors in Rymer's text have been corrected, and his practices of spelling every second or third word with a capital, and of using three or four commas in every line have been abandoned. The treaty is placed here because its chief importance was commercial. The treaty of 1487 had been broken owing to the patronage of Perkin Warbeck by Maximilian and the dowager duchess. Henry removed the staple in various English products to Calais, and expelled Flemish merchants from England. The government of the Netherlands retaliated, and for two years trade is said to have almost ceased between the two countries.]

OMNIBUS ET SINGULIS, præsentibus literis visuris audituris & inspecturis, Philippus de Bourgundia dominus de Beures locumtenens, gubernator & capitaneus generalis Artesiæ & admirallus, Paulus de Bænst dominus de Formezeclæ præsidens Flandriæ, Robertus 24 Febru-
ary, 1496.

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de Melun dominus de Rouny, Daniel de Præt dominus de Merwede camerarius & superior ballivus Flandriæ, Johannes de Cortenatto, Thomas Portenaire consiliarius, & Florentius Hanwel secretarius ordinarius, ambassiatores, procuratores, legati & nuncii illustrissimi domini archiducis Austriæ, ducis Bourgundiæ, Brabantiæ, comitis Flandriæ, Hannoniæ, Hollandiæ, Zelandiæ, salutem.

NOTUM FACIMUS quod cum potiora mortalibus dona a Superis tradi nequeant quam bona pacis, & longo rerum usu ac ratione semper cognitum sit pacem esse summum illud præceptum Numinis quod humano generi conducere queat, satisque compertum sit quot calamitates & ærumpnæ passim a bello exoriuntur, quot vero commoda pax certa & stabilis undique contulerit, idcirco, nos quantum fructus & utilitatis terrarum ac patriarum dicti domini archiducis Austriæ incolis & subditis, necnon etiam regni Angliæ, ex pace & amicitia ante hæc inter ipsos principes prædictos initis & contractis, accreverit plene, cognoscentes, nos pro dicto illustrissimo principe nostro domino archiduce antedicto suisque hæredibus & successoribus, atque eis & eorum nomine, auctoritate nobis ab eodem archiduce principe nostro per suas literas patentes commissa (quarum tenor inferius sequitur) cum reverendo in Christo patre & domino domino Richardo Dunolmensi episcopo¹ custode privati sigilli illustrissimi regis Angliæ, domino Johanne Welles vicecomite de Welles, Johanne Kendall priore domus Sancti Johannis Jherusalem in Anglia, Wilhelmo Warham legum doctore magistro ac custode rotulorum cancellariæ dicti domini regis, Cristoforo Worswike² archidiacono Richemont, & Johanne Risley³ milite, am-

¹ Bishop Foxe.

² Urswick; see "Dict. Nat. Biogr." lviii. 55.

³ Generally spelt Wriothesley; see *ibid.* lxiii. 146.

bassiatoribus procuratoribus & commissariis ad infra-
 scripta per ipsius illustrissimi domini regis Angliæ litteras
 patentes deputatis (quarum etiam tenor inferius sequitur)
 convenimus, contraximus & conclusimus & per præsentem
 convenimus, contrahimus & concludimus omnes &
 singulos pacis amicitiarum, mercium intercursum, &
 mercatorum communicationis sequentes articulos.

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 1496.

Inprimis, conventum concordatum & conclusum est
 quod ab hac die sit bona, sincera, vera, integra, per-
 fecta & firma amicitia, liga, confœderatio, pax & unio
 per terram, mare & aquas dulces, futuris temporibus
 perpetuo duraturæ, inter dictos dominos regem &
 archiducem, eorumque hæredes & successores, regna,
 patrias, dominia, terras, vassallos & subditos quoscunque
 præsentem & futuros, tam ecclesiasticos quam seculares,
 cujuscunque gradus seu conditionis existant, etiam si
 archiepiscopali ducali vel minori dignitate statu aut
 gradu præfulgeant; ita quod prædicti vassalli & subditi
 hincinde ubique locorum sibi invicem favere, seseque
 mutuis officiis prosequi, & honesta affectione pertractare
 teneantur, possintque tam per terram quam per mare
 & aquas dulces ad dicta regna, patrias, dominia &
 terras, civitates, oppida, villas munitas aut non munitas,
 firmatas aut non firmatas, portus & districtus quoscun-
 que & eorum quodlibet hincinde tute, libere & secure
 accedere, intrare & in eisdem quamdiu voluerint com-
 morari & conversari, ac ibidem victualia & alia eis
 necessaria quæcunque sine quacunque contradictione
 emere & vendere, necnon ab eisdem regnis, patriis,
 terris, civitatibus, oppidis, villis, portibus & districtibus,
 & eorumquolibet, totiens quotiens eis libuerit, ad partes
 proprias vel alienas quascunque, cum suis aut conductis
 aut accommodatis navigiis plaustris vel armaturis,
 mercimoniis, sercinolis, bonis & rebus quibuscunque,
 ire, recedere ac reverti, quemadmodum propriis in

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patriis, hæc omnia eis facere liceret, & sicut proprii subditi locorum & patriarum illarum facere possint; ita quod nullo salvo conductu aut licentia generali vel speciali indigeant, nec in aliquo locorum prædictorum salvum conductum vel licentiam petere teneantur.

Item conventum, concordatum, & conclusum est quod neuter dictorum principum nullusque hæredum aut successorum suorum contra alium ejusve hæredes aut successores quicquam agat, faciet, tractabit vel attemptabit quocunque in loco, sive in terra sive in mari, portibus & aquis dulcibus occasione quacunque; nullumque præstabit auxilium, consilium, favorem vel assensum, quod per alium vel alios quoscunque aliquid fiat, agatur, tractetur, vel attentetur in injuriam, præjudicium vel damnum alterius, ejusve hæredum aut successorum; sed quibuscunque sic, ut præmittitur, contra alium infra regna patrias dominia aut terras suas prædictas aliquid agentibus, tractantibus vel attemptantibus, expresse & cum effectu contradicet, renitetur, obstat & impedimentum realiter præstabit.

Item, conventum, concordatum & conclusum est quod neutra, immo nulla, partium prædictarum præstabit auxilium, consilium vel favorem notoriis hostibus vel inimicis alterius partis tam per terram quam per mare vel aquas dulces infestare vel invadere volentibus, sed bona fide se mutuis auxiliis militaribus gentium armatorum (expensis tamen opem interpellantis) quotiens opus fuerit adjuvabunt; in quorum auxiliorum præstatione, quoad numerum attinet armatorum, habenda erit facultatis ratio illius partis quæ de ferenda ope rogabitur seu interpellabitur, ut, scilicet, ad non plus teneatur quam tunc commode facere poterit, considerata temporis & locorum oportunitate ac statu rerum suarum.

Item, conventum, concordatum, & conclusum est quod neutra partium prædictarum rebellem vel rebelles,

profugum vel profugos alterius partis, in ejus regna, patrias, dominia, terras portus, aut districtus, aut eorum aliquem recipiet, nec eis aut eorum alicui in eisdem eorumve aliquo aut alio quocunque in loco, etiam extra eorum regna, patrias, dominia, terras, portus aut districtus auxilium, consilium, favorem, hospitium, gentes armorum, naves, pecunias vel victualia præstabit aut ministrabit, nec ab alio aut aliis quibuscumque in ejus regna, patrias, dominia, terras, portus aut districtus recipi, nec eis aut eorum alicui in eisdem auxilium, consilium, favorem, hospitium, gentes armorum, naves, pecunias vel victualia dari, præstari, ministrari aut concedi permittet, sed expresse & cum effectu contradicet, obstabit & impedimentum realiter præstabit.

Item, conventum concordatum & conclusum est quod, si altera partium prædictarum aliquem vel aliquos, suum vel suos fuisse & esse rebellem vel rebelles, profugum vel profugos, & in sua regna, patrias, dominia, terras, portus, vel districtus, aut eorum aliquem receptum esse vel receptos, aut ibidem latitare aut se tenere, per literas suas alteri significaverit & declaraverit, tunc pars illa, quæ hujusmodi literas receperit, vel cui taliter significatum aut declaratum fuerit, hujusmodi rebellem vel rebelles, profugum vel profugos, infra mensem a die significationis prædictæ proximo & continue numerandum, tenebitur dicto rebelli vel rebellibus, profugo vel profugis, præcipere & mandare, vel præcipi & mandari facere, ut extra sua regna, dominia, patrias & terras, & eorum quodlibet, recedat & exeat recedant & exeant. Et, si infra quindecim dies a die hujusmodi præcepti non recesserit & exierit, recesserunt & exierunt, tenebitur illum vel illos illico proscribere & bannire sub pœna capitali, & talem proscriptionem sive bannum contemptentem vel contemptentes eadem pœna effectualiter puniet seu puniri faciet.

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Item, præfati oratores, commissarii, procuratores & legati dicti domini archiducis & pro eodem archiduce & ejus nomine hæredumque & successorum suorum, oratoribus, commissariis, procuratoribus & legatis dicti illustrissimi regis Angliæ, & pro eodem domino rege & ejus nomine ejusque hæredum & successorum stipulantibus, palam & expresse promiserunt, quod nullus rebellis præfati illustrissimi regis Angliæ ejusve hæredum aut successorum, in aliqua castra, oppida, villas, portus, districtus vel alia loca, quæ illustrissima domina Margareta, illustrissimi domini ducis Caroli defuncti relicta, aliave persona, cujuscunque status aut dignitatis existat, infra patrias, dominia & terras dicti domini archiducis, jure dotalitio vel alio titulo quocunque habet, tenet aut possidet, aut in posterum habere aut possidere continget, aut in eorum aliquid de caetero recipietur, nec per eam aut per aliam personam quamcunque recipi permittetur aut tollerabitur, nec alicui hujusmodi rebeli in locis prædictis aut aliis quibuscunque in navibus, gentibus armorum, pecuniis, victualibus, aut alio quocunque modo consilium, auxilium, vel favorem per ipsam dominam Margaretam, aut aliam quamcunque personam, de caetero dari aut præstari permittet aut tollerabit; sed eam & aliam quamcunque personam hoc facere palam & expresse prohibebit & impediet. Et, si contra hujusmodi conventionem dicta domina Margareta, alia aut persona quaecunque præfato domino archiduci subdita, aliquid attemptaverit vel attemptari fecerit, quod tunc præfatus dominus archidux tam dictam dominam Margaretam quam alios sic attemptantes, omnibus & singulis, quæ jure dotis aut alio titulo quocunque in castris oppidis villis & aliis locis prædictis se habere, tenere aut possidere prætendat aut prætendunt, & postea quam eam aut eas aliquid contra hujusmodi conventionem attemptasse consti-

terit, realiter & cum effectu perpetuo privabit & privari faciet. February,
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Et commissarii, procuratores & deputati illustrissimi regis Angliæ, pro eodem domino rege & ejus nomine ac hæredum & successorum suorum, oratoribus commissariis, procuratoribus & legatis illustrissimi domini archiducis pro eodem domino archiduce & ejus nomine necnon hæredum & successorum suorum stipulantibus, palam & expresse promiserunt quod nullus rebellis præfati illustrissimi domini archiducis ejusve hæredum aut successorum in aliqua castra oppida villas portus districtus vel alia loca, quæ subditi prælibati domini regis, cujuscumque status aut dignitatis fuerit, infra regna, patrias aut dominia sua, quocumque titulo tenent, habent aut possident, aut in posterum tenere, habere aut possidere continget, aut in eorum aliquid, de cætero recipietur, nec per eos aut eorum aliquem recipi permittetur aut tollerabitur, nec alicui hujusmodi rebeli in navibus, gentibus armorum, pecuniis, victualibus, aut alio quocumque modo consilium auxilium vel favorem per ipsos subditos ac eorum aliquem dari ac præstari permittet ac tollerabit; sed ipsos & singulos quosque facere palam & expresse prohibebit & impediet. Et, si contra hujusmodi conventionem subditi illustrissimi domini regis Angliæ, aut eorum aliquis aliquid attemptaverit vel attemptari fecerit, quod tunc præfatus dominus rex omnes & singulos sic attemptantes omnibus & singulis, quæ quocumque titulo in castris, oppidis, villis & aliis locis prædictis se habere tenere aut possidere prætendat aut prætendant, postea quam illum illove ipsius subditis ¹ contra hujusmodi conventionem attemptasse constiterit, realiter & cum effectu perpetuo privabit & privari faciet.

Item conventum, concordatum & conclusum est

¹ Sic : ? illosve ipsius subditos.

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quod dictus illustrissimus dominus rex Angliæ suique hæredes & successores in quibuscunque confœderationibus & amicitiiis cum quovis principe, universitate, communitate, societate aut alia qualibet persona deinceps contrahendis, dictum dominum archiducem suosque hæredes & successores reservabunt & comprehendent si reservari & comprehendi voluerint. Et, pari modo, idem serenissimus dominus archidux ejusque hæredes & successores, in quibuscunque suis confœderationibus & amicitiiis, cum quovis principe, universitate, communitate, societate aut alia qualibet persona deinceps contrahendis præfatum illustrissimum regem Angliæ ejusque hæredes & successores reservabunt & comprehendent si reservari & comprehendi voluerint. Item, quod in præsentî tractatu pacis & amicitiarum comprehendantur alligati, amici, & confœderati utriusque partis; illi, videlicet, qui in literis confirmatoriis hujus præsentis tractatus per ipsos principes denominantur si comprehendi voluerint.

