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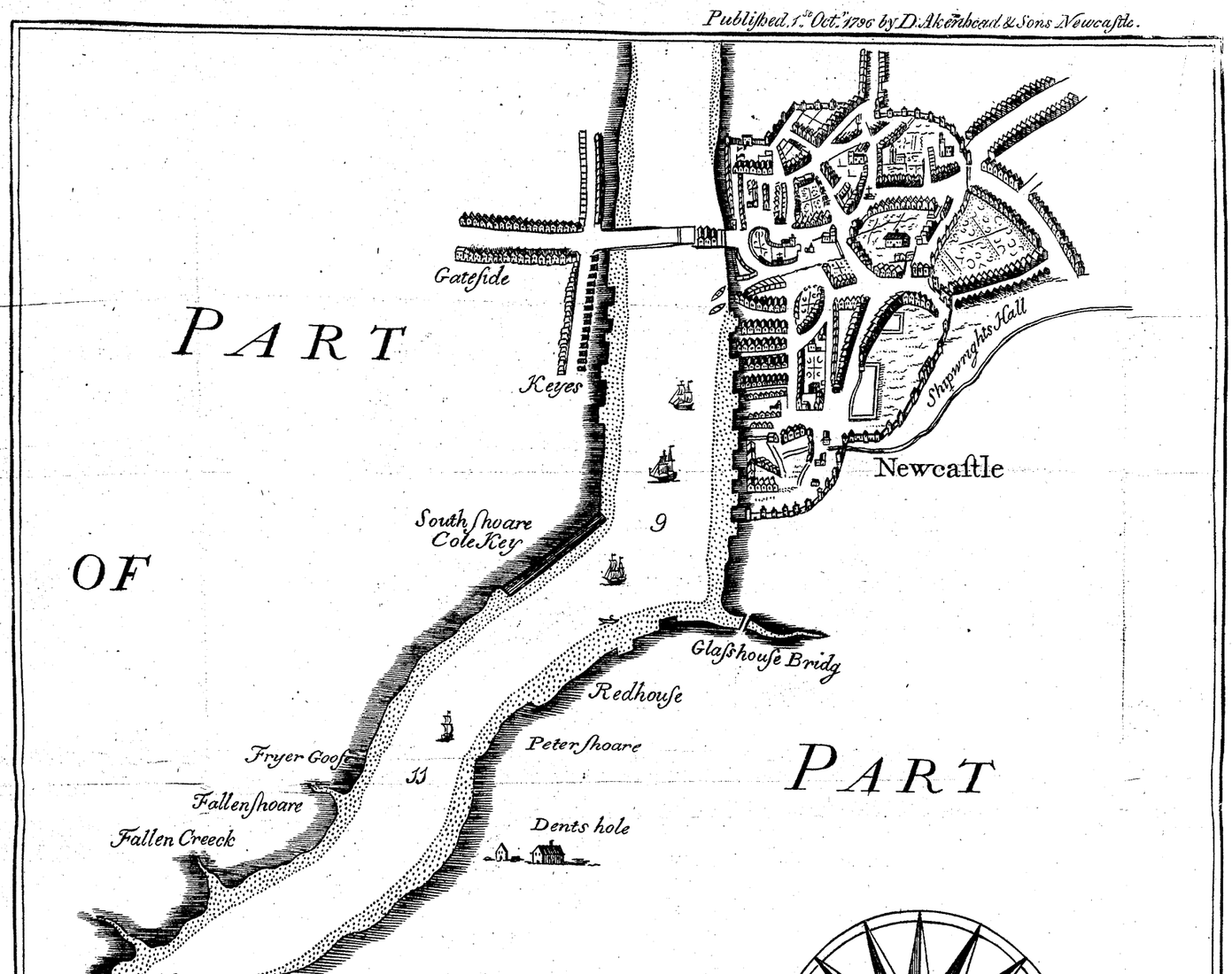
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PART
OF
PART
Gateside
Keyes
South shoare
Cole Key
9
Newcastle
Shipwrights Hall
Glasshouse Bridg
Redhouse
Peter shoare
Fryer Goose
11
Fallen shoare
Fallen Creeck
Dents hole

Redhouse

Peterſhoare

Fryer Gooſe

Fallenſhoare

Fallen Creeck

Dents hole

PART

23

S. Tantlins

Billpoint

Winckham lee

Key

OF

THE

6

Coſenhouſe

Stotspow

Haburn Key

Halfe way Tree

Buoy of ye Paſſe

North Roade

7

BISHOPRICK

Black Steath

NORTH

Woolington
Baallas Key

Iarro new Key

DUR

South Road

6

Key

UMBER

Iarro Ballas Key

Howden Ponds

Iarro

4

High hole

9

Flatworth Neſſe

LAND.

Durtwick

Saltpans

North Sheelds

Saltpans

South Sheelds

12

Sheels Church

Saltpans

High light

A Scale of Miles

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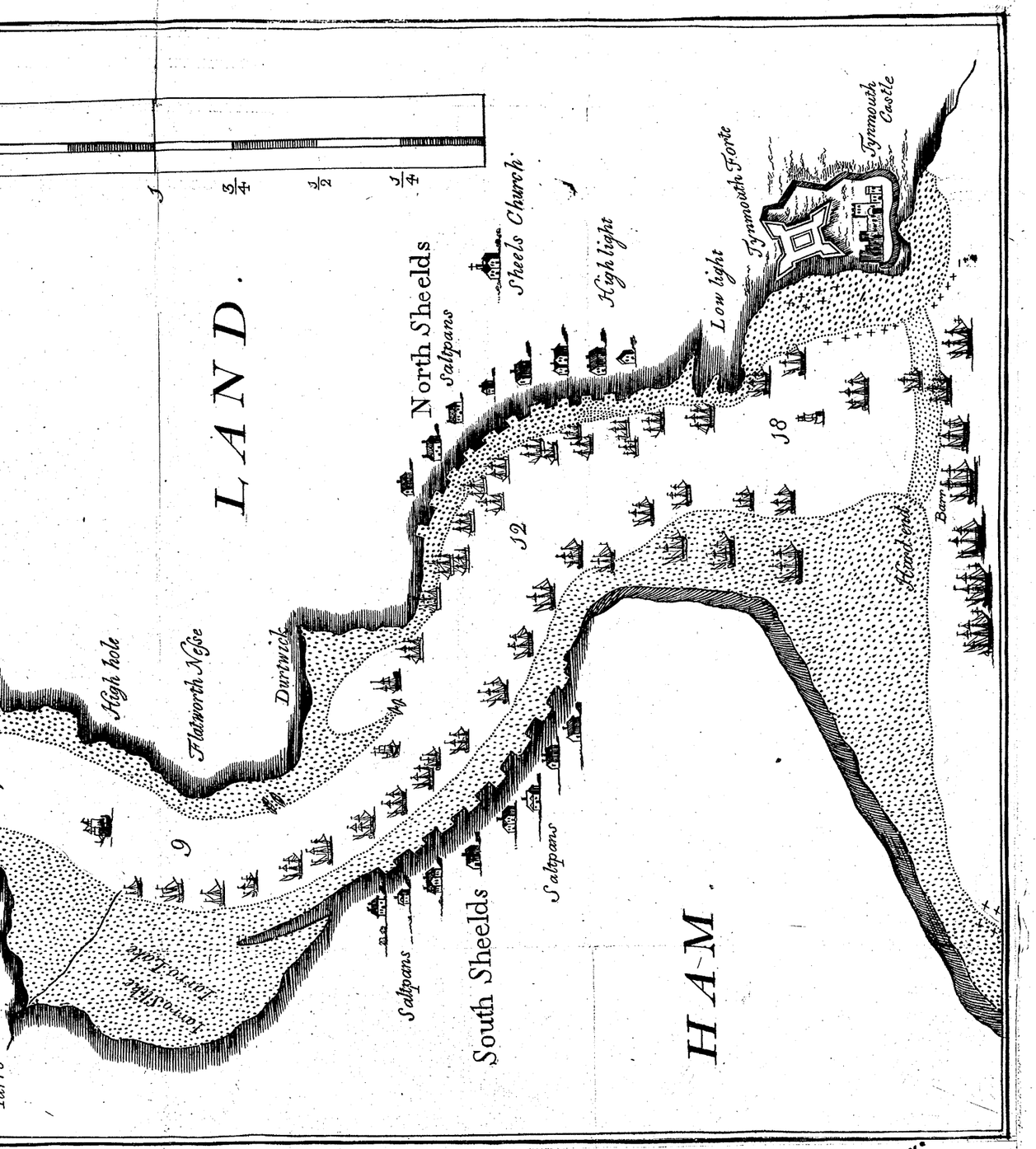

ENGLANDS

GRIEVANCE DISCOVERED,

IN RELATION TO THE

COAL TRADE;

WITH THE

MAP OF THE RIVER OF TINE, AND SITUATION OF THE TOWN AND CORPORATION

OF

NEWCASTLE:

THE TYRANNICAL OPPRESSION OF THOSE MAGISTRATES, THEIR CHARTERS AND GRANTS; THE SEVERAL TRYALS, DEPOSITIONS, AND JUDGEMENTS OBTAINED AGAINST THEM;

WITH A BREVIATE OF SEVERAL STATUTES PROVING REPUGNANT TO THEIR ACTINGS; WITH PROPOSALS FOR REDUCING THE EXCESSIVE RATES OF COALS FOR THE FUTURE; AND THE RISE OF THEIR GRANTS APPEARING IN THIS BOOK.

By RALPH GARDINER,

OF CHIRTON, IN THE COUNTY OF NORTHUMBERLAND, GENT.

LONDON:

PRINTED FOR R. IBBITSON, IN SMITHFIELD, AND P. STENT, AT THE WHITE HORSE, IN GILTSPUR STREET, WITHOUT NEWGATE, 1655.

NEWCASTLE:

REPRINTED BY D. AKENHEAD AND SONS, FRONTING THE EXCHANGE, 1796.

EDITORS' ADDRESS.

WHEN we view the numerous improvements made, within the ſpace of a few years, in many harbours of this kingdom, by the ſpirited exertions of individuals, and the amazing increaſe of the towns of theſe reſpective ports, in wealth and magnitude, the mind is forcibly impreſſed with an high ſenſe of the great advantages derived therefrom.

The extenſive coal-mines of this country have cauſed this port always to be conſidered of the firſt conſequence; not only on account of a great part of the kingdom being ſupplied therefrom with that neceſſary article, but for the immenſe number of ſhips, neceſſarily employed, being the firſt nurſery for ſeamen in the iſland; and when we reflect that the increaſing trade and affluence of this town and port, depend ſo much upon the preſervation of the river, the ſerious attention of all concerned therein, ought certainly at all times to be directed to every improvement it is capable of receiving.

The deſign of the liberal author of the following ingenious work, hath been, it evidently appears, to evince the utility of ſuch improvements in this country;

country; as well as to remove many exiſting grievances of that period; on which important ſubjects, no one has more eminently diſtinguiſhed himſelf.

After ſome degree of difficulty in our ſearch for it, we have been favoured with an original copy; and being repeatedly ſolicited thereto, by a number of reſpectable gentlemen, have reprinted the whole *verbatim*, with exact *fac ſimiles* of the author's map of the river, and curious prints, together with portraits of the reſpective kings and queens, &c. and now offer it to the public on as reaſonable terms as the nature of ſuch chargeable undertakings will admit of.

Newcaſtle, Oct. 29, 1796.

FOR

FOR HIS HIGHNESS

OLIVER, LORD PROTECTOR

OF THE COMMONWEALTH OF ENGLAND, SCOTLAND, AND IRELAND, &c.

MAY IT PLEASE YOUR HIGHNESS,

THE nation, finding your fatherly care over them, in the well ordering, and governing, according to the laws, ſtatutes, and cuſtoms; endeavoring peace, cauſing juſtice and law to be equally adminiſtred, have cauſe, and do bleſs God for the ſame.

Upon ſerious conſideration whereof, I ſhall not dare, or preſume to uſe arguments, to induce your highneſs, to lend an ear, to hear the nations grievance, or what may be preſented for its good; but do humbly preſent herein, ſome collections of records, taken out of moſt judicatures, concerning the abuſe of the coal-trade, the burrough, and corporation of Newcaſtle upon Tine, its charters, evidences, and depoſitions; proving thereby general wrongs, and inſupportable burdens, viz.

Firſt, forcing people to loſe their lives, others to ſwear againſt themſelves, others to cut purſes in their courts for gain, and all to themſelves; illegal

and falſe arreſts, and impriſonments; refuſers of bail, and diſobeyers of *habeas corpuſes;* great and uſual impoſitions, and arbitrary fines; contemners of your law; judges, jurors, and witneſſes in their own cauſes; converting all fines, felons goods, and wrecks, to their own uſe; deſtroyers of that famous river of Tine; forcing ſhips and boats to ſink, and impriſoning thoſe that dare to ſuccor them; ingroſſers of all coals, and other commodities, into their own hands, from the inheritors, by patent; with other irreſiſtable oppreſſions, like to the Spaniſh inquiſition, and practice of the high commiſſion, and ſtar-chamber; being put in execution, at this day, in that town, by command of the magiſtrates, and other their officers; and what they cannot do, by force of their charter, amongſt themſelves, againſt any private perſon oppoſing, then, by combination, ruin them at law, by their delatory plea, and out-purſing them; to the high diſhonor of God, and your highneſs, and tending to the peoples undoing.

Humbly beſeeches, for the glory of God, the fame of your law, the contentment of the free people of England, the preſervation of trade and navigation, and increaſe of your public revenue,

II. That no confirmation bee of that towne of Newcaſtle upon Tines charters, or uſurped powers; but that a ſpeedy remedy be had, either by *quo warranto*, or otherwiſe; and their magiſtrates may ſuffer, according to their offences.

III. That no arreſts be made in that town, except by proceſs from above, or under forty ſhillings; by reaſon they underſtand not the law, and commonly their judges will maſter reaſon.

IV. That

IV. That commiſſioners of ſewers in Northumberland, and county of Durham, be forthwith impowred, for the preſervation of that river; otherwiſe it will be quite choaked up, and thereby no coals to be got, but at exceſſive rates.

V. That an *ad quod dannum* be granted, for a market at Shields, which will prevent the loſs of many a poor ſouls life for the future.

VI. Or that a revival of that never to be forgotten ſtatute, 11 Rich. 2. cap. 7. for a free trade to all, which voided all monopolies and charters, as being the greateſt grievance in a commonwealth, &c. It will not onely make this your nation equivalent with Venice, Holland, and other free rich ſtates, in riches, but preſerve timber, and reduce coals under 20s. the chalder all the year at London, but alſo augment to your publique revenue above 40000l. per ann. in that very port of the river of Tine.

VII. That your royal protection be granted to ſuch who proſecute a cauſe in behalf of your highneſs, from the hand of violence, during the time of their proſecution. That the clauſe in the 21. k. James, chap. 3. viz. for all informations upon penal ſtatutes to be proſecuted in the reſpective counties, be voyd; by reaſon the judges, *alias* ſheriffs, are the offenders, and no right can be got againſt them; the honorable judges of both benches hands being tyed up, for want of an appeal, obſtructed by the aforeſaid ſtatute.

VIII. If their charters, and illegal privileges be confirmed, undoubtedly it will ſacrifice the peace of your nation, leſſen your intereſt with the free-born, weaken your power, looſe the bonds of a quiet government,

government, extirpate the pure laws, and advance diſorder and confuſion; it being humbly conceived this happy change of government voids their charters, (they being no laws, but merely prerogatives) to Englands comfort.

IX. That ſheriffs and their ſubſtitutes may be liable to the puniſhment of perjury, for breach of their oath, in denying bail to ſuch as are capable; for not returning writs of *habeas corpus*, and other their falſe returns, as others in other natures.

X. And that a law be created for death, to ſuch that ſhall commit perjury, forgery, or accept of bribery.

XI. All which are laid at your highneſs and councils feet, to do as God ſhall direct, for the relief of the oppreſſed.

Ever ſubſcribing myſelf,

A ſervant to your highneſs,

And the publique,

RALPH GARDINER.

TO

TO THE READER.

COURTEOUS READER,

I SET not out the map of the river of Tine, for ſhips to ſteer their courſe by; but for a demonſtration to ſuch judges as may be appointed regulators of the great abuſes done thereunto; nor the effigies in my book, for other corporations to act the like by; but that the irregular proceedings therein, and cruelty of this corporation of Newcaſtle, may the plainer appear; not onely to his highneſs, and council, parlament, admiral, army, judges, gentry, but alſo to the commonalty of the nation; that they may expel out of their thoughts ſuch tyranny as is there enacted, by charter law; being nothing more of my labours and pains than what I am bound in duty, and conſcience, for the relief of the oppreſſed; reſolving with Gods aſſiſtance to continue ſo doing, to the uttermoſt of my power. Probably I may have omitted ſome circumſtances relating, yet am I confident nothing comprehended but the naked truth; and what omiſſions are in this, in my next will appear, (if I miſcarry not, by an unknown hand). I doubt not but ſome perſon, may anſwer this in print, or require further ſatisfaction therein; I am ready to receive the one, and declare the other; but well I know, the truth hereof cannot be diſproved; ſuch may (if they pleaſe) whoſe natural dialect is detraction, apt to ſtain and ſling with calumny and ſlander, ſooner than make a juſt defence, to joyn iſſue upon, to ſtand and fall by (as I am by this) challenging any to brand me with the leaſt of injuſtice I ever did them; being ready with my fortune to make good what I proſecute. The thing I aim at, is a right underſtanding between the free and unfree men of England; a perfect love, every one injoying their own, and

to be

to be governed under our known and wholesome laws, as also an obedience thereunto; and not by a hidden prerogative, alias charters.