Item conventum concordatum & conclusum est quod si, durantibus pace & amicitiiis præfatis, aliquid contra vires & effectus earundem per terram mare & aquas dulces, per aliquem ipsorum principum eorumve hæredum & successorum, vel eorundem vassallos, subditos aut alligatos, aut eorum alligatorum hæredes seu successores in hiis amicitiiis comprehensos subditos vel vasallos fuerit attemptatum, actum & gestum, nichilominus hæc pax & amicitia in suis viribus & effectu permanebunt, & pro ipsis attemptatis solummodo punientur ipsi attemptantes & dampnificantes, & non alii.

Item conventum, concordatum & conclusum est quod omnes mercatores tam regni Angliæ, domini Hiberniæ, villæ & marchiarum Calisii quam etiam mercatores terrarum & patriarum Brabantiæ, Flandriæ, Hannoniæ, Hollandiæ, Zeelandiæ, villæ & terræ Meclinæ &

aliarum patriarum & dominiorum domini archiducis February, 1496.
 prædicti, tam mercatores lanarum, coriorum, victualium quam aliarum merchandisanum quarumcumque, necnon eorum factores, familiares, negotiorum gestores, & ministri, poterunt deinceps per terram pedestres aut equestres aut alio modo quocunque, armati vel non armati (dummodo armati simul incedentes quadragenarium numerum non excedant), cum suis bonis & mercandisia secure & libere ire & venire, invicemque communicare & mercare, emere & vendere ac commercium facere & habere, tam de mercandisiis lanarum, coriorum, victualium, armorum, equorum, jocalium quam aliis quibuscunque, ipsaque ducere & reducere sive duci & reduci facere ad eorum libitum & voluntatem de Calesiis & marchiis ejusdem ac aliis quibuscunque partibus regni Angliæ & dominiis Hiberniæ in Brabantiam, Flandriam, Hannoniam, Hollandiam, Zeelandiam & Meccliniam ac alia dominia præfati domini archiducis; et e contra, de Brabantia, Flandria, Hannonia, Hollandia, Zeelandia & Mecclina ac aliis dominiis præfati domini archiducis ad villam & marchias Calesii & alias quascunque partes regni Angliæ & dominiis Hiberniæ absque aliquo impedimento aut prohibitione quacunque in contrarium & absque eo quod propter ea aliquam pœnam sive multam incurrant, seu quod per dominos patriarum, terrarum & dominiorum prædictorum hincinde aut eorum officarios & justiciarios possint inde redargui, accusari, puniri vel mulctari, statutis & ordinationibus locorum in omnibus semper salvis.

Item, conventum concordatum & conclusum est quod omnes mercatores regni Angliæ, dominiis Hiberniæ, villæ & march [iae] Calesii, tam mercatores lanarum, coriorum, victualium, armorum, equorum, jocalium quam aliarum mercansiarum ¹ quarumcumque, necnon eorum

¹ Sic throughout for mercandisiarum, etc.



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factores, familiares, negotiorum gestores & ministri, nautæ, magistri navium & marinarii, poterunt navigare ire transire & redire per mare & aquas dulces eundo & redeundo conversari esse & morari secure & libere in patriis terris & dominiis præfati domini archiducis, & etiam in portibus & littoribus patriarum, terrarum & dominiorum prædictorum per ipsum dominum archiducem autorisatis; in villis (videlicet) ubi customarii & alii officarii archiduciales sunt ordinati ad vacandum & attendendum pro & super introitu & exitu navium, mercatorum & mercansiarum, & non alibi nec in aliis locis, cum eorum bonis, mercansiiis & navibus prædictis quibuscumque & cum mercatoribus patriarum, terrarum, & dominiorum præfati domini archiducis, seu eorum factoribus, familiaribus & negotiorum gestoribus & ministris, necnon cum omnibus aliis mercatoribus cujuscumque nationis existant, & eorum factoribus, familiaribus, negotiorum gestoribus & ministris, de quibuscumque mercansiiis tam victualium quam aliis libere mercari, emere, habere & vendere, ac mercansias facere poterunt, quæ ad & in prædictos portus & littora patriarum, terrarum & dominiorum præfati domini archiducis, tam eorum propria bona quam aliena, ducere vel duci facere, & ab ipsis portibus seu littoribus quotienscumque, quandoque & quocumque voluerint, secure recedere & redire cum eorum bonis mercansiiis & navibus prædictis quibuscumque.

Et, pari modo, mercatores patriarum, terrarum, & dominiorum præfati domini archiducis tam lanarum, coriorum, victualium & aliorum mercansiarum quarumcumque, necnon factores, familiares, negotiorum gestores & ministri, nautæ, magistri navium & marinarii poterunt de cætero secure & libere navigare, ire, transire & redire per mare & aquas dulces, & eundo & redeundo conversari esse in dictis regno Angliæ,

dominio Hiberniæ & villæ & marchiarum Calesii, & etiam in portibus & littoribus ipsorum per præfatum regem Angliæ autorisatis; in villis (videlicet) ubi customarii & alii officarii regales sunt ordinati ad vacandum & attendendum pro & super introitu & exitu navium mercatorum & mercansiarum, & non alibi, cum eorum bonis, mercansiis & navibus prædictis quibuscunque, & cum mercatoribus Angliæ, Hiberniæ, & Calesii ac marchiarum, seu eorum factoribus, familiaribus, negotiorum gestoribus & ministris, de quibuscunque mercansiis tam victualium quam aliis libere mercari, emere & vendere, & mercandisam facere poterunt, quæ ad & in prædictos portus Angliæ, Hiberniæ & Calesii, tam eorum bona propria quam etiam aliena, ducere vel duci facere, & ab ipsis portibus seu littoribus quotienscunque, quodocunque & quocunque voluerint, libere & secure recedere & redire cum eorum bonis, mercansiis & navibus, absque eo quod ipsi propterea per dominos regnorum, dominiorum, patriarum & terrarum prædictarum, seu eorum officarios quovis pacto redargui vel aliqua pœna mulctari possint, seu quod per eosdem ipsi mercatoribus aliquid damnum, præjudicium vel impedimentum fieri aut inferri possit per viam facti, occasione guerræ vel deprædationum aut attemptatorum factorum vel fiendorum, vel alio modo ex causa quacunque; solvendo tamen, quantum attinet ad mercatores utriusque partis partium prædictarum, pro rebus, bonis & mercansiis suis, jura & thelonia quæ voluerunt de novo instituere: poterunt etiam, non obstantibus prædictis, causa necessitatis victualium & alia justa & rationabili causa, prohibere & defendere, ne tale genus victualium quod eis magis videbitur expedire a dominiis extrahatur.

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Item conclusum concordatum & conventum est quod mercatores utriusque partium prædictarum, & eorum

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factores, familiares, negotiorum gestores, & ministri, necnon magistri navium, marinarii & nautæ poterunt licite ducere portare & habere cum illis & super illos in eorum navibus arma invasiva & defensiva, cujuscunque generis fuerint, ad se, eorum corpora, bona, mercandisas & naves salvo & secure contra quoscunque servandum & defendendum, tam eundo & redeundo per mare & aquas dulces, quam morando in aliquo portu partium prædictarum ac cum applicuerunt, quotienscunque, ubicunque & quacunque de causa id contigerit, eorum gladios, dagarios, lanceas & cultellos secum usque ad terram & per terram ad eorum hospitia libere & impune deferre & portare; proviso tamen quod in eorundem hospitibus gladios & lanceas deponent & relinquunt quousque ad eorum naves redirent.

Item conventum concordatum & conclusum est quod mercatores utriusque partis partium prædictarum ac eorum factores, familiares, negotiorum gestores & ministri, nautæ, magistri navium & marinarii tute & secure morabuntur in regnis, dominiis, patriis & terris principum prædictorum & eorum utriusque necnon in eorum portibus & littoribus, cum eorum bonis, navibus, mercansibus quibuscunque, absque eo quod ipsi vel eorum aliquis ullum damnum, injuriam vel præjudicium aliquid aliis mercatoribus cujuscunque alterius nationis aut eorum factoribus, negotiorum gestoribus, ministris, nautis, magistris navium & marinariis faciant aut fieri procurent, & quod mercatores aliarum patriarum & nationum, eorum factores, negotiorum gestores, ministri, nautæ, magistri, navium, & marinarii mercatoribus & subditis alicujus principis principum prædictorum nullum dampnum, injuriam vel præjudicium aliquod in locis prædictis inferant aut inferri procurent.

Item, conventum concordatum & conclusum est quod piscatores utriusque partis partium prædictarum (cujus-

cunque conditionis existant) poterunt ubique ire, navigare per mare, secure piscari absque aliquo impedimento licentia seu salvo conductu: et, si contingat aliquos ex piscatoribus unius partis per fortunam, tempestatem maris, vim hostium, aut alio modo compelli intrare aliquem portum vel districtum alterius partis, ibidem pacifice & amicabiliter recipientur & tractabuntur (solvendo in locis ubi applicabunt jura & theolonia prædicta) & ab illis portibus & locis poterunt libere recedere & redire cum eorum navibus & bonis, sine impedimento vel contradictione quacunque; dummodo tamen per ipsos piscatores non committatur fraus neque dolus, seu per eos aliis dampnum minime fiat.

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Item conventum, concordatum & conclusum est quod in nullis portibus aut littoribus partium prædictarum aut eorum alterius piratæ aut alii, sine autoritate suorum principum guerram super mare facientes, sive nationis partium prædictarum aut alterius nationis cujuscunque fuerunt, aliquo modo receptabuntur, neque ipsis aut eorum alicui ibidem seu alibi in regnis, patriis, dominiis & terris principum prædictorum in pecunia, armis, instrumentis bellicis, victualibus, aut alia re quacunque, aliquo pacto, auxilium præstabitur, nec favor, quovis quæsito colore, præbebitur sub pœna refertionis¹ & restitutionis omnium dampnorum, expensarum & interesse subditis prædictis aut eorum alicui per hujus modi piratas aut violentes deprædatores illatorum & fiendorum, tam per ipsos piratas si depræhendantur & solvendo sint, quam etiam per eorum receptatores, factores & auxiliantes: qui quidem piratæ & auxiliatores ad hæc præcise & summaria cognitione cogentur, tam in personis quam bonis, per locorum seu districtuum officiarium ubi talia

¹ "Refertionis" would be the more classical reading. "Refertio" is from "re" and "farcio"; cf. "refarcient" in the next paragraph.

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contigerint; de quibus dampnis, expensis, & interesse, si alias probare non poterunt, stabitur fidei & juramento dampnificatorum. Et si contingat hujus modi piratas, deprædatores, eorum factores, & auxiliantes super hujus modi piratica, deprædatione, favore vel auxilio, ut præmittitur, convinci, quod tunc hujus modi piratæ, deprædatores, eorum fautores, auxiliatores dampna, expensas, interesse partibus sic dampnificatis refarcient & restituent; &, si hujusmodi refertionem & restitutionem infra quatuor dies proximo & immediate sequentes diem in quo de hujus modi piratica, deprædatione, favore, vel auxilio convicti fuerunt, cum effectu facere recusaverint, tunc hujus modi piratæ, deprædatores, fautores, & auxiliatores ad restitutionem dupli dampnorum, expensarum & interesse sic dampnificatis faciendam per locorum & districtuum officarios compellantur & cogantur.

Item conventum concordatum & conclusum est quod, si per aliquos piratas aut alios, ut præmittitur, guerræ operam dantes, aliqua bona mercatorum vel subditorum unius vel alterius partium prædictarum super mare capiantur, & in aliquem portum unius vel alterius earundem partium adducantur, non poterunt bona, sic capta & deprædata, ibidem per ipsos piratas vel alios quoscunque poni ad terram vendi vel alienari: et si nicholominus ad terram ponantur ibidemve vendantur vel alienentur, de ipsis bonis seu eorum vero valore, cum dampnis & interesse per deprædatos in ea parte sustentis & habitis, de quibus valore dampnis & interesse, constituto tamen prius de ipsa deprædatione, liquebit per eorum juratam assertionem si alias probari non poterit, per officarios locorum restitutio fiet ipsis dampnificatis & deprædatis; ad quas restitutiones fiendas habebunt officarii locorum & alii, quos principes ipsi in oppidis & portibus suis deputare voluerint, commissiones speciales in tali casu requisitas, & hunc

articulum de verbo in verbum in se plene continentes : February, 1496.
 quibus mediantibus prædicti officarii restitutionem hujus modi facere tenebuntur, sub poena ab eis recuperandi verum & justum valorem omnium spoliationum & ablationum hujus modi, una cum prædictis dampnis & interesse sic dampnificatis. Fient insuper edicto publico prohibitiones pœnales in portibus & littoribus utriusque partis partium prædictarum, ne quisquam, cujuscunque nationis aut conditionis existat, talia bona per piratas aut alios, ut præmittitur, guerræ operam dantes capta & deprædata & ad terram posita vel infra portum inventa, emere vel quovis alio titulo recipere præsumat, in præjudicium vel detrimentum dampnificatorum seu aliorum quorumcumque interesse in iis habentium; & quod officarii locorum, quotiens casus acciderit, sub pœna recuperandi ab eis bona & mercimonia hujus modi capta & adducta portum aliquem partium prædictarum, pro dampnis & interesse statim ipsam navem, magistrum & marinarios ejusdem necnon bona & mercimonia quæcumque in eadem navi reperta sub tuto aresto & salva custodia ponant, servanda ad utilitatem dampnificatorum & eorum quorum intererit, idemque locorum officarii procedent ad correctionem piratarum & delinquentium in navi reperorum secundam casuum exigentiam.