It being a wonder there dare be such presumption in this corporation, to exercise such insolencies, which were the greatest obstructors of our nations liberties, by garisoning that town. The mayor, aldermen, and recorder, with the burgesses, and others, against the free-born of England, which prohibited all trade, from the 9th. day of January, 1642, to the 14th. of November, 1644, in that port; which caused coals to be four pound the chaldron, and salt four pound the weigh; the poor inhabitants forced to flie the country, others to quarter all armies upon free quarter; heavy taxes to them all, both English, Scots, and garisons; plundered of all they had; land lying waste; coal-pits drowned; salt-works broken down; hay and corn burnt; town pulled down; mens wives carried away, by the unsatiable Scots, and abused; all being occasioned by that corporations disaffection; and yet to tyrannize, as is hereafter mentioned; I appeal to God and the world.

RALPH GARDNER.

CHARTER



JOHN.

CHARTER LAW,

WITH ITS

PRACTICE DISCOVERED.

CHAP. I.

NEWCASTLE UPON TYNES PATRON.

KING JOHN,

Surnamed without land, raigned 17 *yeers and* 7 *monthes, died* 19. *daie of October,* 1216, *was buried at Worceſter, in the* 51. *yeer of his age.*

(A) KING JOHN, who uſurped the crown of England, was (only for formalities ſake) ſworn by a biſhop, who being demanded the reaſon why he did ſo, ſaid, that by the gift of prophecy, certified, that at ſome time, king John would take the crown and realm of England, and bring all to ruin and confuſion, he pretending, the king his brother, was dead in the time of his being abſent beyond ſea; being the firſt author of charters (for gain) and people like himſelf, for lucre of gain, ſold their birth-right, to become bodies corporate, and oppreſſors of the free-born people of England: For before charters were, all the free-holders of England were free to make laws for the good of the nation; but corpo-

rations being ſubordinate to ſuch laws, as he by his prerogative gave them, being repugnant to the known fundamental laws of England.

In the firſt year of his reign, dreadful tempeſtuous weathers by rains, that the grounds were ſo ſpoiled, that whereas corn was ſold for one ſhilling the boule, in king Henry the ſeconds daies, then coſt 13 ſhillings the boule; alſo an abundance of fiſh found dead upon the land, by the corruption of the waters, no hay could be mowed, and hale as big as hens eggs.

(B) He was an uſurper, a tyrant, a bloody perſon, a murderer, a perjured perſon, a covetous perſon, a demoliſher of famous towns with fire, and a ſeller of Englands ſupremacy to the pope*, whoſe reign was oppreſſive, and end, ſhame. For further ſatisfaction I refer you to his true hiſtory, I ſhall onely give a brief of ſome paſſages in his reign.

See chap. 59. (B)

He made a law that all jews that would not turn chriſtians ſhould pay a certain great ſum of money, or be impriſoned, and when they did turn, then they ſhould have their money again; a young merchant paid 60l. to continue a jew, and after turned to be a chriſtian; then he demanded his money from the king, but he being unwilling to part with money, demanded what reaſon he had to turn, and ſent for his father and mother to diſ-ſwade him, and to per-ſwade him to change again to be a jew.

(C) He gave command that all the jews in England and Wales to be forthwith impriſoned, men, women, and children, by reaſon they turned ſo faſt to be of his religion, and then ſeized on all their riches to ſatiſie his covetous diſpoſition, and ſuch as would not confeſs where their money was, pulled out their teeth and eies, and then took the thirteenth part of all eſtates moveable, to war againſt the earls of Marſh, who deſired him to forbear, but he would not, for which they diſpoſieſſed him of all his lands in France, &c.

He having little love to his wife Iſabel the queen, was divorced, pretending ſhe was too near of kin to him, and ſo took another.

(D) He murthered duke Arthur earl of Brittan, his eldeſt brothers ſon, being heir to the crown, in the caſtle of Roan, in France, and chaſed William de Branes out of England, and cauſed his wife and children to be ſtarved to death, in Winſor caſtle.

He diſ-inherited many of the nobility without judgment of the law, and put to death Ramp earl of Cheſter, for reproving him for lying with his brothers wife, and reproached others of his nobles, telling them how often he had defiled their beds, and defloured their daughters.

(E) He granted to the city of London their charter, and letters pattents, to chuſe their mayor yeerly in the tenth yeer, 1210. who governs well, &c.

(F) He removed the exchequer from London to Northampton, and got a great army to go againſt the king of Scots, but the king of Scots met him and did him homage, and gave him his two daughters as pledges, and eleven thouſand ſcotch marks, and upon his return took homage of the free-holders of England, and ſware them to his allegiance, all above 11 years of age. 11 year 1211

(G) He made oath to be obedient to the pope of Rome, by name Innocentius, to Randolph, his bull, who went with his nobles to Dover, where he met with the ſaid popes bull, and there reſigned the crown with the realm of England and Ireland into the popes hand; ſee his oath in chap. 59. (B): upon which the biſhops who he had baniſhed, returned to England, by leave from the pope. King John met them and fell flat upon his face on the ground, and aſked them forgiveneſs, melting bitterly into tears, &c. 13 year 1213

(H) He grants the very next year, after his power was given to the pope, unto the town of Newcaſtle upon Tyne, letters pattents to be a corporation, and

to hold the ſaid town in fee-farm, at the rent of
☞ 100l. per. annum, as by the ſaid recited letters pat-
tents, in the ſecond chapter, more at large appears,
4year, 1213 anno 1213. (Surely this charter is not good by
law, &c.)

(I) He was the cauſe of firing the chief town in Northumberland, called Morpeth, and cauſed many more towns in England and Wales to be burnt.

The barons of England being armed, demanded of him the laws and liberties granted by king Edward the confeſſor, vulgarly called St. Edward, he deſired reſpite till eaſter, and gave ſureties to perform them.

5 year. (K) He met with the barons of England in Running Meadow, between Winſor and Stains, upon the 16. of June; granted under his hand to them the liberties of England, without any difficulty, and the whole realm was ſworn thereunto; and ſoon after ſubtlely and privately ſends to the pope and other nations, for armies to make void thoſe charters and liberties granted to the barons, and to ſubdue England, and promiſed them great rewards. Forty thouſand ſouldiers, that were to have Norfolk and Suffolk, to conquer England for king John, were all caſt away on the ſea. The pope ſends in great ſtrength, who landed at Dover, and deſtroyed many towns by fire, and with the ſword ſlew many thouſands of people; the pope excommunicating the barons particularly by their names, great ſubverſion and diſſolution thereupon fell, laying all hedges and ditches level, tormenting the barons, with their wives, &c.

6 year. (L) The barons were neceſſitated to ſend for Lewis, ſon to the king of France, for to come with an army to join with them to conquer king John, whoſe cruelties were intollerable; which was done, and king John overthrown, and forced to flee towards Lin; being poyſoned by a monk at Swinſted: (The reaſon he gave was, that if he had lived half

half a year longer, a half-penny loaf would coſt 20s.) He died, and was buried at Worceſter, and 17 year.
king Henry the third, ſon to king John, of nine years of age, was crowned at Gloceſter, &c.

(M) The reaſon of king John his granting charters in England, and making corporations, was, for that he had but little land, to raiſe great rents from them, and to aſſiſt him with ſtrength by out-voting the knights of (M) the ſhires, as is hereafter expreſt: For all free-holders of England that had forty ſhillings a yeer, met two times a yeer at Seſſions Meadows, neer Rockingham Caſtle, in Northampton-ſhire, and there made ſuch laws as the nation was governed by, and confirmed by the king.

(N) King John reſolving to have monies and aid of men, to go to Normandy, to conquer them, could not conveniently motion it, by reaſon of the numerouſneſſe of the free-holders, but made a ſpeech to them, that he had contrived a very fit and convenient way, for the making laws for the good of the whole nation, which was, that by reaſon he conceived it a great trouble, for all them to come ſo far for that purpoſe, onely to make laws, that they would chuſe two knights of every ſhire and county, in England and Wales, and give to them the full power of the nation, and then the ſaid knights to come and ſit with him in parliament, at Weſtminſter, and alſo to allow them four ſhillings a day, out of the county ſtock, which more plainly appears in the ſtatute of 35. Hen. 8. ch. 11. Knights to have 4s. per diem, and burgeſſes 2s. per diem.

(O) King John when he had got the hundred and four knights in parliament, they having the full power of the nation from the free-holders, immediately required from them, great ſubſidies, and armies to go for Normandy, to recover ſuch lands as he had loſt.

(P) The knights anſwered, they onely were intruſted to make laws, and not to taxe the free-holders, who had intruſted them, and not to raiſe armies, and that

that by ſo doing, they could not diſcharge the truſt repoſed in them.

(Q) The king finding his expectation fruſtrated, having nothing doubted, but to have wrought his deſign on ſo ſmall a number, maſtered his paſſion, and not long after acquainted the knights, that he was ſorry for the great burden which lay upon them for making laws, being for a publick, and that they were too few in number, and that he had found out a way how to eaſe them, and bring in a great revenew to free the nation from impoſitions.

(R) Which was, that he reſolved to incorporate all the great towns in England and Wales, and depute magiſtrates, to govern as his lieutenants, and every corporation ſhould hold their town in fee-farm, from him and his heirs at a certain rent, ſome more, others leſſe, according to the quality, &c.

(S) Alſo that every corporation ſhould chuſe two burgeſſes to ſit and vote with them, in parliament, they knowing the ſtate of every county, and the burgeſſes of the corporation (by which means, the burgeſſes being more in number than the knights might out-vote them, and vote for him) the knights medled not therein at all, but were out-voted by theſe vaſſals and tenants to the king, they granting to him whatever he demanded, or elſe muſt forfeit their charters: And he granted to them whatever they demanded, &c.

(T) The free-holders of England were repreſented in parliament, by their knights in their election: And if the burgeſſes were free-holders, then repreſented in the ſame knights.

(V) But if the burgeſſes were no free-holders then no power in England to make laws, or to ſit in parliament, to out-vote the true repreſentative, which are the knights, eſpecially repreſenting no body further then the will of the king, who was onely to confirm laws, but not to make them.

King John had four conſiderations in making great towns corporations:

1. To aſſume a prerogative.
2. To raiſe vaſt ſums of mony.
3. To divide the nation.
4. To enſlave bodies corporate, by being his vaſſals and ſlaves.

Charters are no laws, and nothing is binding that is not lawful, no laws are made but by parliament, read ſtat. 2. Edw. 3. 8.

CHAP. II.

Newcaſtles firſt charter.

(A) KING JOHN, by his letters pattents, dated the day of in the fourteenth yeer of his reign, and in the yeer of our Lord, 1213, granted, demiſed, and confirmed, to the honeſt men of the Newcaſtle upon Tyne, and to their heirs, his town of Newcaſtle upon Tyne, with all the appurtenances, to fee-farm, for one hundred pounds, to be rendred to the ſaid king and his heirs, at his Exchequer, (to wit.) at the feaſt of eaſter, fifty pounds, and at the feaſt of St. Michael other fifty pounds; ſaving to the ſaid king, the rents prizes, and aſſizes in the port of the ſaid town. Further he grants to them, and confirmeth one hundred and ten ſhillings and ſixpence of rent, which they have by the gift of the ſaid king, in the ſaid town, of eſcheats, to be divided and aſſigned to them, who loſt their rents by occaſion of a ditch or trench, and of the new work made under the caſtle, towards the river or water, ſo that thereof they might have the more, that loſt the more, and they that loſt the leſſe, ſhould have the leſſe. He alſo granted to them, for him and his heirs, that in nothing they ſhould be anſwerable to the ſheriffe, nor to the conſtable, for thoſe things which belong to them, as the ſaid charter teſtifieth. Wherefore he willeth and firmly commandeth, that the ſaid men

men, and their heirs, may have and hold the ſame town with its appurtenances to fee-farm, for the ſaid hundred pounds yeerly to be paid, as is aforeſaid, well and in peace, freely, quietly, and intirely, with all liberties and free cuſtomes, which they were wont to have in the time of king Henry the 2. father of the ſaid king John, as by the ſaid letters pattents appeareth. The ſaid king John was the cauſe of burning Morpeth, the chief town in Northumberland, and many more towns in Wales, becauſe of the enmity between him and the family of the Bruces, who originally were planted in Wales. Wherefore the ſaid charter made by the ſaid king John, to the ſaid honeſt men of Newcaſtle upon Tyne, cannot be valid in law, becauſe in the fourteenth yeer of his reign, he ſubjected himſelf to be a vaſſal to the pope of Rome, as is aforeſaid, and for many other reaſons mentioned in the ſaid charter itſelf, conſidered in themſelves.

In this charter of king John, that he grants to the honeſt men of Newcaſtle upon Tyne, he mentions not the port of the river of Tyne, from Sparhawk, at Tynemouth-bar, upon the ſea, to Hadwyn-ſtreams, above Newburn, in Northumberland; neither is there ſo much as one ſyllable, whereby the ſaid king grants to them the two third parts of the ſaid river, or any of the fiſhing, between the ſaid places, &c.

CHAP. III.

(A) KING HENRY the third being earneſtly ſupplicated by the good men of Newcaſtle, to confirm king Johns charter, which was done upon the ſecond day of July, in the year of our Lord, 1234. the ſaid king Henry did not inlarge their juriſdiction at all, but onely grants them the charter, in the very ſame words as king John had in his charter granted.

(B) King

(B) King Henry the third, by his letters pattents, under the great ſeal of England, dated at Weſtminſter, the firſt day of December, in the three and twentieth year of his reign, upon the good men of Newcaſtles ſupplication, thought it fit, to give them licence to dig coals, and ſtones, in the common ſoil of that town, without the walls thereof, in the place called Caſtle-field and the Frith; and from thence to draw and convert them unto their own profit, in aid of their ſaid fee-farm rent of a 100l. per annum, and the ſame, as often as it ſhould ſeem good unto them; the ſame to endure during his pleaſure; which ſaid letters pattents were granted upon payment of twenty ſhillings into the hamper: Nothing more was given, neither lands, &c. but only to work the coals, during pleaſure, for their own uſe.

(C) King Henry the third was petitioned again by the ſame honeſt men, for ſo they were called by king Johns charters (*probi homines*:) That his majeſty would be graciouſly pleaſed, to give them all the ſtone and coals in a place called the Frith, adjoyning to the former, the better to enable them to pay their fee-farm rent, which alſo was granted, paying forty ſhillings per annum, into the hamper, upon the eleventh of May, in the one and thirtieth year of his reign. All which coals and ſtones, have, do, and will amount to many thouſands of pounds, yet no land, above the ſaid coals was granted unto them.

CHAP. IV.

(A) KING EDWARD the firſt, in the nineteenth yeer of his reign, was ſupplicated by the good men of Newcaſtle, to grant them a ſum of

money,

money, and a licence for the building of a wall round the town (on which wall, one of the mayors of Newcaſtle was hanged) as by the record of the regiſtery appears, That two third parts of the river of Tyne, from Sparhawk to Beadwyn-ſtreams were in this kings hands. And for ſuch lords as held any fiſhings on the ſouth-ſide of the ſaid river of Tyne, which went to the mid-ſtream, they were meer intruders of one ſixt part more then was their own, for whereas they were to have had but one third part, they claimed half.

(B) And that this king gave licence, to build a wall about the town of Newcaſtle, and gave mony towards this wall, which was not beſtowed.

(C) And that divers purpreſlures were then incroached upon, by the good men of the town of Newcaſtle, upon the moat of the Newcaſtle, built by William Rufus, adjoyning thereunto. And to the end that the then ſheriffe of Northumberland might preſent theſe incroachments into the chancery, whereby to diſcover their unjuſt dealing and intruſion upon the ſaid moat of the ſaid caſtle, they the ſaid good men gave to him the ſaid ſheriffe, a gift or bribe of ten marks, that he might not vex them, as by the ſaid record more at large appears, &c.

CHAP. V.