Item, ad finem ut captiones navium personarum & bonorum unius partis super alteram de cætero cessent, conventum, concordatum & conclusum est quod, quodcumque aliqua navis alicujus indigenæ unius vel alterius partis partium prædictarum exitura est ab aliquo portu sive districtu principum prædictorum, seu eorum alterius, majores & gubernatores civitatis, oppidi sive villæ, quibus portus sive districtus hujus modi adjacens est, quibuscumque nominibus officiis aut appellationibus iidem gubernatores censeantur, capiant sufficientes securitates

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de & pro dominis, possessoribus, proprietariis, magistris, bursariis & vitellariis navis hujusmodi ad duplum valoris navis apparatus & victualium ejusdem, quod magister ejusdem navis capitanei, marinarii & omnes in eadem navi existentes, cujuscunque status aut conditionis existant, servabunt pacem erga quoscunque subditos principum prædictorum, & quod nullam eis injuriam sive violentiam in terra, mari, fluminibus, aut portu aliquo facere vel inferre præsumant: quod si hujus modi securitatem præstare noluerint, non permittent immo impediunt expresse ipsos mercatores & gubernatores navium hujusmodi quoquo modo exire, nisi proprietarii sive bursarii ejusdem navis regalem vel archiducalem respective licentiam suo sub sigillo eisdem exhibuerit, quod licite cum sua nave sine ulla cautione [exire?] poterit; in quo casu, si ipsi sic per principem suum licentiati subditos alterius principis spoliaverint aut dampnificaverint, & solvendo non fuerint, tunc per eundem principem sic licentiati ¹ plena satisfactio fiat partibus sic dampnificatis. Quotiens autem securitatem præmissam majores & gubernatores civitatum, villarum, & oppidorum unius partis aut alterius exigerint, dabunt literas autenticas, sub eorum communi sigillo, proprietariis, possessoribus, magistris seu bursariis illius navis ita assecuratæ, testificantes ipsius securitatis præstationem, ad finem ut ipsarum literarum vigore navis hujusmodi alios, ad quos forsitan applicabit portus, absque nova securitatis præstatione libere exire valeat.

Item, quia naves mare frequentantes tenentur altera alteri succurrere de victualibus et aliis ad navem necessariis, quod tamen [non] facere tenentur nisi pro justo pretio, conventum, concordatum & conclusum est quod de

¹ Ungrammatical. The sense might be either "satisfactio fiat per eundem principem sic licentiantem" or "per [eos] sic licentiatos per eundem principem".

cætero tenebuntur illi, qui victualia aut alia necessaria February, 1496.
 ab aliqua nave receperint, pretium ipsorum aut inpræ-
 sentiarum aut postmodum ubi ad littora applicuerint
 persolvere.

Item, conventum, concordatum, & conclusum est quod,
 si aliqua navis per aliquem non subditum principibus
 prædictis capta fuerit in portu aliquo aut francisiis
 alicujus principum prædictorum, tenebitur ille princeps,
 in cujus portu aut francisiis navis illa capta fuerit, una
 cum altero principe pro restitutione dictæ navis prosequi,
 sumptibus tamen & expensis partis dampnificatæ.

Item conventum concordatum & conclusum est quod
 nullum præbebitur impedimentum per unam partem vel
 alteram venientibus de partibus orientalibus, neutri parti
 inimicis, cum vasis vel navibus quibuscunque oneratis
 victualibus mercansiis vel aliis bonis versus regna, patrias,
 dominia, aut terras unius vel alterius principum
 prædictorum.

Item conventum concordatum & conclusum est quod,
 quotienscumque contigerit quod aliquæ naves, quales-
 cunque fuerint sive unius vel alterius partium prædictarum,
 per tempestatem maris, vim hostium, vel aliam
 causam compellentur in aliquem portum unius partis
 vel alterius applicare vel intrare, naves illius partis,
 quibus talia contigerint, cum mercatoribus & nautis seu
 marinariis aut aliis personis quibuscunque non probab-
 iliter suspectis in ipsis existentibus, in alterius partis
 portibus secure erunt & recipientur, & ab ipsis portibus
 poterunt libere recedere, cum eorum bonis & mercansiis
 sine contradictione & impedimento; proviso quod bona
 & mercandisæ, quæ in ipsis navibus erunt, nisi urgente
 necessitate, non ponerentur ad terram, nec in alias naves,
 sine licentia officiariorum principis illius partis ubi talia
 contingent vel aliorum ad hoc potestatem habentium,
 repon[er]entur.

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Item, conventum concordatum & conclusum est quod nautæ magistri navium & marinarii subditi præfatorum principum, post adventum ipsorum ad portus unius vel alterius eorundem principum, poterunt libere imponere & ligare eorum naves, tam oneratas & non oneratas, quam ad guerram dispositas, dummodo non fecerint piraticam, in eisdem portibus & littoribus, eodem modo quo poterunt ipsius principis subditi proprii.

Item conventum concordatum & conclusum est quod subditi unius principum prædictorum, sive mercatores fuerint sive nautæ, magister navium aut marinarii, non adducent vel adduci facient, per mare fraudulose vel quocunque colore, aliqua bona seu mercandisas inimicorum alterius eorundem principum: et, si secus egerint & per subditos alterius principis guerræ licite operam dantes, super hæc interrogati fuerint, tenebuntur facere veram planam ac justam confessionem & declarationem, cui in ea parte protunc stabitur, iidemque interrogantes ulterius scrutinium in ea parte non facient; sed si postea eundem interrogatum falso respondiisse constiterit, tunc idem interrogatus interroganti, quem per falsum responsionem defraudavit, tantum de suo erogare tenebitur, quantum merces inimicorum per eum vectas & ut præmittitur celatas valuisse constabit.

Item, conventum concordatum & conclusum est quod, quotienscunque contigerit aliquam navem unius partium prædictarum bonis & mercandis oneratam, per fortunam, tempestatem maris vel alio casu quocunque tangere terram & naufragium facere, periclitari aut alio modo quocunque perire prope portus, limites, aut costeras, vel in portibus, limitibus, aut costeris alterius partis, licet in ipsa nave non remaneat vir, mulier, puer, catus, canis vel gallus vivens, bona tamen & mercandisæ qualiacunque, quæ ad terram applicabunt vel aliter salvari aut recuperari continget, non propter hoc dicentur confiscata

nec pro confiscatis reputabuntur, sed per officarios locorum, in quibus is casus accideret, salvæ & securæ custodiae committentur, sub eadem sic remansura per unum annum & diem tunc proximo & immediate sequentes, infra quem terminum, si quis quam supervenerit, & se rerum ac bonorum ipsorum verum proprietarium fuisse constituerit, res & bona ipsa sine difficultate vel dilatione aliqua eidem plene restituentur; solvendo tamen his, quorum opera & diligentia res & bona ipsa recuperata salvata & custodia[ta] fuerint, rationabiles expensas & custodibus salarium competens prout ratio & æquitas postulabunt.

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Item conventum, concordatum & conclusum est quod mercatores, qui subditi fuerint alicujus principum prædictorum, poterunt tenere & habere in villis & oppidis alterius principis domos & habitationes pro ipsis & rebus suis in eisdem recipiendis servandis & exponendis, ibidemque eisdem privilegiis libertatibus & francisiis utentur & gaudebunt quibus ibidem usi & gavisii fuerint ante quinquaginta annos ultimo & immediate præcedentes, adeoque benigne & amicabiliter tractabuntur in eisdem sicut aliæ nationes ipsas patrias & villas frequentantes.

Item conventum, concordatum & conclusum est quod officarii principum prædictorum & eorum utriusque, ad scrutandas mercandisas per terram mare vel aquas dulces vectas vel vehendas ordinati, in visitando mercandisas vel naves nil dampnificabunt de bonis seu mercibus subditorum unius vel alterius principum prædictorum, sed ea bene & honeste tractabunt & visitabunt absque violentia, frangendo pugonibus vel aliis instrumentis quibuscunque banellos, saccos, cistas, sarcinulas seu alias paccaturas quascunque, & temere contravenientes teneantur pœna incarcerationis per unam mensam una¹ . . . partis læsæ : qui vero ex nulla rationabili aut

¹ Blank in Rymer.

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probabili causa hujus modi barellos, saccos, cistas, sarcinulas ac alias paccaturas fregerit, aperuerit aut dissoluerit ad hujusmodi barellos saccos cistas sarcinulas & paccaturas refarciendum, reparandum & repacandum, suis super rebus & expensis teneantur; ¹ scrutatores autem hujus modi in exequendo sua officia in patriis partium prædictarum nullas exactiones super ipsos, quorum bona seu merces scrutantur, facient, nec eosdem cogent ad venditionem suarum aut alicujus partis pro aliquo pretio per ipsos scrutatores contra voluntatem venditorum statuto.

Item, conventum concordatum & conclusum est quod, quotienscunque mercatores & subditi illustrissimi regis Angliæ pro solutione habenda suos convenient debitores in terris, patriis & dominiis dicti domini archiducis coram iudicibus & legislatoribus ad hoc ordinatis & deputatis, alligabunt debitores suos suspectos fore de fuga, & hac de causa petent ut statim debitores sui iudicium subire cogantur; tunc hujus modi iudices & legislatores sic requisiti probationes dictorum Angliæ subditorum, si quas obtulerint ad probandum hujus modi suspicionem fugæ, sine aliquibus mora & difficultate eas admittent, & si nullas habuerint, tum ipsorum Angliæ subditorum juramento quoad prædictam fugam suspicionem ² stabitur, præstita per eos primitus idonea cautione de solvendo expensas & interesse his quos sic ad iudicium trahi petent, casu quo ex eventu se litem injuste movere constiterit; & hoc facto, debitores ponentur absque aliis monitionibus statim sub aresto donec sufficientes cautiones de iudicio sisti & iudicato solvendo præstiterint; privilegiis, quoad effectum præsentis articuli, sub qua-

¹ Ungrammatical; "teneantur" should be in the singular, or "fregerit," etc., in the plural.

² Ungrammatical; the simplest way to make grammar and sense is to read "suspicio" for "suspicionem".

cunq̃ue verborum serie, civitatibus, castris, oppidis villis, burgis in contrarium concessis vel postea concedendis, usu aut consuetudine quibuscunq̃ue non obstantibus; quibus tamen debitoribus sic arrestatis sub aresto manentibus, si petent, dabitur terminus octo dierum ad probandum se de fuga suspectos non esse, & hoc probato cessabit arestum, sed nichilominus propter hujus modi dilationem octo dierum processus super debito principali nullatenus retardabitur.

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Et similis in regno Angliæ ministrabitur justitia mercatoribus & subditis patriarum, terrarum & dominiorum præfati domini archiducis adversus eorum debitores (in tribus curiis, videlicet, in curia Cancellariæ, Constabularii, & Magni Concilii) etiam super omnibus obligationibus factis ultra mare & in moneta Flandriæ, etiam quarum solutio destinata est ad aliquem locum patriarum, terrarum & dominiorum dicti archiducis, dummodo dies solutionis sit præterita; non obstantibus quibuscunq̃ue ordinationibus vel consuetudinibus civitatum oppidorum seu locorum Angliæ in contrarium; in quibus quidem curiis tenebuntur Angliæ debitores peremptorie procedere, absque eo quod ipsas seu earum alteram possint declinare.

Item conventum concordatum & conclusum est quod quotienscunq̃ue contigerit subditos domini regis Angliæ a subditis præfati domini archiducis, vel subditos ejusdem domini archiducis a subditis præfati domini regis Angliæ, quoquomodo lædi vel dampnificari, non debent propter ea per literas reprisaliarum, marcæ vel contra-marcæ aut alia mandata quæcunq̃ue, debitis admonitionibus & summonitionibus non præcedentibus, qui damna non tulerint, ad petitionem dampnificatorum vel alio modo in personis vel bonis arrestari aut quovismodo impertiri aut molestari, nec guerra ob id fieri vel moveri debet, sed per principes unius vel alterius partis

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attemptata ipsa debite reparabuntur & in priorem statum reponentur, hujusmodique literæ reprisaliarum marcæ & contramarcæ & similia mandata quæcunque (nisi prædictis admonitionibus quoad ipsas partes, & summotionibus quoad principes præcedentibus & legittime factis) deinceps omnino cessent, & si aliter concedantur pro nullis habeantur.

Item conventum concordatum & conclusum est quod omnes & singulæ literæ reprisaliarum aut de marque vel contramarqua, ex Cancellaria vel alia curia principum prædictorum aut eorundem prædecessorum, ad cujuscunque prosecutionem vel ob causam quamcunque ante concessæ aut emissæ, in suspenso tenebuntur, nec poterit earum aliqua fieri executio, nisi super earum merita, habita cognitione in dieta ad hoc per ipsos principes specialiter deputanda aliter fuerit ordinatum: et pari modo omnes & singulæ deprædationes & violentæ captiones supra mare, hincinde ante diem Octobris decimam tertiam ultimo præteritam factæ, similiter tenebuntur in suspenso, nec poterit super eisdem aut eorum aliquo actio intentari aut admitti, nec literæ reprisaliarum dari, nisi super eorum merita habita cognitione in dicta dieta ad hoc per dictos principes specialiter deputanda aliter fuerit ordinatum.

Item conclusum, conventum & concordatum est quod auctoritate dicti domini archiducis, sufficienter provideatur, sive per mandatum ejusdem faciendum aut alia via valida & effectuali capitaneo castri de Slusa quod, quotienscumque contigerit mercatores vel subditos regis Angliæ, per ignorantiam aut alio modo non fraudulento aut malitioso, intrare portam ipsius castri de Slusa, quod sic intrantes tam in personis bonis & rebus honeste & cum omni decentia tractet, absque eo quod quicquam de eis propterea exigat.

Item, poterunt mercatores & subditi regis Angliæ

deinceps quascunque massas auri vel argenti vocatas billonam¹ extra patrias illustrissimi domini archiducis, per eos seu eorum deputatos vel factores emptas vel aliter acquisitas seu imposterum emendas vel acquirendas, licenter & impune per quæcunque loca patriarum domini archiducis ducere seu duci facere & ab eisdem locis & patriis in regnum Angliæ totiens quotiens voluerint conducere & transportare poterunt & valebunt; proviso quod dicti Anglici seu eorum factores hujusmodi billoniam per se aut factores suos emptam seu ut præmittitur acquisitam, una cum certificatione autentica villæ vel oppidi ubi ipsam billoniam emerunt vel aliter acquisierunt, & de emptione seu acquisitione ipsius billoniæ & quantitatis ejusdem, principali officario dicti domini archiducis, vel in ejus absentia suas vices gerentibus proximæ villæ post introitum suum in patrias domini archiducis exhibeant & ostendant; super qua ostensione ipsi ostendentes testimoniale seu certificatorium manu dicti officarii vel ipso absente suas vices gerentis signatum vel ipsius sigillo sigillatum ab eo, cui talis ostensio fiet, recipient & habebunt, nichil penitus pro dicto testimoniali & alia quacunque causa solvendo præter unum solidum grossorum Flandriæ: et casu quo mercatores & subditi regis Angliæ hujusmodi billoniam, per se vel suos factores emptam, seu ut præmittitur acquisitam, educere voluerit, & in exitu a² . . . testimoniale seu certificatorium prædictum non exhibuerit, tunc pœnam illam incurret quam incurrerint extrahentes billoniam infra patrias domini archiducis emptam; & idem licebit subditis ipsius domini archiducis in Anglia.

Item conventum, concordatum & conclusum est quod omnes mercatores & subditi dictorum principum vero publico legali & non privato pondere in patriis & terris

¹ Bullion.

² Blank in Rymer.

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illis ab antiquo usitato & consueto sine quocunque dolo fraude & machinatione aut duorum digitorum ad hujusmodi pondera fraudulenta appositione de cætero utantur : et si aliqui mercatores & subditi dictorum principum contrarium facere præsumserint, princeps, cujus subditus hoc facere temptaverit, subdito alterius principis, qui se per hujusmodi pondus dampnificatum probaverit, expeditam justitiam faciet, & partem sic dampnificantem ad plenam & perfectam refertionem & restitutionem omnium dampnorum expensarum & interesse sine dilatione quacunque compellet.

Item, conventum concordatum & conclusum est quod ad sedandum & componendum lites, discordias & querelas inter mercatores stapulæ Calesiæ & subditos domini archiducis stapulam concernentes, in villa Calesiæ decima secunde die Maii proximo futuro convenient deputati mercatorum utriusque partis ; &, casu quo per ipsos hujusmodi lites, discordiæ & querelæ sedari & componi non possunt, fiet relatio principibus prædictis, qui aliter pro hujusmodi litibus, discordiis & querelis sedandis, prout ratio & æquitas dictaverit, providebunt.

Item conventum concordatum & conclusum est quod, si durantibus pace & amicitiiis prædictis aliquid contra vires & effectus earundem, per terram mare aquas dulces, per aliquem ipsorum principum eorumve hæredum aut successorum vel eorumdem vassallos, subditos, aut obligatos, aut eorum alligatorum hæredes aut successores in his amicitiiis comprehensorum subditos vel vassallos, fuerit attemptatum, actum & gestum, nichilominus hæc pax & amicitia in suis viribus & effectu permanebunt, & pro ipsis attemptatis solummodo punientur ipsi attemptantes & dampnificantes & nonalii.

Item, ad securiorem & firmiorem tam amicitiarum quam mercium interkursus observantiam, præfatus

dominus rex per suas literas mandatum dabit speciale ^{February, 1496.} reverendissimo in Christo patri domini Johanni cardinali Cantuariensi archiepiscopo & apostolicæ sedis legato, reverendis in Christo patribus, domino Ricardo Dunolmensi episcopo custodi privati sigilli, domino Thomæ Wintonensi episcopo, Johanni Dinham domino de Dyemham thesaurario Angliæ, Thomæ domino marchioni Dorsetiæ, Johanni Vere comiti Oxon. magno camerario ac admirallo, Ethmondo comiti Suffolciæ, Thomæ comiti Arundellæ, Thomæ comiti de Derby, Georgii comiti Salopiæ, Johannes Welles vice-comiti, Egidio Dabne domino de Dabne, Johanni priori domus Sancti Johannis Jerusalem in Anglia, necnon majoribus ballivis civitatum ac oppidorum de Londonia, Eboracen. Bristol. Winton. Cantuar. Rosen.¹ Zouthampton, Zantwic,² Doeure,³ Linnen, Derthmouth, Plimmouth, Hulk,⁴ Winchilsæ, Boston, Yermouth & Berwike, quod se obligabunt & quilibet eorum se obligabit in forma sequenti⁵. . .

150.

[Henry VII to the Archduke Philip's Council, complaining of infractions of the "Intercursus Magnus," "Letters and Papers," ii. 69-72. These complaints led to a fresh treaty of commerce between Henry and the Archduke Philip on 7 July, 1497 (Rymer, xii. 654); but a passage in Soncino's letter of 17 November, 1498 (see vol i., p. 203) shows that the English were not yet satisfied. On 25 August, 1498, Henry further commissioned the bishop of Rochester, Warham, Sir John Risley, and Richard Hatton to treat with the ambassadors of the archduke for mercantile intercourse and redress of injuries (Rymer, xii. 695), and the treaty was confirmed by Henry on 18 May, 1499 (*ibid.* xii. 713). In 1502 the treaty of 1496 was solemnly renewed, but soon afterwards Henry tried to enforce the surrender of

¹ ? "Roffen." = Rochester.

² Sandwich.

³ Dover.

⁴ Hull.

⁵ London objected to the obligation; see vol. i., No. 94.

the Earl of Suffolk by stopping trade with the Netherlands. In 1504 he empowered commissioners to negotiate a fresh treaty (Rymer, xiii. 105; cf. "Venetian Cal.," i. No. 846); but it was not concluded until Philip's visit to England in 1506 (see below, No. 154.)]

Sheen,
21 June,
1496.

Treschiers et bons amis, depuis noz autres lettres que vous avons escriptes par nostre subgect Jehan Picquering, touchant la paction que lon a de nouveau mis es pays de pardela sur les draps de layne que noz subgetz marchans y mainent ou font mener hors de cestui nostre royaume, on nous a de rechief deument informe que, non obstant le traictie et appointement nagueres faict et conclu entre nous et les ambassadeurs de nostre cousin larchiduc, lon constraint journellement nosdicts subgetz marchans a payer le florin a la croix Saint Andrieu sur chacune piece de drap, ou bailler soufissant caucion au furnir et accomplir, mesmement quon fait despacquer leurs draps, et iceulx seeller dun seel de plomb par nostredict cousin et son conseil ordonne en cest endroit, et par force et violence prendre et transporter hors de leurs loges lesdicts draps; et, que plus est, la ou les officiers commis en ceste matiers entendant ou sont lesdicts draps, vont les enfermer avecques deux ou trois serures, pour ce quil ne veullent consentir a payer ledit florin; dicelles choses sont directement contrevenir a nostre dit traictie et apointement, et au tresgrant prejudice et dommage de tous nosdits subgetz frequentans lesdicts pays de pardela. En nous donnant de grant merveilles comme entre vous voulez souffrir et tollerer telles novellites estre mises sur nosdits subgetz, attendu quil est expressement dit par nostredit traictie que riens ne sera innove sur eulx autrement que a este accoustume depuis cinquante ans ença; mais doivent par icellui nostre traictie estre aussi bien et favorablement receuilliez et traictiez esdits

pays de nostredit cousin larchiduc quilz furent jamais. June, 1496. Et pource, treschiers et bons amis, nous vous prions que y veulliez mettre autre ordre en la matiere, et veoir nosdits subgetz marchans estre traicties selon le contenu en nostredict traictie, et nous advertir a ceste foiz a la verite par escript de ce qui en sera fait et ordonne sur ce, a celle fin que nous sachons comme nous nous devons regler en plusoultre pour le bien et sceurte de nosdits subgets marchans, car nous ne pourrions les souffrir estre autrement traictiez quil est dit et conclu entre nostredit cousin larchiduc et nous. Et atant, treschiers et bons amys, nostre Seigneur vous ait tres tous en sa bonne garde.

151.

[Henry's commission to conclude a commercial treaty with the city of Riga, Rymer's "Fœdera," xii. 700; the treaty was ratified by Henry on 26 November, and on 28 January, 1499, Sir Richard Nanfan and three others were empowered to exchange ratifications with John Prange, ambassador of Riga (*ibid.* xii. 701, 708), and to receive an obligation for 10,637 nobles from the same (*ibid.* 709). The object of Henry's negotiation with Riga was to break down the Hanse monopoly (Busch, p. 156).]

REX omnibus, ad quos etc. salutem. Sciatis quod nos, pro concordia & pace decenti & honesta concipienda pertractanda & ineunda de & super differentiis, litibus, & dissensionibus, occasione quarundam prætensarum ablationum & deprædationum certarum navium necnon rerum & personarum diversarumque bonorum ad civitatem Rigensem nationis Theottonicæ & ipsius civitatis cives, mercatores, & socios, ut prætenditur, pertinentium, inter nobiles progenitores nostros, ligeos & subditos hujus regni nostri Angliæ, & circumspectos commendabiles & providos viros, ejusdem civitatis archipræfectum, proconsules, consules, seniores & communitates, longe ante hæc tempora exortis & adhuc pendentibus inde-

24 November, 1498.

November,
1498.

cisis ; de fidelitatibus, providisque circumspectionibus & industriis prædilectorum & fidelium consiliariorum nostrorum, reverendi in Christo patris Thomæ Londoniensis episcopi, & magistri Wilhelmi Warham legum doctoris custodis rotulorum cancellariæ nostræ plenius confidentes, ipsos nostros veros & indubitatos oratores, commissarios, procuratores, ambassiatores, & nuncios speciales facimus, constituimus, deputamus, creamus, & ordinamus per præsentem,

Dantes & concedentes eis plenam tenore præsentium potestatem & auctoritatem ac mandatum generale & speciale pro nobis & nomine nostro cum præfatis archipræfecto, proconsulibus, consulibus, & senioribus dictæ civitatis Rigensis ac communitate ejusdem eorumve procuratore vel procuratoribus, actorum factorum & negotiorum suorum gestore aut gestoribus, & nuncio sive nunciis sufficientem potestatem & auctoritatem ab eisdem archipræfecto, proconsulibus, consulibus, senioribus, & communitate ad hoc habente vel habentibus, de & super præmissorum navium rerum & bonorum prætentis ablationibus & deprædationibus, necnon de & super excessibus, litibus, controversiis, dissensionibus, injuriis, & dampnis, præmissorum occasionibus, communicandi, tractandi, concordandi, pasciscendi, & transigendi, concordiam, pactum, sive transactionem vallandi & roborandi, & ex adverso roborari videndi, & ad effectum concordiæ & pacis intervenient,¹ & non aliter dicendi, gerendi, exercendi & procurandi,

Ac etiam ab eisdem archipræfecto, proconsulibus, consulibus, senioribus & communitate eorumve procuratore sive procuratoribus, actorum factorum & negotiorum suorum gestore seu gestoribus, ac nuncio vel nunciis prædictis, literas acquietantiæ sive acquietatorias ac alias liberationes quascumque quarumcumque

¹ Ungrammatical: "interveniendi".

pecuniarum summarum, Magistro Generali Prusiæ ac ^{November,} archipræfecto, proconsulibus, consulibus, senioribus, & ^{1498.} communitati prædictæ civitatis Rigensis civibusque aut mercatoribus ejusdem, aut eorum alicui, per nos aut progenitores nostros prædictos prætensarum quovis modo debitarum, nobis, hæredibus & successoribus nostris fiendas & deliberandas, nomine nostro petendi, stipulandi, & recipiendi; cæteraque omnia & singula faciendi, excercendi, & expediendi quæ in præmissis vel eorum aliquo necessaria fuerint seu quomodolibet oportuna, etiam si talia fuerint quæ de se mandatum exigant magis speciale, & quæ nosmetipsi faceremus vel facere possemus si præsentibus personaliter interessemus;

Promittentes, bona fide & in verbo regio, nos ratum, gratum, & firmum habituros totum & quicquid per dictos oratores, commissarios, procuratores, ambassiatore, & nuncios nostros communicatum, tractatum, concordatum, pactum, transactum & procuratum fuerit in præmissis, seu aliquo præmissorum.

152.

[A commercial treaty with Ferdinand and Isabella, "Spanish Calendar," i. 244; its terms are similar to those of the "Inter-cursus Magnus".]

1. A true friendship and alliance for all future times ^{10 July,} is concluded between Henry VII, his heirs and suc- ^{1499.} cessors, on the one side, and Ferdinand and Isabella, their heirs and successors on the other side. The allies are obliged to assist and succour one another, with all their power, against all and every person in the world, without any exception in the defence of their present dominions.

2. Neither of the allies shall assist by deeds or by counsel, the enemies of the other ally who intend to

July, 1499. invade the dominions which he at present possesses, without any exception or reservation. They are, on the contrary, obliged to assist one another in such a case with all their power. The ally, however, who requests the other to succour him, must pay the expenses, which will be fixed in accordance with the price of provisions etc.