THE ſaid king Edward the third, by his letters pattents, dated at Weſtminſter, the tenth day of May, in the one and thirtieth yeer of his reign, confirms all former charters, with an addition of his own, that he, for himſelf and his heirs, granted, demiſed, and confirmed unto his honeſt men

men of the town of the Newcaſtle upon Tyne, his town of Newcaſtle, before called Mancheſter, with all its appurtenances, for a hundred pound per annum, to be paid to the ſaid king, and his heirs, &c. Which he the ſaid king confirms to the ſaid men, and burgeſſes, and to their heirs for ever. And becauſe, on the behalf of the ſaid burgeſſes of the ſaid town, it was humbly ſupplicated to the ſaid king, that whereas the ſaid moore and lands called Caſtle-fields, and Caſtle-moor, on the north-ſide of the ſaid town of Newcaſtle, from a certain place called Ingler Dike, &c. as the ſame are butted and bounded, &c. even to the ſaid town of Newcaſtle, are the lands and ſoil of the ſaid town of Newcaſtle belonging to the ſame, beyond memory; with all profits coming of the ſaid lands, moor, and ſoil, as by an inquiſition thereof taken, and returned into the chancery appeareth. And albeit the ſaid burgeſſes, and their predeceſſors from the time they have had the ſaid town to farm, they have held the ſaid moor and land, as though it were appertaining to the ſaid town, and have always hitherto peaceably, and quietly had, and reaped all the profits coming of the ſaid moor and lands, yet the ſaid burgeſſes, (now they are turned from honeſt men, to burgeſſes, the next will be to ————) for that there is no mention made of the ſaid moor and lands (albeit they be of the appurtenances of the ſaid town) do fear, that they may be impeached afterwards, and for that the ſaid town, as well by reaſon of the laſt peſtilence at that time, as by the hazards of wars, and divers other adverſities, was ſo impoveriſhed, and deſtitute of men, that the profits of the ſaid town ſufficed not for the payment of the ſaid farm, (as they then pretended.) The ſaid king being willing to provide for their indempnity in that behalf, and for him, and his heirs granted, that they and their heirs might have and hold the ſame moor and ſoil, as if it were apper-

 taining

taining to the ſaid town, with all profits out of the ſame, &c. And that they the ſaid burgeſſes, and their heirs, in the ſaid moor and lands, may dig, and may have coal, ſlait, and ſtone there; and from thence may draw them, and may make their profit of the ſaid coals, ſlait, and ſtones, and other profits coming out of the ſaid moor and lands, in aid of the payment of their ſaid fee-farm, without impeachment, &c. As by the ſaid letters pattents, (made by the king himſelf, and his council, and by the fine of forty ſhillings paid in the hamper) more at large appeareth.

By theſe laſt mentioned letters pattents, the burgeſſes of Newcaſtle can challenge no title in the ſaid Caſtle-moor, and Caſtle-field, becauſe the ſaid letters pattents are contrary in themſelves. This is the firſt claim the ſaid burgeſſes lay to the Caſtle-moor, being a quantity of eight hundred and fifty acres of ground, beſides paſture for all their kine, and coals for all their fuel, which are gotten upon the ſaid Caſtle-moor.

CHAP. VI.

KING RICHARD the ſecond, by his charter, dated the ninth day of April, in the firſt year of his reign, 1378, confirms all the former charters, and grants to the town of Newcaſtle, the ſame priviledge as granted before, in diging of coals, ſlait, and ſtone, in Caſtle-field, and Caſtle-moor, but doth not grant the (land) onely the coals, ſlait, and ſtone, for the towns beſt advantage.

CHAP.

CHAP. VII.

KING HENRY the fourth, being humbly petitioned by the burgeſſes of Newcaſtle, that his highneſſe would be graciouſly pleaſed, to divide the town and corporation, from the county of Northumberland, and to grant them a ſheriffe, with more liberties and immunities, which was granted; that the corporation of Newcaſtle ſhall be a diſtinct county of itſelf, diſ-joyned from the county of Northumberland, and not to meddle in the ſaid new county, as by the charter more at large appears, upon record, in the tower of London, 7 Ed. 6. 10. 1. Mary 3.

This was a preparative for the town of Gateshead, &c.

CHAP. VIII.

(A) QUEEN ELIZABETH obtained a leaſe from the late biſhop of Durham, dated the 26. of April, in the 24. year of her reign, 1582. of all the whole mannors of Gates-head and Wickham, and all the coal-pits, and coal-mines within the ſaid mannors of Gates-head and Wickham aforeſaid, and in all the common waſts, and parks belonging to the ſaid mannors, at the rent of ninety pounds, per annum, or thereabouts, for ninety nine yeers, which the earle of Leiceſter procured from the ſaid queen, and ſold, or gave the ſame to Sutton of the charterhouſe, who for twelve thouſand pounds, as is reported, ſold the ſame to the mayor and burgeſſes of Newcaſtle*

It is conceived, that this leaſe is void, by reaſon in the corporation forfeited it, being garriſoned againſt the parliament, &c.

caſtle,* but when he underſtood the yearly value, which was worth at leaſt fifty thouſand pounds per. annum, atteſted by doctor Cradock, ſome-times archdeacon of Northumberland, deceaſed, this leaſe being called the grand leaſe, was granted to ſir William Readal, and others, for the uſe of the mayor and burgeſſes, and free honeſt men, and expires the 26. of April, which ſhall be in the year of our Lord, 1681. as appears in the 11. chap. (I.) 7. Edw. 6. 10.

CHAP. IX.

(A) QUEEN ELIZABETH requires the great arrear, of two-pence per chaldron, which was granted to king Henry the fifth, as cuſtome, by the parliament, as appears by that ſtatute, chapter the tenth, ninth year, which was neglected to be paid unto the crown, by the mayor and burgeſſes, for many years together, inſomuch as they were not able to pay the ſame, but humbly beſeeched thoſe arrears may be forgiven, by reaſon of their inability: And to grant them a charter to incorporate a new fraternity or brother-hood to be called free * hoſt-men, for the ſelling and vending of all coals to ſhipping; and in conſideration thereof, they would pay to her majeſty, and her ſucceſſors, twelve pence for every chalder, exported from thenceforth, to the free people of this nation. The queen conceiving that twelve-pence upon every chalder would be better for the future, and well paid, would riſe to a greater revenew then the two-pence ſo long in arrear could endamage, which was granted, upon condition ſpecified in that grant, remaining in the exchequer, with many ſeals to it; that they ſhould ſell all coals to maſters of ſhips: At this day the fitters reckon with the

Chap. 25.

the maſters for ſo much a chalder, as eleven ſhillings, for ſo many as is conceived to be aboard the ſhip, and then he goeth with the maſter to reckon, which the ſaid maſters payes the one ſhilling per chalder cuſtome, being allowed in his hand, the maſter conceives he doth not pay it further then being left in his hand by the fitter; but if the maſters will look upon that leaſe, they will find they are to have the beſt coals for ten ſhillings, and the worſt for nine ſhillings the chaldron, at moſt, and now they pay eleven ſhillings, by which means the one ſhilling per chaldron is paid by the maſter, and not by the hoſt-man, and ſo falls upon the whole nations back. I refer you further to the leaſe, for if the maſter buy dear, he muſt needs ſell dear.

(B) By the ſame fallacy they wronged the king of his cuſtomes, 9. Hen. 5. 10. which plainly appears in that ſtatute, if you pleaſe to read it; the ſame, they have to cheat the queen and her ſucceſſors for the twelve-pence per chaldron.

CHAP. X.

(A) QUEEN ELIZABETH being humbly intreated, by the mayor, and burgeſſes of Newcaſtle, that her majeſty would be graciouſly pleaſed to grant them a charter of liberties, concerning ſea-juriſdiction, and of admiralty in that port (to wit.) between Sparhawk, in the ſea, and Hadwyn ſtreams, being fourteen miles in length, for the advance of the eſtate of that town, which alſo was granted as follows.

(B) The queen by her letters pattents, dated the thirtieth day of Auguſt, in the one and thirtieth year of her reign, touching the office of the high admiralty

his ſtatute 2. Edw. 3. will void his charter y reaſon it is ainſt right.

miralty of the river of Tyne, and port of Newcaſtle, grants the reverſion to the mayor and burgeſſes of Newcaſtle, by reaſon it was granted under the great ſeal of England, bearing date the fifth of February, 1522, unto Charles lord Howard of Effingham, amongſt other things, in his ſaid pattent, in the office of lord high admiral of England, &c. for life, who out-lived the queen, and dyed, 26. January, in the ſixteenth year of king James, the mayor and burgeſſes pretending they had right thereunto, from king Henry the ſixth, which if they had, was extinguiſhed upon the queens grant to the high admiral, &c. and by this grant of hers to Newcaſtle, ſhe onely grants what is in her to grant, which is onely the reverſion after the ſurrender, forfeiture, or death of the aforeſaid lord high admiral, but ſhe dying before the lord high admiral, it is conceived her grant is void. And it was never ſince confirmed by any other to the ſaid mayor and burgeſſes; for king James upon the 28. of June, in the ſixteenth year of his reign, two dayes after the lord high admiral died. The commiſſion, or letters pattents of the admiralty of England, was conferred upon the duke of Buckingham, ſo that Newcaſtle by this change hath but a ſlender pretence of right to the admiralty of that part of Newcaſtle.

Newcaſtles etition.

(C) The ſaid corporation humbly beſeecheth her grace, to increaſe, inrich, inlarge, and eſtabliſh (as much as in her lay) their authorities and juriſdiction in ſea-buſineſſes, with larger priviledges, exemptions, liberties and immunities, and thoſe being called by various names, to eſtabliſh into a certain body, and reduce and create the name of the incorporation, upon which petition, the queen made the town and corporation of Newcaſtle, a free town, in theſe words.

(D) That the burgeſſes and inhabitants of the ſaid town from henceforward for ever, ſhall be one body corporated, or body politick, in ſubſtance, fact, and name, by name of a mayor and burgeſſes. And that by

by that name, they may have perpetual ſucceſſion. And perſons able in law, capable to have, purchaſe, receive, and poſſeſſe, lands, * tenements, liberties, juriſdictions, franchiſes, and heriditaments, of what kind, nature, or form ſoever they ſhall be, to them and their ſucceſſors in fee and perpetuity; and to aſſign them over by the name aforeſaid. And by the ſame name to implead or ſue, and be ſued, anſwer, or to be anſwered, defend, or be defended in any court of record.

*Newcaſtle incorporate To purcha lands. See ſtat. 15 Rich 2. 5.

To ſue, and b ſued by one name. See Edw. 3. 6.

(E) And to have a common ſeal for their cauſes and buſineſſes, and to break and change the ſame at their pleaſure.

(F) Likewiſe, ſhe confirms by the ſaid charter, to the ſaid mayor and burgeſſes, and their ſucceſſors, that they onely of the ſaid town, with its members and appurtenances, and alſo that they may have all the ſame cuſtomes, liberties, priviledges, franchiſes, immunities, exemptions, quittances and juriſdictions, how many, and how much ſoever hath been granted by former kings, by what name or names ſoever, or by what pretence they have or do enjoy or claim the ſame. To have and to hold, and to be holden of the ſaid queen, in fee-farm, &c.

Confirms all former liber ies.

(G) Alſo grants by the ſaid charter unto the mayor and burgeſſes and their ſucceſſors, full authority, power, and faculty of mittigamus, conſtituting, ordaining, making and eſtabliſhing, from time to time, ſuch laws, * inſtitute judgments, ordinances and conſtitutions, according to their ſound diſcretion, being good, wholeſome, and neceſſary for the publick good and weal, and common profit, and good rule of the ſaid town.

* Making laws, ſee ſtat. 19. 7.

(H) The mayor and burgeſſes, have power hereby to inflict puniſhments, pains, penalties, and impriſonments* of bodies, (and by fines, or amerciaments, may levy, and have to them, and their ſucceſſors without calumny or impeachment) requiring all perſons to yeeld obedience to ſuch laws,

* To puniſh offenders. See ſtat. 9. Hen. 3. 29. Commanding &c. obedience.

&c. provided thoſe laws, ordinances, inſtitutions, and ſuch like cuſtomes, be not repugnant to the laws and ſtatutes of England.

arhawk
d Headwyn
eams their
erties.

(I) Alſo that the grants, which the ſaid town of Newcaſtle, and the circuits, precincts, and juriſdictions thereof, to ſtand as well in breadth, as length, as well by land, as by water, as was accuſtomed before the memory of man, as they were wont to extend themſelves, and in the river of Tyne, from a place called Sparhawk, in the ſea, to Headwyn ſtreams, ſeven miles above Newcaſtle-bridge. And to pull down all walls, hedges, and blocks, offenſive, &c.

ntrance to
e office of
gh admi-
lty.

(K) And further, by the ſaid letters pattents, the queen doth grant unto the ſaid mayor and burgeſſes, upon the ſurrender of the ſame, letters pattents of the ſame high admiral of England, by death, forfeiture, ſurrender, or other means, to become void for ever. And may have and hold within the ſaid town, one court of admiralty of record, every munday throughout the yeer; in which court, the mayor, or recorder to be one: And to begin upon the vacancy of the ſaid office, to hold by plaint, in the ſame court to be levied, all, and all manner of pleas, ſuits, plaints, and demands. For which debts, contracts, covenants, treſpaſſes and deceits, matters, and offences whatſoever, to the ſaid court of admiralty belonging, and to hold court of pleas according to the laws and cuſtomes of the ſaid court of admiralty of England, and other legal wayes and means; whereby the truth may the better be known with power of any temporall conſtraint* or mulct, or any other pain, according to the laws and cuſtomes of the ſaid late queens court of admiralty of England, to be compelled, or to do, and adminiſter judgment, the order of law being kept.

eeping
urts.

niſhment.
See ſtat. 28.
dw. 3. 3.

aws of Eng-
nd executed

(L) And likewiſe ſhe ordains juſtices of the peace, to conſerve the peace in the ſaid town and port, for the

the putting in execution the ſtatutes and ordinances made at Weſtminſter, in the eighteenth yeer of king Edward the third, concerning foreſtalling of merchandizes upon the water, or upon the ſea. And the thirteenth of Edward the firſt, the five and fortieth of Edward the third, the thirteenth of Richard the ſecond, and ſeventh of Henry the fourth, and Henry the ſixth, the four and thirtieth of Henry the eighth, and the fifth and ſixth of Edward the ſixth ſtatutes, at Weſtminſter, againſt regrators, fore-ſtallers, and ingrocers, to enquire after ſuch offenders againſt the laws and ſtatutes aforeſaid, to hear and determine ſuch like indictments and puniſhments.

Fore-ſtallin
See chap 5
A. 49. 5, 4
A.

(M) That the ſergeant at mace, all juries, pannels, inquiſitions, attachments, precepts, mandates, warrants, judgments, ſentences, proceſſes, or other things whatſoever to do, for the diſpatching thereof.

Officers to
their duty.
See chap. 3
C. D.

(N) The queen gives further power unto the mayor, to chooſe all officers in the ſaid court whatſoever, to remove and expell them, as they ſhall ſee cauſe, according to law and equity.

(O) That the mayor, recorder, and aldermen, three, or more of them, whereof the mayor, or recorder to be one of them, may have for every acknowledgment of all and ſingular ſuch like pleas, plaints, ſuits, and demands of debts, and other ſea-buſineſſes and offences, and alſo diſſeizing of all wrecks* at ſea or port, happening, and of the death, drowning and viewing of all dead bodies of what perſons ſoever, which in the ſaid town and port, howſoever ſlain or drowned, or to be ſlain, drowned, or murthered, or brought to death by any other means.

See chap. 3
B. chap 29
D
*All acknow
ledgements
wreck, &c.
View of dea
bodies mur-
thering,
drowning.

(P) Alſo the cuſtody and conſervation of the ſtatutes, the wreck at ſea, and of the office of coroners* in the third and fourth year of king Edward the firſt, and to puniſh delinquents, according to law.

Wreck.
Coroners.
*See ch. 4
A. 29. 49. A

(Q) The mayor of the ſame town for ever, hath hereby power to receive acknowledgments, for any cauſe whatſoever, in the admiralty court determinable, and to record and enrole the ſaid recognizance, to releaſe, cancel, leſſen, and qualifie, at their pleaſure, according to law. Alſo to demand execution, according to the manner of the ſaid high court of the admiralty of England.

o fine and
halifie
ee ſtat. 25.
dw. 1. 5.

(R) The ſaid queen doth give and grant, by the ſaid letters pattents, unto the ſaid mayor and burgeſſes, and their ſucceſſors, all, and ſingular fines, redemptions, iſſues, amerciaments, forfeitures, perquiſites, and profits whatſoever appearing, happening, coming, aſſeſſed, impoſed, or taxed, or then after to be upon any by the aforeſaid court, for their own proper uſe and behoof, without any account to the ſaid queen, or her heirs, to be levied ſo ſoon as ever it ſhall be adjudged by them, without any unquietneſſe, vexation, or trouble of the ſaid queen, her heirs and ſucceſſors, juſtices, or other miniſters, or ſubjects whatſoever.

ll fines for
eir own uſe
given.
ee chap. 42.
41. A.

(S) Alſo to have all manner of ſuch like goods and chattels, weiffs, wrecks * of the ſea, goods floating or ſwimming upon the water, and driven to the ſhoar*, ſunk to the bottom, and goods due, to more by proportion, treaſure found, felons of themſelves, deodands, and other caſualties, as well upon as by the ſea or ſhores, and maritine parts, as upon or by the freſh water, howſoever, whenſoever, or whereſoever, or in what manner appearing, happening, or coming, which to the admiralty of England doth belong.

To have all
ofits and
recks.
See c. 30.
29. D.
at. 17. Ed.
II.
o have all
lons goods,
c. See chap.
3. A.
at. 17. Ed.
16.

(T) And all royal fiſhes, ſturgeons*, whales, porpoyſes, dolphins, rigoſeres, and grampeſes.

oyal fiſhes.
at. 17. Ed.
II.

(V) That the ſaid queen willed, that the mayor, recorder and aldermen, for the time being, three or more of them, whereof the mayor or recorder to be one, from time to time ever hereafter, to be juſtices at the goal delivery, and to deliver out of priſon in the ſame,

ſtices of
al delivery.

ſame, committed to the ſame goal, for what cauſe ſoever.

(W) That they may erect gallows within the liberty of the ſaid town, for felons, murtherers, and other malefactors whatſoever, within the town or port, and to commit them to the goal, till they be from thence delivered, by due courſe of law. See chap. 53. (A.)

Gallows
to hang the

(Y) All which of her ſpecial favour, ſhe grants without fine into the hamper. Dated at Weſtminſter, the 30. of Auguſt, in the 31. year of her reign. It is conceived this is voyd, by reaſon granted without any conſideration into the hamper.

CHAP. XI.

A brief of the privileges, contained in the charter of liberties, granted by queen Elizabeth, to the mayor and burgeſſes of the town of the Newcaſtle upon Tyne, the 22th. of March, in the 42th. year of her reign. As followeth.

The twelve companies of Newcaſtle be as follow,

CORDWINDERS,	SKINNERS,
BUTCHERS,	CORN-MERCHANTS,
TAYLORS,	TANNERS,
FULLERS,	SADLERS,
DRAPERS,	BAKERS,
MERCERS,	SMITHS.

I finde not BREWERS nor CARPENTERS.

Obſerv.

(A) THAT the town of Newcaſtle is an ancient town, and that they have had laws, juriſdictions, &c. and that the ſaid town hath ſuffered no ſmall loſs, by reaſon of divers differences, &c. fol. 1. concerning the manner of loading and unloading ſea-coals,

coals, at the ſame town, fo. 2 whereupon the ſaid mayor and burgeſſes humbly petitioned the ſaid late queen, for the better maintenance and government of the ſaid town, that ſhe would vouchſafe to amplifie her munificence and favor towards the ſaid town. fo. 2.

(B) The ſaid queen, for her and her ſucceſſors, grants to the ſaid mayor and burgeſſes, and to their ſucceſſors, that they only of the ſaid town with its members, ſhall have and enjoy, all the cuſtoms, liberties, &c. which were granted to their ſucceſſors, by ſeveral charters, fo. 3. which the honeſt men of the Newcaſtle upon Tyne, &c. by pretence of what corporation ſoever, they held and enjoyed, fo. 4, 5. to have, hold, and enjoy, the ſaid town, and all cuſtoms, &c. fo. 5. to the ſaid mayor and burgeſſes, and their ſucceſſors, to their uſe for ever, to be holden in fee-farm; rendring the antient fee-farm of 100l. at michaelmas onely, fo. 6. and that they may have all ſuch liberties, cuſtoms, &c. without the let of any one, &c. fo. 7.

hoyce of the ayor and o- ier officers.

(C) The ſaid queen granteth, that the mayor, ten aldermen, and ſheriff of the ſaid town, &c. and other four and twenty of the more diſcreet and honeſter burgeſſes of the ſaid town, &c. may chuſe the mayor, and other officers of the ſaid town, within five daies, after the choyſe and oath taken by the mayor, fo. 7. 8. which ſaid mayor, and the other twenty four burgeſſes, in all thirty ſix, ſhall be at all times then after, the common council of the ſaid town; fo. 9. and ſhall have power in making laws, &c. fo. 10. for the good government of the ſaid town, &c. fo. 11. and for the good government of the markets and fairs, within the ſaid town and limits thereof, &c. and for the declaration by what means the miniſters, officers, and artificers of the ſaid town, and their factors, ſervants, and apprentices in their trades, &c. fo. 12. and alſo for their better preſervation, letting and ſetting of their lands tenements, &c. And that the mayor, and common council of the ſaid town,

ower to ake laws for emſelves not pugnant to ie laws of ngland.

aſtle-moor is ithout the nits.

town, or the greater part of them, whereof we will the mayor and ſix aldermen, thirteen being, ſeven to be, &c. as often as they ſhall make ſuch laws, &c. and ſuch pains, puniſhments, penalties, or impriſonment of bodies, or by fines, &c. fo. 14. upon all delinquents, contrary to ſuch laws, &c. as ſhall be neceſſary for keeping, fo. 15. of the ſaid laws, &c. and to have and retain the ſaid fines, &c. to their own uſe, &c. fo. 16. ſo that the ſame laws, &c. be not repugnant to the laws of the kingdom of England*, fo. 17.

To puniſh o fendersagain ſuch laws.

* See ſtat. 19 Hen. 7. 7.

(D) And further, the ſaid late queen granteth, that the election of the mayor, recorder, aldermen, common council and all other officers and miniſters, to be choſen, &c. ſhall in every year be upon monday next, after michaelmas day, fo. 18. honeſt men and burgeſſes of the twelve ſocieties, lawfully choſen in the accuſtomed place, to wit, drapers, mercers, &c. fo. 19. and that they name and preſent two honeſt men of every myſtery, &c. being twenty four in number, being ſworn that they, or the greateſt part of them, ſhall chuſe and name the mayor, fo. 21. the 22. 23. 24. 25. 26. 27. leaves, are concerning the chuſing of the mayor the ſheriff, of two coroners, one clerk of the chamber, who ſhall adminiſter an oath to the marriners and maſters of ſhips at the port of Newcaſtle; and in the ſame manner, and the ſame day yearly, may name eight other burgeſſes, &c. fo. 28. to be chamberlains of the ſame town, and one ſword-bearer before the mayor, and eight fo. 29. ſerjeants of the mace, and one recorder; fo. 31. and there ſhall be twenty four electors for one year; fo. 31. 32. new election of alderman, dying or being depoſed, fo. 33. and the alderman, newly choſen, ſhall be alderman during life, fo. 34. Officers choſen by the mayor under their common ſeal, ſhall be admitted to their places, fo. 35. 36. 37. To fine ſuch as refuſe to hold their places upon election, fo. 38. the ſaid fine not to exceed 200 marks, fo. 39. 40. 41. The like for the ſheriff, fo. 42. 43. 44. 45. 46.

Election of the mayor, ſheriff, and o ther officers at what time

The port be longs to the caſtle, and no to the town.

Oath to maſte of ſhips.

Officers for life.

To fine refu ſers of offices

45. 46. or if any officer (ſave the recorder) die within the year, then to chuſe another, fo. 47. 48. 49. And if the recorder die within one year next after his election, or be removed from, or leave his office, &c. then to chooſe another fit perſon, learned in the laws, albeit not a burgeſs, in his place, &c. fo. 49. 50. 51. And if the mayor of the ſaid town be depoſed, removed, or die, then to chuſe another within twenty daies, &c. fo. 51. 52. The like for the ſheriff, &c. fo. 53. 54. William Jenniſon named firſt mayor, fo. 55. 56. John Savel one of the barons of the exchequer, firſt and modern recorder, fo. 57. William Selby, &c. and nine others are made the firſt and modern aldermen, fo. 58. James Clavering appointed firſt, and the modern ſheriff, &c. fo. 59. the ſaid William Jenniſon, mayor, and thirty five perſons more, are appointed to be the firſt and modern common councilmen, &c. fo. 60. 61. Matthew Chapman, and Rowland Tempeſt are appointed to be firſt, and the modern coroners, &c. fo. 62. George Dent appointed firſt clerk of the chamber, fo. 62. Francis Burrel and ſeven others, appointed to be the firſt and the modern chamberlains of the ſaid town, fo. 63. George Still appointed ſword bearer, fo. 63. George Selby, and ſeven other perſons appointed to be the firſt ſerjeants at mace, &c. fo. 63.

(E) The ſaid queen, grants to the ſaid mayor and burgeſſes, and their ſucceſſors, for ever, that they may hold one court of record, in Guilde-hall, before the mayor, upon munday in every week, through the year, except in the weeks of chriſtmas, eaſter, and penticoſt, &c. fo. 65. and another court, upon wedneſdaies and fridaies in every week, throughout the year, except in the ſeveral weeks aforeſaid; and all pleas of debts, covenants, detainer, treſpaſſes, &c. fo. 66. 67. and pleas of court, of pipowder, &c. fo. 68. and courts of the upper-bench, juſtices of the bench, and juſtices of aſſize, before the ſaid mayor, fo. 69. 70. And that the mayor and burgeſſes in the court, to

ıe recorder burgeſs.

ery officers me.

om the 18. f to the 65. f, concern- the officers Newcaſtle.

hold courts record, chap. 42. c.

to be holden before the mayor, and in the court, to be holden before the ſheriff, and their ſucceſſors, in all and ſingular ſuits, &c. may attatch the parties defendants in the ſame ſuits, &c. fo. 71. in their lands and goods, and commit them to their priſon, called newgate, &c. fo. 72. 73.

The mayor, the ten aldermen, and recorder of the ſaid town, for ever, to be joyntly, and ſeverally keepers of the peace, &c. within the ſaid town, &c. and to chaſtiſe and puniſh malefactors, &c. fo. 73. 74. 75. 76.

And further, that they, the 12, 11, 10, 9, 8, 7, 6, 5, 4. or 3 of them, whereof the mayor to be one, be juſtices of the ſaid late queen, her heirs and ſucceſſors, to enquire upon oath, &c. fo. 76. of all murders, &c. foreſtallers*, regrators, &c. and of all other matters whatſoever done, or committed, &c. fo. 77. 78. 79. ſo that the keepers of the peace in Northumberland and Durham, do not enter for any matter of peace, &c. to be ended and determined, in the ſaid town of Newcaſtle, fo. 80.

(F) The queen grants to the ſaid mayor and burgeſſes, and their ſucceſſors, that they may, as often as need ſhall require, impoſe, &c. fines*, penalties, taxations, cuſtoms, &c. for the publick uſe of the mayor and burgeſſes of the ſaid town, to be kept in their common chamber, and to be expended for their publick uſe, fo. 81. or by their officers, from time to time to be levied, ſuch as before time, were lawfully taxed and impoſed, &c. and that the ſaid mayor, &c. may uſe all the means they can, to levy and gather the ſame, fo. 82.

(G) The queens pleaſure further was, that the mayor, recorder, and aldermen of the ſaid town, or five, or more of them, whereof the mayor to be one, be juſtices for gaol deliveries, &c. fo. 83. and that the coroners * of the ſaid town ſhall deliver all juries, inquiſitions, pannel attatchments, &c. and make return of them to the mayor, &c. in all their

Conſervator of the peac chap 37. chap. 36. To enquire all miſdemea nors to the la foreſtallers, regrators, &c * See ſtat. 6. Ed. 6. 15

Reaſonable taxation of fines, &c. fo the towns uſe * See ſtat. 25 Ed. 2. 6.

*Gaol delive ries and co- roners, &c. See ſtat. 3. H 7 1.

Town moor i without thei liberties, onl liberty to ge coals.

'hey have no ther liberties ut within the 'alls of the own.

Quere, what ıtereſt they ave in the ort, for it extends ſeven iles above, nd ſeven iles below, he town of Newcaſtle, hich is further then their ght of inheritance reach-ch.

Queen Elizaeth her leaſe f the manor f Gates-ſide nd Wickham ade to W. eddel, and hers in truſt, r the mayor id burgeſſes, Newcaſtle, r the time ing See ſtat. Ed. 6. 10. The copy ncerning e ſtat. of ort. whether the leaſe good or t. 15. Rich. 5.

gaol deliveries, &c. fo. 84. and do execute the precepts of the mayor, &c. in ſuch manner, as any ſheriffe of England was accuſtomed to do, at the gaol deliveries, for their ſeveral counties; and that the ſaid mayor, recorder, and aldermen may, fo. 85. erect gallows within the liberties of the ſaid town, to hang felons, &c. And that the ſaid mayor, recorder, and aldermen, or five, or more of them, may take and arreſt what felons, theeves, and malefactors ſoever, within the town and port of Newcaſtle, and port aforeſaid, or the precinct, or liberties of them, are found, &c. and may bring them to priſon there, fo. 86.

(H) The ſaid queen gives licence to William Reddel, and to ſix others, and to what ſubjects, or ſubject whatſoever, of the ſaid late queen, her heirs and ſucceſſors, aſſign or aſſigns, tenants, or farmers, fo. 87. of the mannor of Gates-ſide, and Wickham, with their appurtenances, in the county of Durham, by vertue of a leaſe to the ſaid queen, made (amongſt others) by Richard, late biſhop of Durham, by his indenture, dated the 26. of April, in the 24. year of her reign, 1582. for ninety nine years from the making thereof; and that the ſaid aſſign or aſſigns, tenants, farmers, fo. 88. of the premiſes ſo demiſed, and their ſurvivors. The ſaid mannors, or lordſhips of Gates-ſide and Wickham, with their appurtenances, may grant and aſſign, to the ſaid mayor and burgeſſes, and to their ſucceſſors, for the reſidue of the years then to come; and to the mayor and burgeſſes of the ſaid town, and to their ſucceſſors, that the ſaid mannors, and lordſhips of Gates-ſide, fo. 89. and Wickham aforeſaid, with their appurtenances, may have, and hold, during the reſidue of the years then to come, the ſaid queen, for her, her heirs, and ſucceſſors, gave ſpecial licence, notwithſtanding the ſtatute of mortmain* or any other ſtatute, &c. fo. 90.

(1) The

(1) The queen pardoneth and releaſeth, to the ſaid mayor, and burgeſſes, and to their ſucceſſors, and to every ſubject and ſubjects whatſoever, &c. All, and all manner of pains, penalties, forfeitures, and ſums of money, and all other charges whatſoever to the ſaid queen, or to any her progenitors, fo. 91. theretofore forfeited, by vertue of an act of parliament, of king Henry the fifth, at Weſtminſter, in the ninth year of his reign, onely publiſhed for the aſſurement of keels, by parliament commiſſioners aſſigned, or by pretence of another act of parliament, begun at Weſtminſter, in the one and twentieth year of king Henry the eighth, fo. 92. intituled, An act concerning Newcaſtle, and the port there, for the loading or unloading of any merchants goods, within this kingdome, or elſewhere, to be ſold from any ſhip or ſhips, or other veſſels, in or at any place or places, within the port and river of Tyne, between Sparhawk, fo. 93. and Hadwyn ſtreams, but only at the ſaid town of Newcaſtle, and not elſewhere, under pains and forfeitures, in the ſaid act, contained and ſpecified. And by vertue of another act of parliament, at Weſtminſter aforeſaid, the three and twentieth of January, in the firſt year of the late queen Elizabeth, intituled, An act, limiting the times of expoſing upon land-merchandizes, from parts beyond the ſeas, and concerning cuſtomes and ſweet wines, and there it was enacted, amongſt others, for and concerning, fo. 94. the loading or unloading in, or from any ſhip, or other veſſel, any goods, wares, or merchandizes, againſt the ſaid act, &c. or to the late queen, due, and forfeited, by vertue of the ſaid acts, and all the goods, and chattels, lands, and tenements of the ſaid mayor, and burgeſſes, &c. being the aforeſaid penalties and forfeitures, &c. fo. 95.

See this act at the rolls whether there be ſuch a penalty or not becauſe the ſame is a private act.

Now followeth the charter of the free-hoaſt-men of Newcaſtle.