3. In all the articles which are not contained in this treaty of alliance and which do not derogate from any clause of it, the Pope, the King of the Romans, the King of France, and the Archduke of Austria, may be excepted. But this exception is of no validity whatever, as regards all and everything which forms a subject of this treaty.

4. The subjects of either of the allies are at liberty to travel and carry on commerce, or other business, in the dominions of the other ally. Neither general nor special passports are required. They shall be treated like the native born subjects of the country in which they are staying.

5. Neither of the allies shall permit the rebels of the other ally to stay in his dominions, nor show them favour, nor permit favour to be shown to them by his subjects. If such rebels be found in the dominions of either of the allies, they shall be arrested and delivered to the Prince against whom they have rebelled.

6. Either of the allies promises to include, nominally and expressly, the other ally in all treaties, alliances, or truces they may henceforth conclude with other states.

7. Prizes, reprisals and letters of marque shall not be conceded to subjects of either of the allies against subjects of the other ally. Captains and masters of vessels belonging, either to subjects of the Spanish dominions, or to subjects of King Henry, shall, on leaving any port subjected to the jurisdiction of both allies,

give sufficient security for their good behaviour during July, 1499. the voyage.

8. If subjects of either of the allies do anything in contravention of this treaty, reparation shall be made, but the treaty itself shall remain in full force.

9. This treaty shall be publicly proclaimed, within six months, in all towns and seaports of the dominions of the allies.

If any vessel of any Spanish or English subject is wrecked on the coasts of either Spain and her dependencies, or of England and Ireland, all possible assistance shall be rendered to it. Whatever is saved of the vessel, or of the goods laden in her, remains the property of the owners of the ship or goods. Salvage money shall be paid.¹

153.

[Treaty of alliance and mercantile intercourse between Henry VII and George, Duke of Saxony, hereditary governor of Friesland, Rymer, xiii. 120. On 22 February, 1505, Henry had empowered Sir Richard Nanfan, Dr. Nicholas West, and Hugh Conway to conclude a treaty with Duke George (*ibid.* xiii. 114), whose commission in Rymer is dated 26 December, 1505, instead of 1504. Henry apparently became interested in Duke George when Suffolk sought refuge in his dominions in 1504. See Busch, "England under the Tudors," i. 181, 185, 370, where fresh light is thrown on these relations from the Dresden archives. Duke George's envoy, William Truchsess zu Waldburg, was in England in 1504.]

Georgius, Dei gratia, dux Saxonix, lantgrafius Doring, ^{30 Decem-} marchgrafius in Meyszen, regix Romanorum majestatis ^{ber, 1505.} & sacri imperii gubernator hæreditarius in Frisia, omnibus ad quos præsentibus hæ nostræ litteræ patentes pervenerint, salutem. Cum apud nosmetipsos, rerumque

¹ Signed by Thomas Savage, Bishop of London and by Doctor De Puebla, the Spanish ambassador.

December,
1505.

experientia attestante magistra, consideremus humanis in rebus, regnis, principatibus, ac dominationibus conservandis, urbibus excolendis, Imperiique finibus ampliandis nichil esse conducibilius regum ac principum inter sese amicitia & confœderatione (per hanc enim pacis colitur Auctor, regnant potentes reges, ac dominantur principes, lucrifaciunt negotiatores, & ditantur subditi) :

Volentes igitur crudeli prædictorum destitutrici discordiæ præcludi viam, ac eidem omne fomentum auferri, & ea propter cum omnibus serenissimis regibus catholicæque fidei principibus, quantum in nobis erit, pacem ac amicitiam habere cupiamus, visum est tamen nobis inter cæteros singularem amicitiam, ligam & confœderationem cum serenissimo & magnipotentissimo domino, domino Henrico, Dei gratia, Angliæ & Franciæ rege ac domino Hiberniæ, domino ac consanguineo & amico nostro carissimo, inire, habere, & manutene- : idque nobis non minus perquam utile & expediens esse quam carum, gratum & jocundum.

Cum igitur, retroactis diebus, inter clarissimum eximium ac magnificum virum magistrum Nicolaum West legum doctorem, oratorem, procuratorem sive commissarium serenissimi ac magnipotentissimi domini, domini Henrici Angliæ & Franciæ regis ac domini Hiberniæ, domini ac consanguinei & amici nostri carissimi ex una, & strenuum ac nobilem militem dilectum & fidelem nostrum regentem in Frisia & consiliarium a secretis dominum Wilhelmum Truchsés in Waltpurg oratorem, ambassiatorem, commissarium sive procuratorem nostrum ex altera, quidam articuli, sive quædam capitula tractata, communicata, & concordata fuerint, sicuti in litteris desuper confectis, suis propriis manibus subscriptis, plenius apparet & continetur, quorum articulorum, capitulorum, sive litterarum tenor sequitur sub hac forma.

Imprimis, tractatum & concordatum est, quod inter ^{December,} ^{1505.} illustrissimum & serenissimum principem Henricum Septimum, Dei gratia Angliæ Franciæque regem & dominum Hiberniæ ex parte una, illustrissimumque principem dominum Georgium, Dei gratia ducem Saxonie, landgrafium in Doringen, marchgrafium in Meyszen, regie Romanorum magestatis & sacri imperii gubernatorem hæreditarium in Frisia ex parte altera, regna, dominia, patrias & loca quæcunque necnon & eorum vasallos, homines, & subditos, tam ecclesiasticos quam seculares, cujuscunque gradus, status & conditionis fuerint, tam per terram quam per mare et aquas dulces, ac ubique locorum, ab hac die de cætero bona, realis, sincera, vera, integra, perfecta, firma amicitia, concordia, liga, unio, confœderatio & pax firma atque perpetua sit habita, & pro futuris perpetuis temporibus inconcusse & inviolabiliter custodita & conservata; ita quod partes prædictæ viz. præfatus serenissimus rex Angliæ & Franciæ, & antedictus illustrissimus princeps Georgius dux Saxonie, sui hæredes eorumque successores sint veri, fideles, & perpetui amici, concordēs, alligati, vincti & confœderati.

Item quod omnes & singuli utriusque dictorum principum eorumque hæredum & successorum, aut eorum alterius vasalli & subditi, sive sint principes, archiepiscopi, episcopi, duces, marchiones, comites, barones, mercatores, aut cujusvis status conditionisve existant, durante pace antedicta, ubivis locorum sese mutuis officiis prosequantur, & honesta affectione pertractent, possintque libere, tute & secure absque alicujus offensa aut salvo-conductu sive licentia ubique perlustrare per terram, per mare & aquas dulces navigare, hincindeque ad portus, dominia, & districtus quoscumque utriusque ipsorum principum, suorum hæredum & successorum citra & ultra mare accedere, in eis que quamdiu voluerint

December,
1505.

morari, mercari, merces, mercimonia, arma & jocalia quæcunque, si statuta municipalia antehac sancita non obstant, emere & vendere, ac ut eis placuerit illinc ad partes proprias vel alibi libere, quotiens duxerint abeundum, abire cum suis aut conductis vel commodatis navigiis, plaustris, vehiculis, equis, armaturis, mercimoniis, sarcinulis, bonis & rebus quibuscumque, absque ullo impedimento, offensa, arrestatione, ob causam marcæ, contramarcæ, reprisaliarum, aut alia districtione quacunque, tam in terra quam in mari & aquis dulcibus, quemadmodum patriis in propriis hæc omnia facerent, aut eis ea facere liceret, statutis & consuetudinibus locorum utriusque principis in omnibus semper salvis.

Item conventum & concordatum est, quod neuter nostrum patrias, dominia, terras, civitates, oppida, portus, castrum alterius hostiliter invadet aut expugnabit, aut a suis subditis sic invadi aut expugnari permittet: sed expresse & cum effectu prohibebit & impediet; nec aliquis nostrum alicui alteri, cujuscumque status, gradus aut conditionis existat, patrias, dominia, terras, civitates, oppida, portus, castra alterius invadenti aut expugnanti, invadereve aut expugnare conanti, consilium, auxilium, favorem, subsidium, naves, pecunias, gentes armorum, victualia, aut aliam assistentiam quamcunque publice vel occulte dabit aut præstabit, nec a subditis suis dari aut præstari consentiet, sed palam & expresse prohibebit & impediet.

Item conventum & concordatum est, quod uterque nostrum contra omnes principes, vel alios quoscunque, exceptis infra excipiendis, qui terras, regna, dominia, oppida, portus, castra aut civitates alterius nostrum impugnare aut invadere nitantur aut molliantur, seu guerram aut bellum facere aut movere præsumpserint aut attemptaverint, se invicem mutuis auxiliis militariibus gentis armorum, expensis tamen opem interpellantis,

quotiens opus fuerit adjuvabit; in quorum auxiliorum præstatione quantum ad numerum attinet armatorum, habenda erit ratio facultatis illius partis, quæ de ferenda ope rogabitur seu interpellabitur, ut scilicet amplius non teneatur, quam tunc commode facere poterit, considerata temporis & locorum opportunitate, ac statu rerum suarum; quantum vero ad expensas & stipendia militum attinet, illa taxabuntur & moderabuntur, habito respectu ad forum victualium quod in partibus tunc temporis continget, secundum loci & temporis sterilitatem & ubertatem: qui quidem armati ei cui sic conceduntur fideliter servient, quamdiu eos duxerit retinendos, eisdemque, ut præfertur, stipendia fideliter persolverit.

December,
1505.

Item conventum & concordatum est, quod dicta amicitia durante neuter nostrum quovis modo receptabit, aut a subditis suis receptari permittet aliquem rebellem seu aliquos rebelles, proditorem seu proditores, de crimine læsæ magestatis suspectum vel suspectos, convictum vel convictos, transfugam aut transfugas ex subditis alterius nostrum scelestam factionem contra alterum nostrum machinantem seu machinantes, nec hujus modi rebellibus seu proditoribus, rebelli sive proditori ubicunque, sive in aliquo notræ obedientiæ loco, sive alibi existat vel existant, verbo, facto, aut scripto consilium, auxilium, favorem, subsidium, naves, pecunias, victualia, aut aliam assistentiam quamcumque publice vel occulte dabit aut præstabit, nec a suis subditis dari aut præstari permittet; sed hujusmodi proditorem sive proditores, rebellem sive rebelles, tanquam proprium rebellem sive rebelles, proditorem sive proditores, inimicum sive inimicos capitalem sive capitales ubique locorum prosequetur: ita quod ubicunque eum vel eos capere poterit, statim & sine dilatione aut excusatione quacunque poena capitis & mortis puniet aut puniri faciet; & præsertim si hujus modi rebellem sive rebelles, proditorem vel proditores ad

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aliquem locum obedientiæ nostræ, vel alterius nostrum declinare, ibique esse, morari vel latitare cognoverit : aut si hoc per litteras alterius nostrum, cujus hujus modi rebellis sive rebelles, subditi sive subditus extiterint sive extiterit, alteri ex nobis significatum fuerit, eum vel eos immediate, ut præsertur, capiet aut capi faciet, & sine dilatione aut excusatione quacunque poena capitis & mortis puniet aut punire faciet, vigore hujus amicitiae, confœderationis, & ligæ.

Item conventum & concordatum est quod, si inter præfatum serenissimum Angliæ & Franciæ regem etc. & præfatum illustrissimum principem, eorumve regna, patrias, dominia, terras, civitates, oppida, portus, castra aliqua contentio, controversia sive querela exorta fuerit, eadem controversia, contentio, sive querela per duos consiliarios serenissimi regis, & alios duos consiliarios præfati illustrissimi principis, qui in villa Calesiæ infra duos menses a tempore delatæ querelæ convenire debent, amicabiliter primum tractetur, & infra unum mensem a tempore quo sic in eadem villa Calesiæ convenerint, amicabili compositione terminetur & finiatur. Cæterum si eadem querela, contentio sive controversia sic, ut præmittitur, diffinita sive terminata non fuerit, conventum & concordatum est, quod iidem consiliarii, sepositis omnibus amore, odio, favore partialitate, & timore quocunque, infra unum mensem tunc proxime & immediate sequentem, eandem querelam, contentionem sive controversiam, juxta & secundum quod suis sanis conscientiiis, quos in ea parte in Domino oneramus, & uterque nostrum onerat, æquum videbitur, omnino deffinient & terminent ; quorum quidem sententiam, decretum, deffinitionem, sive determinationem uterque nostrum approbabit, nichil unquam quibusvis remediis, quibus omnibus & singulis uterque nostrum renunciat per præsentés, contra eam attemptaturus.

Item ut dispendiosa litium prorogatio æquitatis com-
pendio coherceatur, & utriusque nostrum subditis
justitiæ complementum facilius ministretur, conven-
tum & concordatum est quod, quotiens aliquis subditus
alterius nostrum alteri de dampno, injuria, aut aliquo
gravamine quocunque sibi injuste illato querelam de-
fert sive conqueritur, totiens ille nostrum, cui querela
sic delata est, duos ex suis consiliariis deputabit, qui su-
per causa sive querela sic delata summarie & de plano
sine strepitu & figura judicii procedentes, infra certum
& competentem terminum pro causarum & negotiorum
qualitate brevem, annale tempus nullo modo excedentem,
justitia mediante, finali sententia decident atque de-
[termi]nent tam super dampnis quam interesse partium ;
quorum quidem judicium, decreta, jussus, & sententia
indilate executioni demandabuntur, omni penitus ap-
pellationis remedio sublato.