(K) MOREOVER the queen grants, to the ſaid mayor, and burgeſſes, and to every ſubject, and ſubjects of hers, her heirs, and ſucceſſors, inhabitants, and burgeſſes of the ſaid town, commonly called hoaſt-men, in every ſeaſon fitting, and hours accuſtomed, the cuſtomes and ſubſidies, and other profits, to the ſaid queen, her heirs and ſucceſſors, due to be paid, and to the cuſtomers, and fo. 96. collectors of the ſaid queen and ſucceſſors, agreeing thereupon to be charged or diſcharged, ſhipped or unſhipped, pit-coals, grind-ſtones, rub-ſtones, and whet-ſtones, near Newcaſtle, &c. ſuch ſhip, veſſel, &c. was of ſuch a capacity, or for any other reaſonable cauſe, that they could not fitly apply to Newcaſtle, that then, in ſuch caſe, the mayor and burgeſſes of the ſaid town, as their ſervants, &c. fo. 97. might and may, load, and unload, ſuch ſhip and ſhips, veſſel, and veſſels, with coals and ſtones aboveſaid, in their port, between Sparhawk and Newcaſtle, being diſtant by eſtimation not above ſeven miles. And further the queen willeth, fo. 98. and commandeth the ſaid mayor and burgeſſes, &c. and their ſucceſſors, and every ſubject and ſubjects of her, her heirs and ſucceſſors, inhabitants of the ſaid town, called hoaſt-men, that they, the ſame ſhips being of ſuch a capacity, that they cannot fitly ſail to the town of Newcaſtle, to charge and diſcharge themſelves, of coals and ſtones, fo. 99. ſo nigh Newcaſtle, as conveniently may be done, without fraud, &c. and that under the pain of one hundred ſhillings, to be levied for the queens uſe, her heirs and ſucceſſors, to be forfeited for every ſhip or veſſel, ſo charged or diſcharged, contrary to the true intention, mentioned in the ſaid letters pattents, and for that the queen

100 ſhillings for every ſhip or veſſel.

queen willeth, that the mayor, burgeſſes, and inhabitants, of the ſaid town, &c. fo. 100. being burgeſſes, may ſerve the queen and her ſucceſſors with more commendable ſervice, and may furniſh the queen, &c. with mariners, more cheerfully in our greateſt wars, as we have heard they have done in times paſt; and for that the ſaid town hath been a faithful fortreſſe, and defence, fighting againſt the rebels in times paſt, and hath behaved itſelf moſt dutifully to us, and to our progenitors, &c. fo. 101. reſiſting the ſaid rebels. The queen therefore giveth and granteth to the mayor, burgeſſes, and their ſucceſſors, all the felons goods, unto themſelves, and of fugitives, convicted and attainted, and of out-lawed perſons, &c. fo. 102.

All felons goods gran ed.

(L) And whereas the town of the Newcaſtle upon Tyne, is a town of merchan's, a mart or market of great fame, and ſtuffed with a multitude of merchants, dwelling therein, and of others, as well home-bred thither flowing, and there expecting their trade of merchanting, and thereupon it is neceſſary, to order and eſtabliſh, a certain order, within the ſaid town, fo. 103. and the ſpeedy recovery of debts to merchants, &c. due according to the ſtatute of Acton Burnel, &c. The queen granteth, fo. 104. to the mayor and burgeſſes, and their ſucceſſors, that the mayor for the time, for ever thereafter, ſhall have power, together with the clerk, to that end ordained, to take recognizances, according to the form of the ſtatute of Acton Burnel, and of the ſtatute of merchandize, made in parliament, in the time of king Edward the firſt, and that there ſhall be a clerk in the ſame town, which ſhall be called the clerk of the queen, her heirs and ſucceſſors, to take recognizances of debts, according to the ſaid ſtatute, fo. 105. The queen appoints William Jackſon, gentleman, to be her firſt, and then modern clerk, for taking recognizances of debts, within the ſaid town, to enjoy the ſame, during his life, and after his death, the mayor and burgeſſes, &c. fo. 106.

Halam a bel they to in the 29. year of ki Henry 8. fided with Th. Moor, maintain t popiſh reli on, this w here great ſervice.

The queen and her hei and ſucceſſ are to ha their clerk recogni- zances.

fo. 106. are impowred to prefer to the ſaid office, fo. 107. another of the burgeſſes of the ſaid town, to be the queens clerk (as before) and to continue, ſo long as it ſhould pleaſe the mayor, &c. fo. 108. And ſhall have a ſeal in two peeces, for ſealing the ſaid recognizances, and the mayor to have the cuſtody of the greater peece, and the clerk, fo. 109. ſhall have the cuſtody of the leſſer peece of the ſaid ſeal, &c. ſo that if a merchant, or any other ſhall be made a debtor, he may come before the mayor and clerk of recognizances, and before them acknowledge his debt, and day of payment, fo. 110. And the ſaid mayor and clerk, may do and diſpatch all other things, which by the ſtatute aforeſaid, are requiſite, &c. fo. 111. The ſaid clerk is to have ſuch wages, fees, rewards, and emoluments for the execution of the ſaid office, as any other mayor, of any other town, or city in England, &c. fo. 112. lawfully, and of right, hath or receiveth, &c. fo. 113.

he mayor to ve a ſeal. e chap. 46.

(M) The queen granteth by the ſaid charter, to the mayor and burgeſſes, and to their ſucceſſors, and to the inhabitants of the ſaid town, that they be quiet and diſcharged, fo. 113. of toles, paſſages, poundage, murage, chimage, paunage, laſtage, ſtallage, carriage, picage, tronage, hidage, and wharfage, for their goods and merchandizes, as well by land as by ſea, as well in fares as in markets, and all ſecular cuſtoms, over the queens lands, on this ſide, and beyond the ſeas, &c. fo. 114.

he town of ewcaſtle ſcharged of les, &c.

ofits of les of mar- ts and fares Newcaſtle d liberties, be levied r the uſe of e mayor. hey may ke but pay toles.

The queen further granteth to the ſaid mayor, burgeſſes, and their ſucceſſors, that they ſhall have for their publick uſe, all and ſingular ſuch like toles, and all other cuſtoms, toles, profits, and advantages, in fares and markets, holden and to be holden within the ſaid town, and any other times whatſoever by themſelves, fo. 115. to be levied and gathered, and to be expended to, and for the uſe of the ſaid mayor and burgeſſes, and their ſucceſſors, &c. and the

the ſaid queen forbiddeth, that any man diſturb them, &c. fo. 116.

*See 3 Ed. 20. chap. 2 48. 49. Merchant ſtrangers fe ling and buy ing of me chandizes Newcaſtle. *See ſtat. Rich. 2. 7. 14 Rich. 2. 5. 6. Edw. 6 9. See chap 51. A. * See chap 49. D. chap 51. A.

(N) The ſaid queen alſo grants to the ſaid mayor and burgeſſes, and their ſucceſſors, that no merchant ſtranger*, from the liberty of the ſaid town of Newcaſtle, may ſell to any merchant ſtranger, any their merchandizes within the ſaid town (except victuals, and beſides in markets and fares, to be holden within the ſaid town, and limits thereof) nor ſuch merchant ſtranger may buy any merchandizes, (except and beſides, as is before excepted,) fo. 117. of any merchant ſtranger, within the ſame town and liberty thereof, other than in groſs, upon pain and forfeiture* of thoſe merchandizes, to be had and levied, for the publick uſe of the ſaid mayor and burgeſſes, fo. 118.

A general confirmation of all liberties, &c.

The queen moreover granteth, that the ſaid mayor and burgeſſes, and their ſucceſſors, fo. 118. may have, hold, &c. all ſuch like liberties, cuſtoms, franchiſes, &c. and all other the premiſes, &c. to the ſaid mayor and burgeſſes, granted and confirmed, as is before expreſſed, and that they may injoy, and uſe them for ever, fully, freely, &c. without impeachment, moleſtation, &c. fo. 119.

*See ſtat. 30. Edw. 1. A diſcharge of all former actions to be brought againſt them by writ of quo warranto. It doth not clear ſince.

Further, the queen pardoneth and releaſeth, to the ſaid mayor and burgeſſes, and to their ſucceſſors, all, and all manner of actions, ſuits, impeachments by writ of quo warranto,* to be brought or executed againſt the ſaid mayor, fo. 120. and burgeſſes and their ſuceſſors, by the ſaid late queen, &c. or by any of her officers, by reaſon of any franchize, liberty, &c. by the ſaid mayor and burgeſſes, or their predeceſſors, within the ſaid town, and limits thereof, before times challenged or uſurped, and that the ſaid mayor, and burgeſſes ſhall be quit, and altogether diſcharged for ever, fo. 121.

Burgeſſes to be admitted by the mayor and burgeſſes.

The queen further granteth, that every perſon or perſons, who for ever hereafter ſhall be admitted to be burgeſſes, &c. ſhall be admitted by the mayor and

and burgeſſes, &c. or by the greater part of them, fo. 122.

A new free grammer-ſchoole to be erected and called by the name of queen Elizabeth her free grammer-ſchoole.

(o) Moreover the queen, often conſidering in her mind, of how much availe it is to the commonwealth of England, to have youth well educated and inſtructed from their tender years, &c. fo. 123. ordaineth and granteth, that within the ſaid town of Newcaſtle, and the liberties thereof, that there be erected, and for ever, there be one free-grammer-ſchoole, which ſhall be called the free-grammer-ſchoole, of queen Elizabeth, in Newcaſtle, and ſhall conſiſt of one maſter and ſchollars, to be inſtructed in the ſame, and that they the maſter and ſchollars, of the ſame ſchool, fo. 124. for ever hereafter, ſhall be one body corporate, in law, fact, and name, by the name of the maſter, and ſchollars, of the free-grammer-ſchoole of queen Elizabeth, in Newcaſtle upon Tyne, &c. and by that name may have perpetual ſucceſſion, and ſhall be in perpetual times to come, fo. 125. perſons able and capable in the law, of having, purchaſing &c. lands, tenements, &c. to them and their ſucceſſors in fee ſimple, or for term of years, ſo they exceed not the yearly value of 40l. and ſo they be not holden of the ſaid queen, her heirs and ſucceſſors in chief, nor by knights ſervice, &c. fo. 126. 127. 128. and that the mayor and burgeſſes of Newcaſtle, and their ſucceſſors, or the greater part of them, &c. fo. 129. ſhall have power, to make an honeſt, learned and diſcreet man, to be the firſt and modern uſher in that ſchool, there to continue, during the good pleaſure of the mayor and burgeſſes, &c. fo. 130. and if it happen the maſter and uſher to die, or leave the ſaid ſchool, &c. fo. 131. then they may chuſe other men, to be maſter and uſher, &c. fo. 132. 133.

(p) AND whereas the mayor and burgeſſes of Newcaſtle, more deeply conſidering, and weighing, the effect of divers letters pattents, &c. And whereas the ſaid town is an ancient town, and the

the mayor and burgeſſes of the ſame, time out of mind, fo. 133. of man, they have had a certain guild or fraternity, commonly called hoaſt-men*, for the diſcharging and better diſpoſing of ſea-coals, and pit-coals, grind-ſtones, rub-ſtones, and whet-ſtones, in and upon the river and port of Tyne, which guild or fraternity is granted, or eſtabliſhed, by none of the ſaid letters pattents: Whereupon the ſaid mayor and burgeſſes, have humbly ſupplicated the ſaid queen, that in ſupply of the ſaid defects, that we would exhibit our liberality and favor, fo. 134. and that we would vouchſafe to make, reduce, and create the ſaid guild, into a body corporate and politick, &c. The ſaid queen therefore ordaineth, fo. 135. appointeth, and granteth, that William Jenniſon, the elder, and 44 perſons more, commonly called the hoaſt-men, of the ſaid town of Newcaſtle upon Tyne, and brethren of the ſaid fraternity, and all others, which now are, or hereafter ſhall be elected, admitted, &c. into the ſaid guild, or fraternity, of the ſaid hoaſt-men, of Newcaſtle upon Tyne, fo. 136. 137. hereafter, and ſhall, be one body corporate and politick, in law, fact, and name, by the name of the governor and ſtewards, and brethren of the fraternity of the hoaſt-men, in the town of Newcaſtle upon Tyne, &c. one body corporate and politick, really and at full, for us, our heirs and ſucceſſors. We do erect, make, ordain and create, &c. and that by the ſame name, they may, and ſhall, have a perpetual ſucceſſion, and are, and ſhall be, in perpetual times to come, perſons able, and in law capable, to have, purchaſe, receive, and poſſeſs, fo. 138. lands, tenements, liberties, &c. to them and their ſucceſſors, in perpetuity,* and otherwaies, and to give, grant, demiſe, &c. the ſame lands, tenements, and hereditaments, and to do all other things, by the name aforeſaid, and that by the ſame name, they may plead, or be impleaded,

*See ſtat. 2 Jacobi cap. Mayor and burgeſſes petition, having been an ancient fraternity commonly called hoaſt-men, for the diſcharging and better diſpoſing of ſea-coals, &c. that they may be incorporated in one body. The queen ordaineth them ſo to be. Names 45 to be the guild or body corporate. This is called a monopoly, in the ſtat. of the 21. k. Jam. c. 3.

Enables them to become purchaſers in perpetuity. * See ſtat. 15 Rich. 2. 5. 7 Ed. 1.

pleaded, &c. in what court ſoever, &c. fo. 139. 140.

o make a al, and break at pleaſure. ee chap. 46. A.)

(Q) And that the ſaid governor, and ſtewards, and brethren, of the hoaſt-men of the town, fo. 140. of Newcaſtle, aforeſaid, and their ſucceſſors, that ſeal at their pleaſure, may break, alter, and make, as to them ſhall ſeem good. And the queen appointeth, that there be and ſhall be for ever hereafter, of the number of the hoaſt-men, &c. which yearly upon the fourth of Jan. fo. 141. ſhall be choſen, &c. by the ſaid brethren of that fraternity, &c. to be governor, &c. And likewiſe there ſhall be, for ever hereafter, two honeſt and diſcreet men, of the ſaid number of hoaſt-men, &c. fo. 142. who ſhall be the ſaid fourth of January, choſen by the ſaid governor, ſteward, and brethren of the ſaid fraternity, &c. And that the queens will in the premiſes, may have a more excellent effect, ſhe, fo. 143. aſſigneth, nameth, and createth, William Jenniſon, the elder, to be the firſt and modern governor, &c. fo. 144. Moreover ſhe hath aſſigned, named, conſtituted, and appointed, Francis Anderſon, and John Barker, to be the firſt and modern ſtewards of that fraternity, &c. fo. 145. 146. 147. 148. 149.

o have a go- rnor.

ower to ake laws in heir guild, as e pure, holeſome, ood, and rofitable, for he good go- ernment of he ſaid com- any. See 19 Hen. 7.

(R) The queen further grants, to the ſaid governor, ſtewards, and brethren of the ſaid fraternity of hoaſt-men, &c. and to their ſucceſſors, fo. 149. that the ſaid governor, ſtewards, and brethren, &c. and their ſucceſſors, &c. ſhall have in every fit time, for ever hereafter, full power of meeting, in their guild-hall, or in any other place convenient, within the ſaid town, and there to conſtitute, make, fo. 150. ſuch laws,* inſtitutes, &c. which to the ſaid governor, ſtewards, and brethren, &c. good, wholeſome, profitable, &c. according as they ſhall think good, for the good rule and government of the governor, ſtewards, and brethren of the ſaid fraternity, and for declaration, by

by what means and order, they, fo. 151. and their factors, ſervants, and apprentices, in their office and buſineſſes, concerning the ſaid fraternity, they ſhall have, carry and uſe, &c. and that the governor, ſtewards, and brethren of that fraternity, &c. as often as they grant, make, ordain, or eſtabliſh ſuch laws, inſtitutes, inform, fo. 152. and they may impoſe ſuch pains, penalties,* puniſhments, and impriſonments* of body, or by fines, &c. upon all delinquents againſt ſuch laws, (s) inſtitutes, &c. as to them ſhall be thought neceſſary and requiſite, and as to them ſhall be thought beſt, for the obſervation of the ſaid laws, ordinances, &c. fo. 153. and the ſaid fines and amerciaments, at their diſcretions, they may levy, have, and retain, to them and their ſucceſſors, to the uſe of the governor, ſtewards, and brethren, aforeſaid, without calumny, &c. all which, and ſingular laws, ordinances, &c. the ſaid late queen willeth, to be obſerved; ſo that the ſaid laws, ordinances, fo. 154, &c. be not repugnant, to the laws, or ſtatutes, of the kingdom of England.

* See ſtat. 2 Ed 1. 5. To impoſe p nalties by fi or impriſon ment upon t offender. * See 28. E 3. 3.

And further, the queen granteth, to the ſaid governor, ſtewards, and brethren, &c. and to their ſucceſſors, that for ever hereafter, they and their ſucceſſors, &c. fo. 155. may have, and ſhall have, full power, from time to time, at their pleaſure, to chuſe, name, and ordain, other inhabitants, and burgeſſes of the ſaid town, &c. to be, and ſhall be brethren of the ſaid fraternity, &c. who, ſo elected, nominated, and ſworn, ſhall be named, and be brethren of that fraternity.

And to ha all fines for the compan uſe. See cha 43. D.

Moreover, fo. 156. the ſaid queen grants licence, power, and authority, to the ſaid governor, ſtewards, and brethren, &c. and to their ſucceſſors, that they, for the time being, and their ſucceſſors, and eveny of them, for ever hereafter, may and ſhall, quietly and peaceably, have, hold, uſe, and enjoy, all ſuch liberties, privileges, &c. fo. 157. concerning the loading, and unloading, ſhipping,

Such laws be obſerved, if they be n repugnant t the known laws of Eng land. See ſtat. 19. Hen. 7.

hey to have the loadg or reloadg of coals, c. in that ort, in any art of the ort, notwithanding the atute of the 1. Hen. 8. hap. 18. ee ſtat. 21. a. 3. a monooly.

t is conceived his charter ould not reeal that ſtaute.

or unſhipping, of ſtone-coals, pit-coals*, grind-ſtones, rub-ſtones, and whet-ſtones, (T) And that they may for ever hereafter, load and unload, ſhip and unſhip, in or out of any ſhips or veſſels, pit-coals, and ſtones aforeſaid, within the ſaid river and port of Tyne, in any place or places, as to them ſhall be expedient, fo. 158. between the ſaid town of Newcaſtle, &c. and the aforeſaid place, in the aforeſaid river, called the Sparhawke, ſo nigh to the ſaid town of Newcaſtle, &c. as conveniently may be done, according to the true intention of theſe letters pattents, as the men and brethren of the ſaid fraternity, at any time, have uſed and accuſtomed, notwithſtanding the ſtatute of king Henry 8. the 3. of November, in the 21. year of his reign, and from thence adjourned to Weſtminſter, holden, publiſhed, 1559. Intituled, An act concerning Newcaſtle, and the port, and, &c. to the ſame belonging, or any other act, &c. notwithſtanding: And the ſaid queen alſo willeth, &c. for that expreſs mention, &c. witneſs the queen, at Weſtminſter, the 22. of March, in the 13. year of her reign, fo. 160.

What a world of profits is given from the crown, which ought to maintain it, and would have ſo filled the coffers, as that there had been little need of ſeſments, &c.

Having read ſome works, of thoſe late famous expoſitors of the law, I drew two or three heads out as obſervations, for the knowledge of thoſe, who know them not, written by way of explanation of our known laws, as being a law, uſed time out of mind, or by preſcription.

The law of nature is, that which God infuſed into the heart of man, for his preſervation and direction, and that the law of England is grounded upon ſix principal points; the law of reaſon, the law of God, divers cuſtoms of this land, of divers principles and maxims, divers particular cuſtoms, and of divers ſtatutes, made in parliament.

The

The fundamentall lawes of England are ſo excellent, that they are the birth-right, and the moſt antient and beſt inheritance, that the free people of England have, for by them, they enjoy not onely their inheritance and goods, in peace and quietneſs, but their lives and dear country, in peace and ſafety. Cooks preface to the ſixth replication, and on Littleton, l. 2. c. 12. ſect. 213.

Sometime it is called right, ſometime common right, and ſometimes *communis juſtitia;* and it is the ſame law which William the Conqueror found in England, the laws which he ſware to obſerve, were, *Bonæ, &c. approbatæ antiquæ regni legis.*

Charter-law being ſo repugnant to the above written, and ſo deſtructive to the weal of the people, that never any writer ever writ of them, nor ever any parliament enacted their publication, knowing they were no other then prerogative, and dyes with the donor; and it is an infallible rule, where no law is publiſhed, there cannot be any tranſgreſſion, or obedience required.

The corporation of Newcaſtle hath but two ſupporters, to ſtand and fall by, firſt, preſcription, ſecondly, cuſtom.

As to preſcription, a quo warranto will avoid that upon a legall tryal, it being underſtood, that charters are void, by reaſon of the change of government, if not, yet by breach of charter, exceeding their power, being nothing elſe then a fallacy.

And as to plead cuſtom, they have no right, nor never in poſſeſſion of what they claim; cuſtomary right is good law, but cuſtom without right, is but an old error, and ought to be removed; drunkenneſs and ſwearing is cuſtomary: Is it fit it ſhould ſtand becauſe of its cuſtom?

Kings were before corporations, and could have better juſtified themſelves, for a continuance, then corporations, by reaſon they might plead hereditary, or electary, conquerors, or cuſtomary, yet being found

found a grievance, was taken and removed for their arbitrary actings: Why then muſt their power ſtand, that is no law?

If it were juſtice to execute thoſe two judges, Empſon and Dudly, for onely putting a ſtatute law in execution, not repealed, which is above charters, being grievous to the people; it were nothing more to execute juſtice upon ſuch, who act the ſame without any law.

King John who was a murderer, yet commanded a murderer to be taken from the altar, and ſent to the ſlaughter. Here was juſtice!

Why do not our juſt judges ſend ſuch like, from the charter to the ſlaughter? If Strafford loſt his life for acting oppreſſively, by an arbitrary power, why not others for the ſame?

CHAP. XII.

KING JAMES,

His charters and orders.

MARS, PUER, ALECTO, VIRGO, VULPES, LEO, NULLUS.

(A) KING JAMES, in the ſecond year of his reign, being humbly ſupplicated by the mayor, and burgeſſes of Newcaſtle, that he would be graciouſly pleaſed, to confirm all their antient grants and charters, and to give them further powers, eſpecially of the river Tyne, the king confirms their charters, but grants nothing new, onely alters the election of their officers, and preſcribes them new oathes, to be adminiſtered to the ſaid officers, in their elections, which charter is in the chappel of rolls.

(B) Alſo

0145



Engraved by W. Ridley, from an Original Painting in Hampton Court.

JAMES I.

(B) Alſo the king and his council, grants them the conſervancy of the river of Tyne, by giving nine articles, upon the 29. of January, 1613, and joyned in the ſaid order, the biſhop of Durham, and other juſtices of peace, of the county of Durham and Northumberland, with the ſix aldermen of the ſaid town of Newcaſtle; but three years after, being weary of partners, the mayor, aldermen, and a jury of the burgeſſes, exhibited a great complaint to the king and council, at White-hall, of the great decay of that river, occaſioned by the ſaid commiſſioners, through their neglect, and breach of truſt, which complaint, begat this following reference from the council table, and further power to add to the former. See chap. 34. (C.) 35. (A.B) 28. (A.P)

(C) Whereas, upon complaint of the decay of the river of Tyne, and of the daily abuſes, done and committed, to the prejudice of the ſame, certain articles were granted, on the 29. of January, 1613, and commanded to be put in execution, for the remedy of ſuch abuſes; and for as much as a jury of Newcaſtle-men, have, by their petition to this board, grievouſly complained thoſe articles were wholly neglected, by the mayor and ſix aldermen of the ſame town, and the biſhop of Durham, and juſtices of peace, all which were joynt commiſſioners, for the preſervation of that river, the river decaying ſo faſt, that in ſhort time, it would be dord and wrecked up, with ſand, &c. if not order ſoon taken therein. The councel ordered ſir Ralph Winwood, ſir Julius Cæſar, and ſir Daniel Dunn, one of the judges of the admiralty, with the aſſiſtance of the trinity-maſters of London, to draw up thirteen articles more, to be joyned with the former nine. And by ſpecial order of his majeſties council, at White-hall, was given and commanded, that all the ſaid two and twenty articles, be put in execution, for the conſervation and preſervation of the river of Tyne, by the commiſſioners, hereafter

See chapters 19. 24. 25. 26. 28. 34. (A.B) (A.B) 35.

after named, or elſe to forfeit all the towns liberties, into the kings hands. See chap. 13.

(D) And though the commiſſioners, formerly appointed, for the execution of the former articles, are perſons of place and quality, and otherwiſe well deſerving of the publick, yet for as much as contrary to the truſt repoſed in them, they have altogether neglected their duty therein, whereof further notice may be taken, as occaſion ſhall require, it is thought expedient that theſe perſons following, be named and authorized commiſſioners, for the due performance and execution, as well of the ſaid former articles, bearing, date the 29. of January, 1613, as of thoſe now deviſed and publiſhed, with the joynt conſent, and good liking of the aldermen, of the town of Newcaſtle, and others attending their lordſhips, in that behalf, for the ſafety and conſervency of that river.

(E) *The names of the commiſſioners at Newcaſtle, for the river of Tyne.*

THE MAYOR,	JOHN HOLBOURN,
WILLIAM WARMOUTH,	HEN. JOHNSON,
TIMOTHY DRAPER,	EDW. FRENCH,
CUDB. BEWICK,	THO. EWBANK,
THO. WYNN,	GEORGE WALLIS,
LEO. CAR,	RALPH COX,
ROBERT LEGER,	JOHN EADEN,
JOHN STUBS,	JOHN BUTLER.
ROBERT CHAMBERLAIN,	

(F) 29. January, 1613.

ee ſtat. 3. Hen. 8. 5.

1. THAT the owners of every ſalt-work, on either ſide of the river of Tyne, built and to be built, do, within ſix months build up their wharfs and keyes, ſufficiently above a full ſea-mark, in height of the water, to be appointed by the mayor, and ſix aldermen, to the end, neither coals nor rubbiſh do fall off into the river.

2. That

2. That all wharfs and keys, in all parts of the river of Tyne, be damm'd and back'd with earth, and not with ballaſt.

3. That no ballaſt be caſt at Shields, by any veſſel, which loadeth, either with coals or ſalt, or other commodities, nor any ballaſt wharfes to be built there, or uſed for that purpoſe. See chap. 19. (H), 24. (E), 18. (A).

4. That all ſalt-pan owners, ſhall carry away their pan rubbiſh, from off their keyes, or wharfs, every forty dayes, that none fall into the river.

5. That no ballaſt be caſt, but upon ſufficient ballaſt wharfs, built, and to be built, above a high water mark, and to be allowed by the mayor, and ſix aldermen, in any part of the river. See chap. 49. (G).

6. That the ſurveyors, unladers, and caſters of ballaſt, according to their offices and duties, ſhall, every week, cauſe all the ballaſt which falls off the ballaſt ſhores, into the river, to be taken up again, and caſt upon the ballaſt wharfs; and to take care, that the ſhips have a good fayl, to lie between the ſhip and ſhore, that none of the ballaſt fall between, into the river. See chap. 49. (G), 14. (B), 34. 35.

7. That no coals nor ſtones be digged, within ſixty yards, on a ſtreight line, from a full ſea-mark, in any part of the river, to the end none fall in.

8. That ſome ſtrict and ſevere puniſhment, be inflicted, by the mayor and ſix aldermen, upon any ſuch maſter of ſhip, or keels, as ſhall preſume to caſt any ballaſt, upon any inſufficient ſhores, or into the river. See chap. 49. (E), 39. 14. (C).

9. That there ſhall be no wyers, dams, or other ſtoppage, or caſting of ballaſt, in or neer the ſaid river, or creeks, running into the ſaid river of Tyne, or within eight miles of the town of Newcaſtle, but ſuch as ſhall be allowed, by the mayor and ſix aldermen, of the ſaid town, ſuch ſhores being ſufficiently wharfed. See chap. 34.

Thirteen articles more granted, Feb. 14. 1616.

10. That no lighters, boats, or keels, with ballaſt, be ſuffered to go up and down, the river of Tyne, in any night tide, to prevent the keelmens caſting ballaſt into the river, they often uſing ſo to do, being more eaſie, and leſs labour to caſt it into the river, than upon the top of the ballaſt ſhores, which ſpoyls the river, the commiſſioners are to take care herein, to ſee the putting hereof, in execution, and to puniſh offenders. See chap. 49. (E).

11. That ſtrangers ſhall be appointed every week, to cleanſe the ſtreets in Newcaſtle, of their aſhes and other rubbiſh, to prevent the rain from waſhing the ſame into the river, thorough Loadbourn.

12. That all the gates, on the town key, be locked up every night, except one, or two, to ſtand open, for the maſters and ſea-men, to go too and fro, to their ſhips, which will prevent ſervants caſting aſhes, and other rubbiſh, into the river; and that thoſe two gates be conſtantly watched, all night long. See chap. 49. (E), chap. 14. (B).

13. That all ſervants dwelling, with any the inhabitants, reſiding or inhabiting, in the town of Gates-head, and Sand-gate, and the Cloſe, in Newcaſtle, be ſworn every year, not to caſt any rubbiſh, into the river. See chap. 49. (E).

14. Whereas there hath been an ancient cuſtome in Newcaſtle, that every maſter of any ſhip, who is known to caſt any ballaſt at ſea, between Souter and Hartly, or within fourteen fathom water of the haven, to the hurt of the ſaid river, was brought into the town chamber; and there in the preſence of the people, had a knife put into his hand, was conſtrained to cut a purſe, with monies in it, as who ſhould ſay he had offended in as high a degree, as if he cut a purſe from the perſon of a man, whereby he might be ſo aſhamed, that he ſhould never offend again therein; and others by his example, were terrified

terrified from treſpaſſing, in the like kind, that now in the time of ſo general wrongs, done to the river, and the great number of ſhips, which comes into that haven, this ancient cuſtome be revived, and put in execution. See ſtat. 8. Eliz. 4. See chap. 39. (A).

15. That whereas much ballaſt falls off into the river of Tyne, between the ſhips and the ballaſt ſhores, in caſting of it out of the ſhip, to the great hurt of the ſame, the commiſſioners are to ſet, every winter ſeaſon, the poor keelmen, and ſhewel-men, on work, to caſt into keels, ſuch ballaſt and ſand, fallen into the river, and then to caſt it on the ſhores, or wharf again.

16. That ſome truſty truly ſubſtantial men, burgeſſes of Newcaſtle, be appointed to view the river, every week, and to make oath, for the abuſes and wrongs, done unto the ſame, two to be maſters of the trinity-houſe, of that town; they to have no coals, nor mines, nor ballaſt-ſhores, and to be appointed by the commiſſioners. See chap. 39. (35.)

17. That every owner of ground, adjoyning on that river, be ordered to fence the ſame grounds, to prevent the banks from falling, and waſhing into the river, with the great floods, flaſhes, and rains, to the great annoyance thereof. See chap. 49. (E).

18. That the commiſſioners, namely, the mayor, and others named before, do give unto the maſters, ſkippers of keels, a commiſſion, to be a company, for the ordering ſuch their brotherhood, and for them to puniſh ſuch, as caſt ballaſt into the river, or doth other wrong, out of their keels, they having been a company formerly, conſiſting of one hundred and ſixty, which was for the good of the river; that the two great pools of water, lying on the back of a ballaſt-ſhore, be forthwith filled up, to prevent undermining of the ſhore, to the hazard of the river, if the wall, and ballaſt fall down.

19. That all the ballaſt ſhores, in the river of Tyne, be conſtantly kept in good repair, otherwiſe, a hundred thouſand tons of ballaſt, will fall into the river, to the deſtruction thereof. See chap. 34.

20. That no ſhip or veſſel be ſuffered to load at Shields, or any road-ſtead in the river, but as neer the town of Newcaſtle, as can be, for when they load in remote places, the wrongs cannot be ſo ſoon ſeen. See chap. 19. (H), 24. (E).

21. That the commiſſioners do take good bonds, from the owners of ſuch ſhores, as ſhall be built, to lay coals on for ſhips, and ſhall take view of ſuch places, as ſhall not do hurt to the ſaid river,* either by caſting ballaſt on them, indirectly, or to ſuffer them to go to decay, after there is no uſe made of them, and to keep the ballaſt, from waſhing into the river. See chap. 13. 34. 35.

*Theſe artiles are all void otwithſtandg it is all the ower they n claim.

Theſe were preſent in council, that granted theſe articles.

LORD ARCHBISHOP OF CANTERBURY,	LORD ZOUCH,
LORD CHANCELLOR,	LORD CAREW,
LORD TREASURER,	MR. COMPTROLER,
LORD STEWARD,	MR. VICE-CHAMBERLAIN.
LORD ARRUNDEL,	MR. SEC. WINDWOOD,
LORD CHAMBERLAIN,	MR. SECRETARY LAKE,
LORD ADMIRAL,	MR. CHANCELLOR EXCHEQUER,
EARLE BUCKINGHAM,	MR. OF THE ROLLS,
LORD BISHOP OF ELY,	MR. ATTORNEY GENERAL.

All theſe articles are broke, except the fifth, for cutting purſes, and the ninth article, in ſtopping up the two pools, &c. Read the following order, &c.

The council table ordered, that Leonard Car, and Cuthbert Beuwick, two of the commiſſioners which attend this buſineſſe, be allowed their charges, for their pains and attendance, and likewiſe this board might be the better aſſured, with what care and diligence theſe directions are purſued, that the commiſſioners, do

do every quarter certifie, of the proceedings herein, that further order might be taken, upon any defect that might happen, and as ſhall be found expedient.

CHAP. XIII.

An order to ſeize all Newcaſtles liberties, &c.

UPON an order, now taken, concerning the river of Tyne, and divers articles, conceived fit by the board, for the preventing of ſuch diſorders, and abuſes, as are done, and committed, to the detriment of the ſaid river, it is thought fit, and ſo ordered, for the better obſervancy of the ſaid articles, and the more carefull endeavours of the mayor, and aldermen, of the town of Newcaſtle, for the reformation, and amendment, of ſuch things, as are hurtfull and prejudicial to ſo famous a river, which have been ſlighted and neglected, beyond that, which any way may be reaſonably thought of, in a matter of ſo great importance.

That upon the firſt juſt complaint, renewed to this board, in that kind, his majeſties attorney general be hereby authoriſed, without further queſtion, or warrant, to direct ſome courſe, for the ſeizing of all the liberties of that town, into the kings hand; of which their lordſhips pleaſure and reſolution, is, that ſuch aldermen, and others of that town, as are now here attending that buſineſſe, were by the board required, hereby to take notice. Given at our court, at Whitehall, this 16. of February, 1616. See chap. 19. (A), 24. (A), 25. (A), 26. (A), 28. (A), 34. (A), 35. (A.B).

There

There were theſe preſent in council.