Item conventum & concordatum est, quod ab ista
amicitia, liga sive confœderatione excipiantur pro parte
serenissimi regis Angliæ & Franciæ etc. sacratissimus
rex Romanorum, ejusdem suæ magestatis frater carissi-
mus, serenissimus rex Gallorum, illustrissimus dominus
archidux filius suus delectus, necnon reverendissimus in
Christo pater Johannes episcopus Leodiensis,¹ & pro
parte illustrissimi principis sacratissima regia Majestas
Romana, illustrissimus dominus archidux Austriæ,
reverendissimus & illustrissimus dominus Fredericus²
frater carissimus præfati principis, & illustrissimus land-
grafius de Hessen. Et præterea conventum est, quod
pro utraque parte excipiat reverendissimus archie-
piscopus Coloniensis.

Nos vero omnia & singula supradicta capitula & in
eis contenta & specificata, rata, firma, & grata habentes,

¹ Bishop of Liège.

² The Elector Frederick of Saxony, Luther's patron.

December,
1505.

acceptamus, approbamus, & ratificamus, necnon tenore præsentium concedimus & confirmamus, atque inconcusse tenere & observare verbo principis promittimus. In quorum omnium & singulorum fidem & testimonium magnum sigillum nostrum præsentibus apponi fecimus.

Dat in Dresdenn, tricesimo die Decembris anno Domini millesimo quingentesimo quinto, sub sigillo præfato ducis de cera rubea, albæ infixæ, pendente a duplici cauda pegamene.

154.

[Summary of a commercial treaty concluded between Henry VII and Philip, King of Castile, at Westminster, 1506, and styled by Bacon, the "Intercursus Malus". It is doubtful how far Henry used Philip's presence in England to put unfair pressure upon him to conclude this treaty. Philip did not empower his commissioners to conclude this treaty until after he had reached Falmouth and was believed to be on the eve of embarking; and the treaty was not concluded until 30 April, four days after he had left Falmouth. It was to be confirmed within three months. Henry confirmed it on 15 May, but Philip's confirmation was not forthcoming, and he died at Burgos on 25 September, Rymer, xiii. 132-42.]

West-
minster,
30 April,
1506.

1. Previous treaties, except as modified by the present, to be observed.

2. Claims arising out of previous dues, tolls, etc. to be void.

3. Trade between England and the Low Countries to be free, but English merchants are not to cut, dye, or full their cloth in the Low Countries.

4. English merchants are not to pay certain harbour and port dues, but are to be allowed to anchor and remain at anchor in Philip's harbours and to transship their goods without any charge unless they sell or land them.

5. Philip's subjects, however, are to pay the customary ^{April,} English duties as defined by the treaty of 1496. ^{1506.}

6. Philip and his heirs are not to exclude English cloth from their dominions nor prohibit their use nor impose any duties upon their sale. Any such impositions are to be void by the present treaty.

7. A year's notice of any change to be officially given to the Governor of the English merchants.

8. Entire freedom of import and transport of English cloths in the Netherlands to be given to all merchants, English or foreign.

9. Neither English nor Flemish ships to be embargoed for any particular or private offence, save only the ships of the offender.

10. English merchants to be allowed to buy freely in the Netherlands.

11. Merchants from the Netherlands to have similar rights subject to the liberties and privileges of English merchants.

12. English merchants to be allowed to import bullion from the Netherlands.

13. Customs officials not to damage the goods they examine under pain of a month's imprisonment.

14. Specification of twenty-nine qualities of wool to be imported into Flanders.

15. Flemish merchants to be allowed to inspect and sample wools before buying.

16. Tables of lawful duties to be publicly exhibited at London, Bruges, Antwerp, etc. and officials exacting more to be punished by fine and imprisonment. This clause to be inscribed on the tables of duties, to provide against pleas of ignorance.

17. The treaty not to apply to Castile, Leon, or Granada but only to the Netherlands.

18. To be confirmed by either party within three months.



[The death of Philip rendered ineffective the above treaty, and Philip's sister Margaret, on whom devolved the main responsibility for the government of the Netherlands during the minority of her nephew, the archduke and afterwards the Emperor Charles V, intimated to Henry that the treaty of 1496 must be taken as the basis for a fresh agreement, see below, Vol. iii. No. 28. On 5 June, 1507, the following provisional treaty was concluded at Bruges, Rymer, xiii. 168. Although styled provisional it remained the basis of mercantile intercourse between England and the Netherlands for the rest of Henry VII's reign and a part of Henry VIII's, Busch, p. 197.]

5 June,
1507.

1. The treaty of 1496 is confirmed.
2. English merchants going to Antwerp are not to pay either the *Sewesche tollen* or the *Hound tollen*; English merchants resorting to Bruges or Middelburg are to pay the Zealand dues called *Sewesche tollen*, but none other.
3. Merchants from the Netherlands frequenting English ports are to pay the usual customs and tolls as fixed by the intercourse of 1496.
4. No one to be molested for any other duties, tolls, etc. than these so long as this provisional treaty lasts.
5. No execution of judicial proceedings on account of these other duties etc. to be permitted in England or the Netherlands.¹

¹ The most material of Henry's concessions appears to have been the abandonment of the clauses of 1506 securing the import of English cloth.

F. EXPLORATION AND DISCOVERY.

156.

[“The offer of the discovery of the West Indies by Christopher Columbus to king Henry the seventh in the yeere 1488 [9] the 13 of February : with the kings acceptation of the offer, and the cause whereupon hee was deprived of the same : recorded in the thirteenth chapter of the history of Don Fernand Columbus of the life and deeds of his father Christopher Columbus,” Hakluyt, ed. 1904, vii. 135-8.]

Christopher Columbus fearing least if the king of ¹⁴⁸⁹ Castile in like maner (as the king of Portugall had done) should not condescend unto his enterprise, he should be inforced to offer the same againe to some other prince, and so much time should be spent therein, sent into England a certaine brother of his which he had with him, whose name was Bartholomew Columbus, who, albeit he had not the Latine tongue, yet neverthelesse was a man of experience and skilful in Sea causes, and could very well make sea cards and globes and other instruments belonging to that profession, as he was instructed by his brother. Wherefore after that Bartholomew Columbus was departed for England, his lucke was to fall into the hands of pirats, which spoiled him with the rest of them which were in the ship which he went in. Upon which occasion, and by reason of his poverty and sicknesse which cruelly assaulted him in a countrey so farre distant from his friends, he deferred his embassage for a long while, untill such time as he had gotten somewhat handsome about him with making of Sea cards. At length he began to deale with king Henry the seventh the father of Henry the eight, which reigneth at this present : unto whom he presented a mappe of the world, wherein these verses were written, which I found among his papers : and I will here set

1489.

them downe, rather for their antiquity then for their goodnesse.

“Thou which desirest easily the coasts of lands to know

This comely mappe right learnedly the same to thee will shew :

Which Strabo, Plinie, Ptolomew and Isodore maintaine.

Yet for all that they do not all in one accord remaine. Here also is set downe the late discovered burning zone.

By Portingalo, unto the world which whilom was unknown,

Whereof the knowledge now at length thorow all the world is blowen.”

And a little under he added :—

For the Authour or the Drawer.

“He, whose deare native soile hight stately Genua Even he whose name is Bartholomew Colon de Terra Rubra,

The yeere of Grace a thousand and four hundred and fourscore.

And eight, and on the thirteenth day of February, more

In London published this worke. To Christ all laud therefore.”

And because some peradventure may observe that he calleth himselfe Columbus de Terra Rubra, I say, that in like maner I have seene some subscriptions of my father Christopher Columbus, before he had the degree of Admirall, wherein he signed his name thus, Columbus de Terra Rubra. But to returne to the king of England, I say, that after he had seene the map, and that which my father Christopher Columbus offered unto him, he accepted the offer with joyfull countenance, and sent to

call him into England. But because God had reserved ¹⁴⁹² the sayd offer for Castile, Columbus was gone in the meane space, and also returned with the performance of his enterprise, as hereafter in order shall be rehearsed. Now will I leave off from making any farther mention of that which Bartholomew Colon had negociated in England, and I will returne unto the Admirall.

157.

[“ Another testimony taken out of the 60 chapter of the forsayd history of Ferdinando Columbus, concerning the offer that Bartholomew Columbus made to king Henry the seventh on the behalfe of his brother Christopher,” *ibid.* vii. 139.]

Christoper Columbus the Admirall being returned ¹⁴⁹³ from the discovery of Cuba and Jamayca, found in Hispaniola his brother Bartholomew Columbus, who before had beene sent to intreat of an agreement with the king of England for the discovery of the Indies, as we have sayd before. This Bartholomew therefore, returning unto Castile with the capitulations granted by the King of England to his brother, understood at Paris by Charles the king of France, that the Admirall his brother had already performed that discovery: wherupon the French king gave unto the sayd Bartholomew an hundred French crownes to beare his charges into Spaine. And albeit he made great haste upon this good newes to meet with the Admirall in Spain, yet at his comming of Sivil his brother was already returned to the Indies with seventeene saile of shippes. Wherefore to fulfill that which he had left him in charge, in the beginning of the yeere 1494 he repaired to the Catholike princes, taking with him Diego Colon my brother and me also, which were to be preferred as Pages to the most excellent Prince Don John, who now is with God, according to the commandement of the

1494. . . . Catholike Queene Lady Isabell, which was then in Validolid. Assoone therefore as we came to the Court, the princes called for Don Bartholomew, and sent him to Hispaniola with three ships etc.

158.

[The agreement between Columbus and Ferdinand and Isabella, "Spanish Cal.," ii. 70.]

17 April,
1492.

The favours which Christopher Columbus has asked from the King and Queen of Spain in recompense of the discoveries which he has made in the Ocean seas, and as recompence for the voyage which he is about to undertake are the following :—

1. He wishes to be made Admiral of the seas and countries which he is about to discover. He desires to hold this dignity during his life, and that it should descend to his heirs.

This request is granted by the King and Queen.

2. Christopher Columbus wishes to be made Viceroy of all the continents and islands.

Granted by the King and Queen.

3. He wishes to have a share, amounting to a tenth part of the profits of all merchandise, be it pearls, jewels or any other things, that may be found gained, bought or exported from the countries which he is to discover.

Granted by the King and Queen.

4. He wishes, in his quality of Admiral, to be made sole judge of all mercantile matters that may be the occasion of dispute in the countries which he is to discover.

Granted by the King and Queen, on the condition, however, that this jurisdiction belonged to the office of Admiral, as held by Don Enriquez and other Admirals.

5. Christopher Columbus wishes to have the right to

contribute the eighth part of the expenses of all ships which traffic with the new countries, and in return to earn the eighth part of the profits. ^{April, 1492.}

Granted by the King and Queen—Santa Fé, in the Vega of Granada, 17th April 1492.

The document is signed by Coloma, and written by Almazan.

(*Ibid.* p. 71) Ferdinand and Isabella to all persons.

Passport for Christopher Columbus, who is to undertake his voyage of discovery.—Granada 17th April 1492.

159.

[Henry VII's commission "pro Johanne Caboto et filiis suis super Terra Incognita investiganda," Rymer's "Fœdera," xii. 595. Rymer places the commission under 1496, but 1497 seems the more probable date. Cabot did not sail until April or May, 1497.]

Rex omnibus ad quos etc. salutem. Notum sit et ^{5 March, 1497.} manifestum quod dedimus & concessimus ac per præ-sentes damus & concedimus, pro nobis et hæredibus nostris, dilectis nobis Johanni Cabotto civi Venetiarum ac Lodovico, Sebastiano, & Sancto [Sancho] filiis dicti Johannis, & eorum ac cujuslibet eorum hæredibus & deputatis plenam ac liberam auctoritatem, facultatem & potestatem navigandi ad omnes partes, regiones, & sinus maris orientalis, occidentalis & septentrionalis, sub banneris vexillis & insigniis nostris, cum quinque navibus sive navigiis, cujuscumque portituræ & qualitatis existant, & cum tot & tantis nautis & hominibus, quot & quantis in dictis navibus secum ducere voluerint, suis & eorum propriis sumptibus & expensis, ad inveniendum, discooperiendum & investigandum quascumque insulas, patrias, regiones, sive provincias gentilium & infidelium, in quacumque parte mundi positas, quæ Christianis omnibus ante hæc tempora fuerunt incognitæ.

March,
1497.

Concessimus etiam eisdem & eorum cuilibet, eorumque & cujuslibet eorum hæredibus & deputatis, ac licentiam dedimus affigendi prædictas banneras nostras & insignia in quacumque villa, oppido, castro, insula seu terra firma a se noviter inventis, et quod prænominati Johannes & filii ejusdem, seu hæredes & eorum deputati quascunque hujusmodi villas, castra, oppida & insulas a se inventas, quæ subjugari, occupari & possideri possint, subjugare, occupare & possidere valeant, tanquam vasalli nostri & gubernatores, locatenentes & deputati eorundem; dominium titulum & jurisdictionem eorundem villarum, castrorum, oppidorum, insularum ac terræ firmæ sic inventarum, nobis acquirendo, ita tamen ut ex omnibus fructibus, proficuis, emolumentis, commodis, lucris & obventionibus, ex hujusmodi navigatione provenientibus, præfati Johannes & filii ac hæredes & eorum deputati teneantur & sint obligati nobis pro omni viagio suo, totiens quotiens ad portum nostrum Bristollie applicuerint, ad quem omnino applicare teneantur & sint astricti, deductis omnibus sumptibus & impensis necessariis per eosdem factis, quintam partem totius capitalis lucri sui facti sive in mercibus sive in pecuniis persolvere; dantes nos & concedentes eisdem suisque hæredibus & deputatis ut ab omni solutione custumarum omnium & singulorum bonorum ac mercium, quas secum reportarint ab illis locis sic noviter inventis, liberi sint & immunes.