LORD ARCHBISHOP OF CANTERBURY,	MR. COMPTROLER,
LORD CHAMBERLAIN,	MR. VIC. CHAMBERLAIN,
LORD ARRUNDEL,	MR. SEC. WINDWOOD,
LORD VIC. WALLINGFORD,	MR. SEC. LAKE,
LORD STEWARD,	MR. CHANCELLOR EXCHEQUER,
LORD BISHOP OF ELY,	MASTER OF THE ROLLS,
LORD ZOUCH,	MR. ATTORNEY GENERAL.

It is conceived a writ of ſeizure, lyes in this caſe, by reaſon of the many grievous complaints, exhibited for their exorbitant abuſes, committed againſt the weal of the nation, in that river, in the ſpoyl thereof, as appears, and in not putting all thoſe articles in execution, for preſervation thereof, &c.

In Michaelmas, 1643, in the preſence of Mr. Juſtice Snape, ſteward of the liberties of St. Katherines, London, the lord chief juſtice, St. John, did direct to ſeize St. Katherines liberties, for not yeelding obedience, to a writ of the common bench, executed in St. Katherines, and the attorney that gave the advice was committed. (A good precedent.)

CHAP. XIV.

A return, by the commiſſioners of Newcaſtle, in the due execution of their power, &c.

(A) THE commiſſioners, for conſervency of the river of Tyne, at Newcaſtle, returns their quarterly account, of their diligent care, in the due execution, of the two and twenty articles, afore-mentioned, unto the council table, by Mr. Leon. Car, and

and Mr. Buewick, with order to petition the council, for an explanation, upon ſome of the ſaid two and twenty articles, and for further power, for the preſervation of the ſaid river, eſpecially upon the one and twentieth article, to whom the bonds ſhould be made. It was ordered to the mayor, for the time being, &c.

(B) Alſo prayed reſolution, who ſhould repair and maintain the ballaſt ſhoars, and coal-wharf, as is expreſt in the nineteenth article. Ordered, that as well the owner as the tenant, be bound to ſuch reparation, during the time uſe was made thereof, and onely the owners afterwards.

They alſo humbly craved their reſolutions of the ſixth article, and twelfth article, who ſhould be at the charge of cleanſing the river, of the ballaſt, and pay the watchmen, &c. It is ordered, that the town-chamber, defray both the one, and the other, by reaſon, they receive the profits of the river, &c. See chap. 12. (6), chap. 34. 39. 49.

(C) They alſo prayed the reſolution of the eighth article, for the puniſhing of maſters of ſhips. It was ordered, that the commiſſioners ſhould take bond, with ſufficient ſureties, to appear before the council, to anſwer their contempt, and to ſuch as refuſe to give bond, then the commiſſioners, to commit them to priſon, till they give ſureties, to anſwer at London, &c. See chap. 41. (C).

Ordered, that the commiſſioners ſhall have power, for ordering the wharf, and new ſhoars, in every place, in that river, after they are once erected, as well for the ſtrengthning as backing of them, with ballaſt, as with other earth. See chap. 18. (F).

(E) That the commiſſioners, there at leaſt, ſhall ſubſcribe every ticket, and the mayor for the carrying up of every keel of ballaſt, from the ſhips at Shields, to Newcaſtle ballaſt ſhoars, for the more faithfull execution of that ſervice. See chap. 49. (G).

(F) Ordered, that the commiſſioners ſhall have power, to order and determine, of ſuch rewards, as ſhall

ſhall be given, to every wherry-man, or fiſherman, or other, that ſhall truly preſent any offence, or offenders, againſt any of the articles preſcribed, to be taken out of ſuch fines, mulcts and amerciaments, as ſhall be impoſed upon any the delinquents, againſt the ſaid articles. See chap. 39. (A).

(G) Ordered, that the commiſſioners ſhall have power, to cauſe the ballaſt, already become noyſome, or in any part of the river, or like to do hurt, from the land, to be removed to a new wharf, or fit place. See chap. 34. (A), 35. (A.B.).

CHAP. XV.

KING JAMES, on the 14. of April, in the ſeventeenth year of his reign, grants unto Alexander Stevenſon, Eſq. and his aſſigns, for fifty years, the whole caſtle of Newcaſtle, with all appurtenances thereunto, any way belonging, at the rent of forty ſhillings, per annum. except the priſon, wherein is kept the ſons of Belial, it being the county priſon, for Northumberland; the ſaid Mr. Stevenſon dyed, and left Mr. Auditor Darel, his executor, and left him that leaſe, it being all he was like to have, towards the payment of the ſaid Mr. Stevenſons debts, which was due to the ſaid executor, and others, amounting in the principle, to two thouſand and five hundred pound, beſides damages, which amounted to as much more, who is kept from his right, by the inſtigation of the mayor and burgeſſes, upon an inquiſition taken, the 18. of Auguſt, in the 18. year of king James, at Newcaſtle. It was found to be in Stevenſon, and now in his executors. The ſaid Stevenſon dyed in October, 1640, they claiming a right from one widow Langſton,

Langſton, relict to one John Langſton, groom, porter, &c. but that title, the law will quickly decide, upon a legal trial; but the county of Northumberland hath the reverſion, who is kept, from having a free paſſage to the aſſizes, by the mayor and burgeſſes, who ſhuts up the gates, which is the right paſſage, and at ſuch gates, which be open, the people of Northumberland, coming to do their ſervice, at the aſſizes, holden for that county, in that caſtle, are arreſted, and caſt into priſon, by Newcaſtle, where none can bail them, but burgeſſes of Newcaſtle, and often thereby, ſuch people, have their cauſe overthrown, by ſuch reſtrainment.

In eaſter term, in the 18. year of king James, ſir Henry Yelverton, kt. attorney general, exhibited an information, againſt the mayor and burgeſſes, concerning the premiſes above mentioned, where all plainly appears, amongſt other things of the town, not to belong to them, &c.

CHAP. XVI.

(A) IN or about the eighteenth year of king James, an information was exhibited, in the Star Chamber, by the attorney general, againſt the mayor, and burgeſſes of Newcaſtle, by the name of hoſtmen, for that they, having the preemption of coals, from the inheritors in Northumberland, and county of Durham, by their charter of free-hoaſt-men, 42. queen Elizabeth,* they having the ſale of all coals, who force ſhips to take bad coals, or will not load them, with unmarketable coals, being brought for London, prove much to the damage of the people.

Which grief begot great ſuits, between the merchants, and maſters of ſhips, to their diſquieting and high charge, upon which, this information was

brought againſt the ſaid hoaſt-men, for ſelling of bad and unmerchantable coals, and much ſlate amongſt them; for which they were all fined, ſome 100l. a peece, ſome more, others leſs; being found guilty, and ordered to do ſo no more; but it is proved, they continue the ſame, to this day. See chap. 43. (A.).

CHAP. XVII.

(A) KING JAMES, upon the 28th. of January, in the 16. year of his reign, grants the admiralty, of all England, &c. to the duke of Buckingham, it being ſurrendred by the lord high admiral, ſo that the title of Newcaſtle, by vertue of the charter, of the 31. year of queen Elizabeths reign, is conceived of little force. See chap. 10. (B).

CHAP. XVIII.

KING CHARLES

HIS ORDERS.

(A.) SIR ROBERT HEATH, lord chief juſtice of the common pleas, was building a ballaſt wharf, or ſhoar, on his own land, at Shields, adjoyning upon the river of Tyne, ſeven miles from Newcaſtle; but the commiſſioners of Newcaſtle, the mayor and aldermen, with others, obſtructed the building thereof, pretending it would ſpoil the river; but the lord chief juſtice, well knowing it to the contrary, by the advice of moſt of the antient trinity

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Taken from a Painting at Hampton Court, and Engraved by Bailey.

CHARLES I.

trinity maſters, of London, and other experienced traders thither, went on with the building thereof, upon which, in the year 1632, the ſaid mayor, and other commiſſioners, exhibited a complaint, to the king and council, againſt the ſame, at Whitehall, complaining, that, if any ballaſt ſhoars, or wharfs, were built, at Shields, it would much ſpoil the river, and hinder trade and navigation; at which there was a legal tryal. It appeared to the contrary. The king and council, upon the 13th. day of July, 1632, ordered, that Sir Robert Heaths ballaſt ſhoar, ſhould be built.

(D) In February next, the commiſſioners of Newcaſtle, complained again, upon the ſame buſineſs, by pleading ſome new matter, in their petition, and the reference they obtained, on their petition, was ordered, by the king and council, this 13th. of February, 1632, that ſir Robert Heaths ballaſt ſhoar ſhould be built. The commiſſioners aforeſaid, put in the third petition, not doubting, but that by ſuch new matter, they ſhould prevent the building of the ſaid ſhoar. Ordered, by the king and council, the 27. Feb. 1632, that ſir Robert Heaths ballaſt ſhoar, wharf, or key, a building, ſhall be built, go forward, and be quite finiſhed. See chap. 13. (A), 19. (A), 20. (G), 34. (A.B.).

CHAP. XIX.

THE mayor and burgeſſes exhibited another great complaint, to the king and council, wherein nine ſeveral abſurdities appeared, by capt. Croſier, and eſpecially againſt ſir Rob. Heaths ſhoar, &c.

At the court, at Greenwich, the 1. of June, 1634.

KING CHARLES,

LORD ARCHBISHOP OF CANTERBURY,	LORD CHAMBERLAIN,
LORD KEEPER,	EARL OF DORSET,
LORD ARCHBISHOP OF YORK,	EARL OF BRIDGEWATER,
LORD TREASURER,	LORD VI. WIMBLETON,
LORD PRIVY-SEAL,	LORD NEWBROUGH,
LORD DUKE OF LENOX,	MR. TREASURER,
LORD MARQUIS HAMBLETON,	MR. COMPTROLER,
	MR. VICE CHAMBERLAIN,
	MR. SEC. WINDWOOD,
	MR. SEC. COOK.

Upon conſideration, this day had, at the board, his majeſty being preſent in council, of a complaint made, by the mayor, and burgeſſes of Newcaſtle, againſt the ballaſt-ſhoars, lately built, by the ſaid ſir Robert Heath, at Shields, upon the river of Tyne, pretending the ſame to be a great prejudice, of the ſhipping and navigation, and to the annoyance, and damage of the ſaid river, the care and conſideration thereof, was, by his majeſty, eſpecially intruſted unto them, (E) and upon hearing the allegation, on both ſides, with their learned council, in the law, it was thought fit, and ordered, that the ſaid ſhoar ſhould be finiſhed, and backed with ballaſt, to make it fit for the ſalt works, which for his majeſties ſervice, are begun, and intended to be performed. (G).

In the firſt place, that the ſeamen ſhould have liberty, freely to caſt their ballaſt there, (H) without interruption, if they find convenient, none being compelled to it, or hindred from it. That neither thoſe of the town of Newcaſtle, nor free hoaſt-men (I) (which ſell all coals) do hinder the ſame, indirectly, by denying, or unneceſſary denying, to carry down coals, in keels, or lighters, to the ſhips, which ſhall caſt their ballaſt, at that ſhoar, to the end,

end, this ſhoar, which may be for the ſafety, and incouragement, of navigation and ſhipping, may be ſo uſed, as the ſame, may neither be prejudicial to the town, in diverting or withdrawing of trade, nor to his majeſty, in his cuſtoms or duty, nor hurtful to the ſaid river.

His majeſty will refer the ordering hereof, to himſelf, as well in the particulars aforeſaid, as in all other things, thereunto appertaining, in ſuch ſort, as both the town and ſeamen, ſhall find his majeſties regall care over them. *Sic ſubſcripſit ex. majeſt.* See 12, chap. 3. 18. (D.F), 23. (A), 42. (E).

It is conceived, orders are no laws, and the latter order, which contradicts the former, voids it; ſo by this of king Charles, voids king James's for the power of the river, in chap. 12. (I).

CHAP. XX.

Jarrow Slike, &c.

(A) ON the 4th. of December, 1634, certain lands, and waſtes were diſcovered, to the late kings commiſſioners, at the commiſſion-houſe, in fleet-ſtreet, as belonging to the crown, concealed, eſpecially, a parcel of land, or waſte, in the river of Tyne, called Jarrow-ſlike, at South-Shields, in the county of Durham, which the water, at a full ſea, covers every tide, and is by eſtimation, 300 acres, a fit and convenient place, for ſhips to caſt ballaſt at, for many years to come, without any prejudice to the river, and great furtherance of trade. See chap. 56. chap. 34. (A.B.).

The mayor and burgeſſes of Newcaſtle, hearing thereof, put in their claim, to the ſaid commiſſioners, and

and alledged, that all that ground belonged to them, with all other grounds, to a low water mark, from the full ſea-mark, on both ſides the river, from a place called Sparhawke, in the ſea, to Headwyn-ſtreams, which is ſeven miles above Newcaſtle, being fourteen miles in length, granted to them, and their heirs, for ever, from king John by charter, and confirmed by his ſucceſſors; and therefore beſeeched time, to make it ſo appear. (There being no ſuch thing granted, could never make it appear.) A long time was given them, but nothing appeared, as truth of any ſuch grant, and two years after, upon the firſt day of July, 1637, they inſtead of wearying out the commiſſioners, and gentlemen, that diſcovered the ſame, was called to make good their claim. Then they became petitioners to the kings commiſſioners, that they would be pleaſed, to ſell that parcel of waſte ground, called Jarrow-ſlike, to them, and to admit them to purchaſe the ſame, for which they would give two hundred pounds, by reaſon, it lay more convenient for them, then any elſe, but they would give no more money for it. See chap. 18. (A.B). See chap. 2.

Upon which, one Mr. Thomas Talbot, and Mr. Richard Allen, of London, gave four hundred pound, and got it. The king upon the 27. of November, 1637, by his letters pattents, under the great ſeal of England, confirmed the ſame Jarrow-ſlike, and waſte ground, upon the ſaid Talbot and Allen, and their heirs, for ever; they paying in to the exchequer five pound per annum, as a fee-farm rent, which ſaid ground, is in conteſt, between the ſaid Gentlemen, and ſir Henry Vane.

If this ground, to a full ſea-mark, were really the corporation of Newcaſtles, it would have ſo appeared in the charter, granted by king John, and alſo, they then, might have made good their claim, and not to have become petitioners, to purchaſe the thing, which was their own before; even as they do in this, ſo in other things.

Alſo, if all ground be theirs, from a full ſea-mark, why were they tenants to the late dean, and chapters, of Durham, of certain ballaſt ſhores, built to the low water-mark, on which all ballaſt is caſt.

And if all ground were Newcaſtles, from a full ſea-mark, why ſhould Mr. Bonner, &c. buy the lady Gibs ground, and build a ballaſt-ſhoar, to a low water-mark, and wrong the town of their right; and why ſhould not Gates-head, and both the Shields, which are built to a low water-mark, pay Newcaſtle rent, &c. See chap. 18. (B), 34. (A.B.).

CHAP. XXI.

(A) KING CHARLES, in Auguſt, in the 13. year of his reign, created a new corporation, of free hoſt-men, in Newcaſtle, (called in engliſh, coale-engroſſers) and grants a leaſe, to ſir Thomas Tempeſt, knight, with others, for the ſelling of all coals, exported out of the river of Tyne, and to receive eleven ſhillings and four pence, per chaldron, cuſtome, and twelve ſhillings, from all ſtrangers, which ſhall be tranſported over ſea, and to have two pence, per chaldron, towards their charge, and power to ſeize of all coals, ſold by the owners of ſuch coals, ſold; in which leaſe, it is ordered, that if maſters of ſhips have not their due meaſure, at one and twenty bouls, to the chaldron, then upon information given, the one half of ſuch coals, and keels, to be forfeited to ſuch maſter, and the meaſures to be looked after, by ſworn commiſſioners, and that this leaſe (monopoly) to continue, for one and twenty years, from January, then laſt paſt, and that nothing be done or acted, by pretence, or colour of this leaſe, to the prejudice of the king. See chap. 11. (P.), 8. (A.). See ſtat. 21. king James 3. See chap. 46. (B.).

It is conceived this leaſe void, both by law, &c.

If

If any ſuch prejudice the people, the king is alſo prejudiced here, the people cannot ſell their own coals, &c. which is a prejudice. See his oath, chap. 59. (A.).

CHAP. XXII.

(A) KING CHARLES, in June following, in the fourteenth year of his reign, incorporates another company of coal buyers, namely Mr. Tho. Horth, and other maſters of ſhips, to buy all coals, exported out of the ports of Sunderland, the river of Tyne, Newcaſtle, Blith, and Barwick, paying to the king, one ſhilling, per chaldron, cuſtome, and to ſell them again, to the city of London, not exceeding ſeventeen ſhillings the chaldron, in the ſummer, and nineteen ſhillings the chaldron, all the winter; provided they had a free market, and a juſt meaſure, at Newcaſtle, &c. which they were debarred of, by reaſon of the foregoing leaſe, granted to ſir Thomas Tempeſt. See chap. 11. (P).

CHAP. XXIII.