Et insuper dedimus & concessimus eisdem ac suis hæredibus & deputatis, quod terræ omnes firmæ, insulæ, villæ, oppida, castra & loca quæcumque, a se inventa, quotquot ab eis inveniri contigerit, non possint ab aliis quibusvis nostris subditis frequentari seu visitari, absque licentia prædictorum Johannis & ejus filiorum, suorumque deputatorum, sub pœna amissionis tam navium sive navigiorum quam bonorum omnium quorumcumque ad

ea loca sic inventa navigare præsumendum ; volentes & ^{March,} strictissime mandantes omnibus & singulis nostris ^{1497.} subditis, tam in terra quam in mare constitutis, ut præfato Johanni & ejus filiis ac deputatis bonam assistentiam faciant, & tam in armadis, navibus, seu navigiis, quam in provisione commeatus & victualium pro sua pecunia emendorum, atque aliarum rerum sibi providendarum, pro dicta navigatione sumendarum, suos omnes favores & auxilia impartiantur.

160.

[Cabot's discovery of Newfoundland, Kingsford's "Chronicles," p. 224. The chronicler has placed this entry under "anno xiii." i. e. 22 August, 1497-21 August, 1498 ; but it is clear from other extracts that "this present moneth" refers to August, 1497 ; and under date 10 August we find among Henry's privy purse expenses "to hym that founde the new Isle, £10," Bentley, "Excerpta Historica," p. 113 ; cf. No. 168.]

This yere the kyng at the besy request and Suppli- August.
cacion of a Straunger Venisian, which by a Caart made hym self expert in knowyng of the world, caused the kyng to manne a ship w^t vytaill and other necessaries for to seche an Iland, wheryn the said Straunger Surmysed to be grete comodities ; w^t which Ship by the kynges grace so Rygged went iij or iiij moo owte of Bristowe, the said Straunger beyng conditor of the said fflete, wheryn dyuers merchautes, as well of London as of Bristowe, aventured goodes and sleight merchandises ; which departed from the West Cuntrey in the begynnyng of Somer, but to this present moneth came nevyr knowlege of their exployt.

161.

[Lorenzo Pasqualigo to his brothers Alvise and Francesco, "Venetian Cal.," i. 752. This letter has been translated and published in full by the Philobiblon Society.]

23 August,
1497.

The Venetian, our country man, who went with a ship from Bristol in quest of new islands, is returned, and says that 700 leagues hence he discovered land, the territory of the Grand Cham (*Gram Cam*). He coasted for 300 leagues and landed; saw no human beings, but he has brought hither to the King certain snares which had been set to catch game, and a needle for making nets; he also found some felled trees, wherefore he supposed there were inhabitants, and returned to his ship in alarm.

He was three months on the voyage, and on his return he saw two islands to starboard, but would not land, time being precious, as he was short of provisions. He says that the tides are slack and do not flow as they do here. The King of England is much pleased with this intelligence.

The King has promised that in the spring our countrymen shall have ten ships, armed to his order, and at his request has conceded him all the prisoners, except such as are confined for high treason, to man his fleet. The King has also given him money, where-with to amuse himself till then, and he is now at Bristol with his wife, who is also Venetian, and with his sons; his name is Zuan Cabot, and he is styled the great admiral. Vast honour is paid him; he dresses in silk, and these English run after him like mad people, so that he can enlist as many of them as he pleases, and a number of our own rogues besides.

The discoverer of these places planted on his new-found land a large cross, with one flag of England and

another of St. Mark, by reason of his being a Venetian, August, 1497.
so that our banner has floated very far afield.

162.

[Soncino's account to Sforza, Duke of Milan, of Cabot's discoveries, "Milanese Calendar," i. 336-8; first published by Pezzi in the "Ateneo di Milano," 1865-7, translated for the Hakluyt Society's "Journal of Christopher Columbus," ed. Markham, pp. 203-6.]

Perhaps amid the numerous occupations of your London, 18 December, 1497.
Excellency, it may not weary you to hear how his Majesty here has gained a part of Asia, without a stroke of the sword. There is in this kingdom a man of the people, a Venetian, Messer Zoane Caboto, by name, of kindly wit and a most expert mariner. Having observed that the sovereigns first of Portugal and then of Spain had occupied unknown islands, he decided to make a similar acquisition for his Majesty. After obtaining patents that the effective ownership of what he might find should be his, though reserving the rights of the Crown, he committed himself to Fortune in a little ship, with eighteen persons. He started from Bristol, a port on the west of this kingdom, passed Ireland, which is still further west, and there bore towards the north, in order to sail to the East,¹ leaving the north on his right hand after some days. After having wandered for some time he at length arrived at the mainland, where he hoisted the royal standard, and took possession for the king here; and after taking certain tokens he returned.

This Messer Zoane, as a foreigner and a poor man, would not have obtained credence, had it not been that his companions, who are practically all English and from Bristol, testified that he spoke the truth. This

¹ i.e. to the East Indies, not eastwards.

December,
1497.

Messer Zoane has the description of the world in a map, and also in a solid sphere, which he has made, and shows where he has been. In going towards the east he passed far beyond the country of the Tanais. They say that the land is excellent and temperate, and they believe that Brazil wood and silk are native there. They assert that the sea there is swarming with fish, who [*sic*] can be taken not only with the net, but in baskets let down with a stone, so that it sinks in the water. I have heard this Messer Zoane state so much.

These same English, his companions, say that they could bring so many fish that this kingdom would have no further need of Iceland, from which place there comes a very great quantity of fish called stockfish. But Messer Zoane has his mind set upon even greater things, because he proposes to keep along the coast from the place at which he touched, more and more towards the east, until he reaches an Island which he calls Japan, situated in the equinoctial region, where he believes that all the spices of the world have their origin, as well as the jewels. He says that on previous occasions he has been to Mecca, whither spices are borne by caravans from distant countries. When he asked those who brought them what was the place of origin of these spices, they answered that they did not know, but that other caravans came with this merchandise to their homes from distant countries, and these again said that the goods had been brought to them from other remote regions. He therefore reasons that if the easterns declare to the southerners that these things come from places far away from them, and so on from one to the other, always assuming that the earth is round, it follows as a matter of course that the last of all must take them in the north towards the west.

He tells all this in such a way, and makes everything so plain, that I also feel compelled to believe him. What is much more, his Majesty, who is wise and not prodigal, also gives him some credence, because he is giving him a fairly good provision, since his return, so Messer Zoane himself tells me. Before very long they say that his Majesty will equip some ships, and in addition he will give them all the malefactors, and they will go to that country and form a colony. By means of this they hope to make London a more important mart for spices than Alexandria. The leading men in this enterprise are from Bristol, and great seamen, and now they know where to go, say that the voyage will not take more than a fortnight, if they have good fortune, after leaving Ireland.

I have also spoken with a Burgundian, one of Messer Zoane's companions, who corroborates everything. He wants to go back, because the Admiral, which is the name they give to Messer Zoane, has given him an island. He has given another to his barber, a Genoese by birth, and both consider themselves counts, while my lord the Admiral esteems himself at least a prince.

I also believe that some poor Italian friars will go on this voyage, who have the promise of bishoprics. As I have made friends with the Admiral, I might have an archbishopric if I chose to go there, but I have reflected that the benefices which your Excellency reserves for me are safer and I therefore beg that possession may be given me of those which fall vacant in my absence, and the necessary steps taken so that they may not be taken away from me by others, who have the advantage of being on the spot. Meanwhile I stay on in this country, eating ten or twelve courses at each meal, and spending three hours at table twice every day, for the

December,
1497.

December, 1497. love of your Excellency, to whom I humbly commend myself.

163.

[“An Extract taken out of the map of Sebastian Cabot, cut by Clement Adams, concerning his discovery of the West Indies, which is to be seene in her Majesties privie gallerie at Westminster, and in many other ancient merchants’ houses,” Hakluyt, vii. 145.]

June, 1497. Anno Domine 1497 Joannes Cabotus Venetus, & Sebastianus illius filius eam terram fecerunt perviam, quam nullus prius adire ausus fuit, die 24 Junii, circiter horam quintam bene mane. Hanc autem appellavit Terram primum visam,¹ credo quod ex mari in eam partem primum oculos injecerat. Nam quæ ex adverso sita est insula, eam appellavit insulam Divi Joannis, hac opinor ratione, quod aperta fuit eo die qui est sacer Divo Joanni Baptistæ. Hujus incolæ pelles animalium, exuviasque ferarum pro indumentis habent, easque tanti faciunt, quanti nos vestes preciosissimas. Cum bellum gerunt, utuntur arcu, sagittis, hastis, spiculis, clavis ligneis & fundis. Tellus sterilis est, neque ullos fructus affert, ex quo fit, ut ursis albo colore, & cervis inusitatæ apud nos magnitudinis referta sit: piscibus abundat, usque sane magnis, quales sunt lupi marini, & quos salmones vulgus appellat; soleæ autem reperiuntur tam longæ, ut ulnæ mensuram excedant. Imprimis autem magna est copia eorum piscium, quos vulgari sermone vocant bacallaos.² Gignuntur in ea insula accipitres ita nigri, ut corvorum similitudinem mirum in modum expriment, perdices autem & aquilæ sunt nigri coloris.

¹ “This land he called Prima vista” is Hakluyt’s English rendering.

² Cod-fish.

[“ A Discourse of Sebastian Cabot touching his discovery of part of the West India out of England in the time of King Henry the seventh, used to Galeacius Butrigarius the Popes Legate in Spaine, and reported by the sayd Legate in this sort,” Hakluyt, vii. 147.]

Doe you not understand sayd he (speaking to certaine Gentlemen of Venice) how to passe to India toward the Northwest, as did of late a citizen of Venice, so valiant a man, and so well practised in all things pertaining to navigations, and the science of Cosmographie, that at this present he hath not his like in Spaine, insomuch that for his vertues he is preferred above all other pilots that saile to the West Indies, who may not passe thither without his license, and is therefore called *Piloto mayor*, that is the grand Pilot. And when we sayd that we knew him not, he proceeded, saying, that being certaine yeres in the city of Sivil, and desirous to have some knowledge of the navigations of the Spaniards, it was tolde him that there was in the city a valiant man, a Venetian borne named Sebastian Cabot, who had the charge of those things, being an expert man in that science, and one that coulde make Cardes for the Sea with his owne hand, and that by this report, seeking his acquaintance, hee found him a very gentle person, who intertained him friendly, and shewed him many things, and among other a large *Mappe* of the world, with certain particular Navigations, as well of the Portugals, as of the Spaniards, and that he spake further unto him to this effect.

When my father departed from Venice many yeeres since to dwell in England, to follow the trade of marchandises, hee tooke mee with him to the citie of London, while I was very yong, yet having neverthesse some knowledge of letters of humanitie, and of the Sphere.

And when my father died in that time when newes were brought that Don Christopher Colonus Genuese, had discovered the coasts of India, whereof was great talke in all the Court of king Henry the 7. who then raignd, insomuch that all men with great admiration affirmed it to be a thing more divine then humane, to saile by the West into the East where spices growe, by a way that was never knowen before, by this fame and report there increased in my heart a great flame of desire to attempt some notable thing. And understanding by reason of the Sphere, that if I should saile by way of the Northwest, I should by a shorter tract come into India, I thereupon caused the King to be advertised of my devise, who immediatly commanded two Carvels to bee furnished with all things appertayning to the voyage, which was as farre as I remember in the yeere 1496, in the beginning of Sommer.¹ I began therefore to saile toward the Northwest, not thinking to finde any other land then that of Cathay, and from thence to turne toward India, but after certaine dayes I found that the land ranne towards the North, which was to mee a great displeasure. Neverthelesse, sayling along by the coast to see if I could finde any gulfe that turned, I found the land still continent to the 56 degree under our Pole. And seeing that there the coast turned toward the East, despairing to finde the passage, I turned back againe, and sailed downe by the coast of that land toward the Equinoctiall (ever with intent to finde the saide passage to India) and came to that part of this firme lande which is nowe called Florida, where my victuals failing, I departed from thence and returned into England, where I found great tumults

¹ Unless Sebastian is misreported, this is a barefaced assumption of his father's part. In 1521 it was objected to Sebastian that "he was nevir in that land hymself" (Kingsford, "Chronicles," p. 328).

among the people, and preparation for warres in Scotland: by reason whereof there was no more consideration had to this voyage.¹

Whereupon I went into Spaine to the Catholique king, and Queene Elizabeth,² which being advertised what I had done, entertained me, and at their charges furnished certaine ships, wherewith they caused me to saile to discover the coasts of Brasile, where I found an exceeding great and large river named at this present Rio de la Plata, that is, the river of silver, into the which I sailed and followed it into the firme land, more then sixe score leagues, finding it every where very faire, and inhabited with infinite people, which with admiration came running dayly to our ships. Into this river runne so many other rivers, that it is in maner incredible.

After this I made many other voyages, which I nowe pretermit, and waxing olde, I give my selfe to rest from such travels, because there are nowe many yong and lustie Pilots and Mariners of good experience, by whose forwardnesse I doe rejoyce in the fruit of my labours, and rest with the charge of this office, as you see.

165.

[“The foresaide Baptista Ramusius in his preface to the thirde volume of the Navigations, writeth thus of Sebastian Cabot,” *ibid.* vii. 149.]

In the latter part of this volume are put certaine relations of John de Vararzana, Florentine, and of a

¹ The following documents show that Sebastian's statements are, to say the least, exaggerated. He went to Spain apparently in 1512 or 1513, and attributes to the wars of these years his failure to follow up the voyage of 1497.

² Presumably Charles V's wife, Isabella of Portugal, who was married in 1526 and died in 1539, and not Ferdinand's Isabella who died in 1504. The date of Sebastian's Brazil expedition was 1526.

December,
1497.

great captaine a Frenchman, and the two voyages of Jacques Cartier a Briton, who sailed unto the land situate in 50 degrees of Latitude to the North, which is called New France, which landes hitherto are not throughly knowen, whether they doe joyne with the firme land of Florida, and Nova Hispania, or whether they bee separated and devided all by the Sea as Ilands: and whether that by that way one may goe by Sea unto the countrey of Cathaia. As many yeeres past it was written unto mee by Sebastian Cabota our Countrey man a Venetian, a man of great experience, and very rare in the art of Navigation, and the knowledge of Cosmographie, who sailed along and beyond this lande of New France, at the charges of King Henry the seventh king of England: and he advertised mee, that having sailed a long time West and by North, beyond those Ilands unto the Latitude of 67. degrees and an halfe, under the North pole, and at the 11 day of June finding still the open Sea without any maner of impediment, he thought verily by that way to have passed on still the way to Cathaia, which is in the East, and would have done it, if the mutinie of the shipmaster and Mariners had not hindered him and made him to returne homewards from that place. But it seemeth that God doeth yet still reserve this great enterprise for some great prince to discover this voyage of Cathaia by this way, which for the bringing of the spiceries from India into Europe, were the most easie and shortest of all other wayes hitherto found out. And surely this enterprise would be the most glorious, and of most importance of all other that can be imagined to make his name great, and fame immortall, to all ages to come, farre more then can be done by any of all these great troubles and warres which dayly are used in Europe among the miserable Christian people.

166.

[“ Another testimonie . . . taken out of the sixth Chapter of the third Decade of Peter Martyr of Angleria ” (first published at Alcalá in 1516), *ibid.* vii. 150.]

Scrutatus est oras glaciales Sebastianus quidam Cabotus genere Venetus, sed a parentibus in Britanniam insulam tendentibus (uti moris est Venetorum, qui commercii causa terrarum omnium sunt hospites) transportatus pene infans. Duo is sibi navigia, propria pecunia in Britannia ipsa instruxit, & primo tendens cum hominibus tercentum ad Septentrionem donec etiam Julio mense vastas repererit glaciales moles pelago natantes, & lucem fere perpetuam, tellure tamen libera, gelu liquefacto: quare coactus fuit, uti ait, vela vertere & occidentem sequi: tetenditque tantum ad meridiem littore sese incurvante, ut Herculei freti latitudinis fere gradus æquarit: ad occidentemque profectus tantum est ut Cubam Insulam a læva, longitudine graduum pene parem, habuerit. Is ea littora percurrens, quæ Baccalaos appellavit, eosdem se reperisse aquarum, sed lenes delapsus ad Occidentem ait, quos Castellani, meridionales suas regiones adnavigantes, inveniunt. Ergo non modo verisimilius, sed necessario concludendum est, vastos inter utramque ignotam hactenus tellurem jacere hiatus, qui viam præbeant aquis ab oriente cadentibus in Occidentem. Quas arbitror impulsu cœlorum circulariter agi in gyrum circa terræ globum, non autem Demogorgone anhelante vomit, absorberique ut nonnulli senserunt, quod influxu, & refluxu forsitan assentire daretur. Baccalaos, Cabotus ipse terras illas appellavit, eo quod in earum pelago tantam repererit magnorum quorundam piscium, tynnos æmulantium, sic vocatorum ab indigenis, multitudinem, ut etiam illi interdum navigia detardarent. Earum

regionum homines pellibus tantum coopertos reperiebat, rationis haudquaquam expertes. Ursorum inesse regionibus copiam ingentem refert, qui & ipsi piscibus vescantur. Inter densa namque piscium illorum agmina sese immergunt ursi, & singulos singuli complexos, unguibusque inter squammas immissis in terram raptant & comedunt. Propterea minime noxios hominibus visos esse ait. Orichalcum in plerisque locis se vidisse apud incolas prædicat. Familiarem habeo domi Cobotum ipsum & contubernalem interdum. Vocatus namque ex Britannia a Rege nostro Catholico, post Henrici Majoris Britannicæ Regis mortem, concurialis noster est, expectatque indies, ut navigia sibi parentur, quibus arcanum hoc naturæ latens jam tandem detegatur.

1516.

167.

[“The testimonie of Francis Lopez de Gomara, a Spaniard, in the fourth Chapter of the second Booke of his generall history of the West Indies concerning the first discoverie of a great part of the West Indies, to wit, from 58. to 38. degrees of latitude, by Sebastian Cabota out of England,” *ibid.* vii. 153.]

He which brought most certaine newes of the countrey and people of Baccalaos, saith Gomara, was Sebastian Cabote a Venetian, which rigged up two ships at the cost of K. Henry the 7 of England, having great desire to traffique for the spices as the Portingals did. He caried with him 300 men, and tooke the way towards Island from beyond the Cape of Labrador, untill he found himselfe in 58 degrees and better. He made relation that in the moneth of July it was so cold, and the ice so great, that hee durst not passe any further: that the dayes were very long, in a maner without any night, and for that short night that they had it was very cleare. Cabot feeling the cold, turned towards the West, refreshing himselfe at Baccalaos:

and afterwards he sayled along the coast unto 38 degrees, and from thence he shaped his course to returne into England.

168.

[“A note of Sebastian [*sic*] Cabots first discoverie of part of the Indies taken out of the latter part of Robert Fabians Chronicle not hitherto printed, which is in the custodie of M. John Stow a diligent preserver of Antiquities,” *ibid.* vii. 154; cf. No. 160.]

In the 13. yere¹ of K. Henry the 7. (by meanes of one 1497. John Cabot a Venetian which made himselfe very expert and cunning in knowledge of the circuit of the world and Ilands of the same, as by a Sea card and other demonstrations reasonable he shewed) the king caused to man and victuall a ship at Bristow, to search for an Island, which hee said hee knew well was rich, and replenished with great commodities: Which shippe thus manned and victualled at the kings cost, divers Marchants of London ventured in her small stocks, being in her as chiefe patron the said Venetian. And in the company of the said ship, sailed also out of Bristow three or foure small ships fraught with sleight and grosse marchandizes, as course cloth, caps, laces, points and other trifles. And so departed from Bristow in the beginning of May, of whom in this Maiors time returned no tidings.²

169.

[Henry's licence for John Cabot's second expedition, *ibid.* vii. 145.]

Rex tertio die Februarii, anno 13, licentiam dedit ^{3 February,} Joanni Caboto, quod ipse capere possit sex naves Angli- ^{1498.} canas, in aliquo portu, sive portibus regni Angliæ, ita quod sint de portagio 200 doliorum, vel subtus, cum

¹ Really the 12th year.

² An inaccurate gloss on No. 160.

February, 1498. apparatu requisito, & quod recipere possit in dictas naves omnes tales magistros, marinarios, & subditos regis, qui cum eo exire voluerint etc.

170.

[Ayala to Ferdinand and Isabella, "Spanish Cal." i. 177. John Cabot's second expedition had sailed in May, 1498. Apparently it did return before 29 September of that year, and the record has been found of the payment to John Cabot of his pension for the years ending 29 September, 1498 and 29 September, 1499 ; see Kingsford, p. 328.]

25 July,
1498.

I think your Majesties have already heard that the King of England has equipped a fleet in order to discover certain islands and continents which he was informed some people from Bristol, who manned a few ships for the same purpose last year, had found. I have seen the map which the discoverer has made, who is another Genoese, like Columbus, and who has been in Seville and in Lisbon, asking assistance for his discoveries. The people of Bristol have, for the last seven years, sent out every year two, three, or four light ships (cavelas), in search of the island of Brazil and the seven cities, according to the fancy of the Genoese. The King determined to send out (ships), because, the year before, they brought certain news that they had found land. His fleet consisted of five vessels, which carried provisions for one year. It is said that one of them, in which one Father Buil went, has returned to Ireland in great distress, the ship being much damaged. The Genoese has continued his voyage. I have seen, on a chart, the direction which they took, and the distance they sailed ; and I think that what they have found, or what they are in search of, is what your Highnesses already possess. It is expected that they will be back in the month of September. I write this because the King of England

has often spoken to me on this subject, and he thinks July, 1498. that your Highnesses will take great interest in it. I think it is not further distant than four hundred leagues. I told him that, in my opinion, the land was already in the possession of your Majesties ; but though I gave him my reasons, he did not like them. I believe that your Highnesses are already informed of this matter ; and I do not now send the chart or *mapa mundi* which that man has made, and which, according to my opinion, is false, since it makes it appear as if the land in question was not the said islands.

171.

[Henry's patronage of the explorers, Bentley's "Excerpta Historica," pp. 116-133.]

22 March 1498. To Lanslot Thirkill of London upon a prest for his shipp going towards the new Ilande, £20.

1 April 1498. To Thomas Bradley and Launcelot Thirkill going to the new Isle, £30.

1 April 1498. To John Carter going to the newe Ile in rewarde, £2.

8 April 1499. To one that went to the Holylande, £1.

7 January 1502. To men of Bristoll that founde Thisle, £5.

30 September 1502. To the merchants of Bristoll that have bene in the Newefounde Launde, £20.

17 November 1503. To one that brought haukes from the Newfounde Island, £1.

8 April 1504. To a preste that goeth to the New Ilande, £2.

25 August 1505. To Clays going to Richemount with wylde cattis and popyngays of the Newfound Island, for his costs, 13s. 4d.

25 August 1505. To Portyngales that brought popyn-gais and cattis of the mountaigne with other stuff to the Kinges grace, £5.

172.

[Gairdner's "Letters and Papers of Richard III and Henry VII,"
ii. 378.]

19 March,
1501.

Licence to Richard Warde and other merchants of Bristol, John and Francis Fernandus and John Gunsalus, natives of the *Insulæ de Surris* [Azores?] belonging to the king of Portugal, to make a voyage of discovery, and plant the English standard on any land they may discover; they to have exclusive right of trading with the newly discovered land for ten years etc. The above foreigners are also made English denizens.

173.

[Rymer's "Foedera," xiii. 37-42.]

9 Decem-
ber, 1502.

Similar licence to Hugh Elyot, Thomas Ashehurst, merchants of Bristol, and John Gunsalus, Francis Fernandus of the *Insulæ de Surris* giving them "polestatem navigandi . . . sub banneris et insigniis nostris . . . Ac hujusmodi banneras et insignia nostra in quacunque villa, oppido, castro, insula, seu terra firma, a se sic noviter inventis, affigendi, ipsaque villas, oppida, castra, insulas, et terras firmas pro nobis et nomine nostro intrandi et capiendi, et ea tanquam vasalli nostri ac gubernatores, locatenentes et deputati nostri (eorumque dominio, titulo, dignitate, et præeminentia eorumdem nobis semper reservatis) occupandi, possidendi, et subjugandi. . . ." They are not to intervene in territories occupied by Portuguese. English subjects are to have free resort to the new-found lands,

but not to trade for forty years without royal licence. Hugh and his associates are empowered to enforce law, and other privileges are granted them. December,
1502.

174.

[“ Of three Savages which Cabot¹ brought home and presented unto the King in the fourteenth [really seventeenth] yere of his raigne, mentioned by the foresaid Robert Fabian,” Hakluyt, vii. 155.]

This yeere also were brought unto the king three men taken in the Newfound Island that before I spake of, in William Purchas time being Maior [1497-8]: These were clothed in beasts skins, & did eate raw flesh, and spake such speach that no man could understand them, and in their demeanour like to brute beastes, whom the King kept a time after. Of the which upon two yeeres after, I saw two appavelled after the maner of English men in Wesminster pallace, which that time I could not discerne from Englishmen, til I was learned what they were, but as for speach, I heard none of them utter one word.

175.

[“ A briefe extract concerning the discoverie of Newfound-land, taken out of the booke of M. Robert Thorne, to doctor Leigh Edward Lee etc.,” Hakluyt, vii. 153.]

I reason, that as some sickenesses are hereditarie, so ^{1502.} this inclination or desire of this discovery I inherited from my father, which with another marchant of Bris-

¹ The statement that it was Cabot who brought these men seems to be a mistake (see Kingsford's "Chronicles," pp. 337-8). John Cabot really disappears in 1499. And the "14th year" is an unfortunate change from the "17th year" which Hakluyt himself had given correctly in his earlier "Divers Voyages",

1502.

tol named Hugh Eliot,¹ were the discoverers of the Newfound-lands; of the which there is no doubt (as nowe plainely appeareth) if the Mariners would then have been ruled,² and followed their Pilots minde, but the lands of the West Indies, from whence all the golde commeth, had bene ours; for all is one coast as by the Card appeareth, and is aforesaid.

¹ See No. 173. Thorne was obviously more filial if not more truthful than Sebastian Cabot; see "Dict. Nat. Biogr.," lvi. 284.

² Cf. No. 165, where Sebastian Cabot attributes his failure to a mutiny. An attempt at a partial rehabilitation of Sebastian Cabot's veracity is made in J. A. Williamson's "Maritime Enterprise, 1485-1558," 1913; but the story of English maritime enterprise still needs to be re-told in the light of information contained in the Admiralty records.



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