(A) KING CHARLES, in July following, grants another pattent, to Mr. Sands, with others, for the farming of the cuſtomes, of one ſhilling, aforeſaid, upon every chaldron, at the yearly rent of ten thouſand pounds. By this, you may ſee, no ſmall quantity iſſues out, &c. See chap. 11. (B).

But there are ſome other gentlemen, which hath this benefitial leaſe at preſent, namely ſir John Trevor

vor, with others, who payes (as I hear) one thouſand four hundred pound, per annum, (having ſome yeers yet to come in the pattent). I wiſh the poor had it after them, at the rent of five thouſand pounds, per annum. And it is the judgement of wiſe men, that thoſe gentlemen, are wanting of many hundreds of pounds, per annum, which might be made, as well as the former, &c.

CHAP. XXIV.

Die Jovis, Octob. 8. 1646.

By the committee of lords and commons, for the admiralty, and cinque ports, &c.

WHEREAS, the committee hath been petitioned, by Barbery Hilton, widow, on the behalf of herſelf, and divers maſters of ſhips, trading to Newcaſtle, whoſe names are here ſubſcribed, to the ſaid petition, that the petitioners may receive the benefit, of loading, and unloading, at the ballaſt-wharf, erected at Shields, about ſeven miles from Newcaſtle, as tending to the good, and preſervation of ſhipping, &c. for that by reaſon, the river is wrecked up, with ſands, and ſunk ſhips, that ſhips of great burdens cannot paſſe up, without hazard, and danger of loſing, which liberty, as by their petition is ſet forth, they enjoyed for ſixteen yeers paſt, untill of late, the mayor and commonalty of Newcaſtle, have enforced them to come up, to their own ſhoars.

Now, for as much as this matter, as it is repreſented unto the committee, may tend much to the ſecurity of ſhips, the advancement of navigation, and encouragement of trade, (E).

It is ordered therefore, that the petitioners ſhall be at liberty, to load and unload, at the Shields, as is deſired, and directed, untill other order, in that behalf be given.

And if the magiſtrates of Newcaſtle, and ſuch others, as is therein concerned, ſhall hereafter deſire, to offer reaſons to the contrary, this committee will be ready to hear them, and to do therein, what ſhall ſtand with juſtice. See chap. 19. (G.H.I).

WARWICK,	ESQ. BENCE,
ALEX. BENCE,	ED. PRIDEAUX,
SALISBURY,	GILES GREEN.
JO. ROLL,	

It is conceived, this order voids king James orders, for preſervation of the river, in the two and twenty articles, and confirms king Charles, &c. See chap. 19.

CHAP. XXV.

At the council for trade, at White-hall, Sept. 26. 1651.

(A) IN purſuance of a reference of the council of ſtate, of the 8. of Feb. 1650. to take into conſideration, the petition of ſome captains and maſters of ſhips, with others trading to Newcaſtle, with a paper of their grievances, annexed to the ſame, ſetting forth, &c. See 12. chap. the 19. and 24. chap.

(B) That

(B) That in caſe of any diſaſter to ſhips, after extremity of weather, or otherwiſe, though in great diſtreſſe. See chap. 29. (C), 30. (A.D.S), 33. (A).

(C) Are debarred to take the aſſiſtance, and help of any other neighbouring ſhip-wrights, and carpenters of their own hired ſervants, who they have entertained in their ſhips, for their ſhip-carpenters. See chap. 36. (A), 38. (C).

(D) But are conſtrained, either to carry their ſhips, to Newcaſtle, or to remain there in peril, till one be ſent for, or procured from Newcaſtle, who will not come upon reaſonable terms. See chap. 30. (B), 38. (A.B).

(E) Complaining alſo, that the town will not ſuffer them, according to ancient liberties, and cuſtomes, to heave, and caſt out ballaſt, at convenient aud ſufficient ſhoars, where they may do it, without endangering their ſhips. See chap. 29. (C), 30. (A), 32. (D), 35. (B), 41. (A), 43. (D), 44. (A).

(F) Nor to load, nor unload, where they may with ſafety perform it, notwithſtanding ſome orders, heretofore, to that end obtained, from the late king, and from the parliament; but are moſt injuriouſly forced, to carry up their ſhips, to Newcaſtle, through moſt dangerous parts of the river, by reaſon of ſands, ſhelves, and divers* ſunk ſhips, in the way, with other particulars, to the like purpoſe.

(H) The council, having taken the ſaid papers, into conſideration, and it appearing, that the ſaid town of Newcaſtle, however they juſtifie not the hindring of any maſter, to make uſe of his own hired ſhip-carpenter, coming along with him, in the ſaid ſhip, do, notwithſtanding, juſtifie the hindring of any other ſhip-carpenter, to work or aſſiſt him, if not a free-man of their town, and do claim the ſole imployment of their own free ſhip-wrights, within the whole port, of the ſaid town. See chap. 12. (I),

29. (C), 31. (A), 34, (C), 32. (C.B.), 35. (A.B.), 38. (A), 49. (A), 50. (C).

(I) As alſo do juſtifie the ſole erection, keeping, and heaving, of all the ballaſt-ſhoars, within the ſaid port, (K), and the hindring any perſon, to load or unload, at any place of the ſaid port, ſave at the ſaid town, or as near it as conveniently may be.

(L) This council, having further received the depoſitions, and examinations, of ſeveral mariners, and maſters of ſhips, belonging to the town of Newcaſtle, and others alſo, of the town of Ipſwich; and having alſo adviſed, with ſome maſters of ſhips, antient and experienced traders, ſent and choſen, by the trinity-houſe, of London, with ſome others, do, after full debate had, and hearing, at divers meetings, the reaſons on both ſides alledged, offer, ſee chap. 33. (A), 38. (A.B), 56. (A).

(M) That the ſaid practice, of the ſaid town of Newcaſtle, in debarring maſters of ſhips, to make uſe, within the river of Tyne, of what ſhip-carpenters they pleaſe, or find fitteſt for their own conveniency, and in conſtraining them to uſe onely the free ſhip-wrights, of the ſaid town of Newcaſtle, is very prejudicial to trade and navigation. See chap. 33. (A), 38. (A.B.C).

(N) That it hath appeared to this council, notwithſtanding any thing to the contrary, alledged, &c. that through the winds, rains, and other caſualties, waſhing down the ballaſt of thoſe, that are called the town of Newcaſtles ſhoars, having been a great newſance, and prejudice, to the river, and in the higher parts thereof. See chap. 34. (C), 35. (A.B).

(O) And that the practice of the ſaid town of Newcaſtle, in conſtraining the ſaid maſters of ſhips, to come up the river, and to heave out their ballaſt, at the town ſhoars only, (P), and hindring them to load coals, and diſcharge their ballaſt, where they may with ſafety perform it, as well to the road-ſtead it

itſelf, as to their ſhipping, is a damage and inconveniency to trade and navigation. See ch. 34. (C), 44. (A), 41. (A), 44. (E), 32. (D), 43. (D), 29. (C), 31. (A).

(Q) To hinder any ſhips, to buy or take in, at any place of the ſaid port, bread and beer, for their own ſpending, and victualling, is alſo a very great hinderance, to trade and navigation. See chap. 48. (A), 49. (C.D.G), 50. (A), 51. (B), 44. (E), 29. (A).

(R) That notwithſtanding, for the better regulating ſuch further liberties, as ſhall be granted, in the granting of the ſaid proviſions, building of ballaſt-ſhoars, defraying the charge, and for the preſervation of the river, for the future, be intruſted into faithful, able mens hands, to ſee the ſame put in execution, as to the wiſdom of the parliament, ſhall be thought fit, &c.

JOHN JOHNSON, clerk. *pro tempore.*

CHAP. XXVI.

A judgement at the common law, obtained againſt Newcaſtle, &c.

(A) THOMAS CLIFF, a ſhip-carpenter, who hath been very inſtrumental, in ſaving many ſhips from ſinking, and at eaſie rates, for his working upon a ſhip, in the ſame river of Tyne, in the year 1646, had got a ſhip, off the rocks, with the help of his ſervants, and other work-men, for which, the mayor and burgeſſes of Newcaſtle, ſent down ſergeants, with other burgeſſes, to the town of North-Shields, which is in the county of Northumberland, to bring the ſaid Cliff, and ſervants, to their priſon; in which ſervice, the ſaid ſergeants killed his wife, brake his

his daughters arm, and led his ſervants to priſon,* as you may read, chap. 36. and then ſued the ſaid Cliff, by an engliſh bill, in the exchequer, and held him in ſuit, five years and upwards, the ſuit being commenced, in the name of the mayor and burgeſſes of Newcaſtle, complainants, againſt Tho. Cliff, defendant. The merchants and burgeſſes, of that corporation, came in as witneſſes, in their own cauſe, as you may find upon record, in the exchequer, where they were examined, in the year 1649, Jan. 27. by vertue of a commiſſion, &c. alſo they were croſs examined, &c. which ſaid ſuit, was transferred to the common law, and to be tryed at York aſſizes, in hillary, 1651. The verdict went for the defendant, Cliff; which ſaid judgement expreſſes, that the mayor and burgeſſes ought to be ſeverely fined, &c. for their unjuſt claim, in that port of the river of Tyne, and ſhall pay 30l. coſts, &c. which ſaid bill is in the office of pleas, in Lincolns-Inn, &c. See chap. 19. (C), 24. (A), 25. (A), 54. 28.

CHAP. XXVII.

To the ſupream authority, the parliament of the commonwealth of England.

The humble petition of Ralph Gardner, of Northumberland, gent. in behalf of himſelf and many others, whoſe deſires are thereunto annexed, &c.

Sheweth,

(A) THAT many great complaints, of grievances and oppreſſions, preſented to the council of ſtate, in the year 1650, in writings, by many captains, and maſters of ſhips, with others, againſt the magiſtrates of Newcaſtle upon Tyne, in relation to trade and navigation.

The council of ſtate, by order, transferred the ſame to be examined, by the council for trade, and after a long debate, at ſeveral times, divers witneſſes were ſworn, and counſel had on both ſides.

The council for trade, drew up a report thereupon, to preſent to the parliament, conducing much to the good of trade, and navigation, which ſaid report hath lyen dormant, ever ſince, to the great detriment of the commonwealth, in the exceſſive prizes of coales, and otherwiſe.

Your petitioner humbly prays, that thoſe reports and papers, may be called for, and reviewed, and theſe annexed deſires inſerted, to do therein, as to your wiſedoms and juſtice, ſhall ſeem meet,

And as in duty bound, ſhall pray, &c.

RALPH GARDNER.

Henry Ogle,
29. Sept. 1653.

Gardners deſires to the parliament.

(B) THAT North-Shields be made a market town, it being ſeven miles from Newcaſtle, and twelve miles from any market, in the ſame county, which would relieve the garriſon of Tinmouth caſtle, the inhabitants, which be thouſands, the great confluence of people reſorting thither, the great fleets of ſhips daily riding there; would further them to make many more voyages in the year, ſave boats and mens lives, which are often in danger of being caſt away, in ſtormy weather*; alſo, by which means, the people would be relieved with proviſions, during the time the river is frozen, and half in half cheaper, than from the ſecond hand; beſides the loſs of a daies labour, and great charge to the poor, in going by water, in boat-hire; and ſave the life of many a man and beaſt, from falling into coal-pits, which lies open, after the coals wrought out; being covered with

with ſnow, &c. See chap. 29. (A), 48. (A), 49. (B), 50. (A), 51. (A).

(C) That the mayor and burgeſſes, may no more impriſon poor artificers, onely for working upon their trades, in or about the river. See chap. 36. (A), 38. (A.C).

(D) That they may not caſt men into priſon, for ſaving of ſhips from ſinking, nor keep men in priſon, till they give them bond, never to work upon their trade again. See chap. 33. (A), 36. (A), 38. (A).

(E) That they may not force all goods, brought in by ſea, for the ſalt and coal-works uſe, at and near the Shields, to be carryed up to Newcaſtle, where there is no uſe, for the ſame. See chap. 50.

(F) That the coal owners of Northumberland, and county of Durham, may have free liberty, to ſell their own coals to ſhips, and not to be inſlaved, by the free hoaſt-men, of the town of Newcaſtle.

(G) That any perſon may have liberty, to build ſhips and veſſels, in the river of Tyne, without the moleſtation of the magiſtrates, of the town of Newcaſtle, for the increaſe of trade and navigation.

(H) That no maſters of ſhips may be impriſoned, for refuſing to ſwear againſt themſelves, according to the practice of the Star-chamber, it being a great diſcouragement to trade, and diſquieting of the ſpirits, of many conſcientious perſons, &c. See chap. 39. (A), 49.

(I) That all unreaſonable, and arbitrary fines, may be mitigated, as ſhall be agreeable to juſtice, and equity. See chap. 41. 42. (A).

(K) That no more ſhips may be compelled, up the dangerous river, ſeven miles, whereas, they need to go but one mile; never any coals, being to be had at Newcaſtle, which would ſave many ſhips from ſinking, and cauſe them to make upwards of three voyages in the year more than they do, which would cauſe, two or three hundred thouſand chaldron of coals more to be ſold, and the exceſſive prices to fall,

fall under twenty ſhillings the chalder, all the year. See chap. 29. (C), 32. (C), 31. (A).

(L) That the truſt of the river of Tyne, be put into faithfull commiſſioners hands, the mayor, and aldermen, and commiſſioners of Newcaſtle, having betrayed the truſt, repoſed in them, for conſervancy thereof; that whereas within this twenty years, above twenty ſhips, of the burden two hundred tuns, rid afloat, in moſt road-ſteads, in the ſaid river, now, not above four, of the ſame burden, at low water. See chap. 12. (I), 34. (C.), 35. (A.B.).

(M) That their charters, granted to their corporation, may be called in, and viewed, and other grants and orders, granted by king James; and what is found offenſive to the commonwealth, may be repealed; as it now ſtands, proves deſtructive to the peoples right. September 29. 1653.

All which are preſented to your honours, to do therein as God ſhall direct you, for the good of his people.

RALPH GARDNER.

Tueſday, October 5, 1653.

(N) THE petition of Ralph Gardner, of Northumberland, gentleman, in the behalf of himſelf, and many others, whoſe humble deſires are thereunto annexed, being this day read, the committee conceives it proper, for the committee for trade, and therefore, do recommend the ſame to their conſideration.

ANTHONY ROUS.

At the committee for trade and corporations, ſitting at Whitehall, Oct. 18. 1653.

(O) WHEREAS a petition hath been exhibited, to this committee, by the ſaid Ralph Gardner, of Northumberland, gentleman, in the behalf of himſelf, and many others, complaining of

 ſeveral

ſeveral grievances, they ſuſtain, by the corporation of the town of Newcaſtle; it is ordered, that the ſaid petition, and complaint, be taken into conſideration, by this committee, on tueſday, the 15. of November, next, whereof the mayor and corporation of Newcaſtle, aforeſaid, are to have convenient notice.

SAMUEL WARNER.

(P) The mayor and burgeſſes of Newcaſtle, petitioned the committee, beſeeching their honours, for a copy of the petition, and paper exhibited, and to grant them fourteen dayes time longer, to make their defence, which their honours granted, but ordered their agents to attend, the 15. day of Nov. to hear the witneſſes, on the commonwealths behalf, examined, and to receive, what further ſhould be brought in, by way of charge, againſt the corporation, by reaſon, a great trial was had before their honours, with the late farmers of the cuſtomes, which took up all that day; the eighteenth day was appointed, for Newcaſtles buſineſſe, on which day, moſt of the witneſſes were examined, upon this following charge, and proved it, in preſence of the corporations agent, and when they were all diſmiſt and gone, the agent deſired further time, and the witneſſes to be croſſe examined, to which the honourable committee replied, that further time they would not give, in a matter of ſo high concernment, and it was too late to croſſe examine the witneſſes, he not deſiring it, when they were there, and he preſent, but granted him a copy of the charge.

CHAP.

CHAP. XXVIII.

The heads of the charge, exhibited by Ralph Gardner, of Northumberland, gent. to the committee for trade and corporations, againſt the mayor, and burgeſſes of Newcaſtle, 1653.

(A) THAT the mayor, and burgeſſes of Newcaſtle upon Tyne, have, and do impriſon artificers, only for their working, upon their lawfull trades. (See ſtat. 1. 1301.)

(B) That they do force maſters of ſhips, to cut purſes, in their open court, for gain to themſelves, and impriſons them, if they refuſe. See ſtat. 8. Eliz. 4.

(C) That they force all maſters of ſhips, to ſwear againſt themſelves, and notwithſtanding they have ſwore the truth, others are called in, to ſwear againſt them, which is for a fines ſake, which profit accrues to the mayor, burgeſſes, and witneſſe, for their own uſe.

(D) That they do impoſe arbitrary fines, ſo exceſſively, that without payment, is committed to priſon, which ſaid maſters are there detained, till the ſaid fine be paid.

(E) That they have robbed people, in their open markets, and in paſſing through the town, of their goods, alledging foreign bought, and foreign ſold. All people, not being free of that town, are reputed foreigners.

(F) That they have impriſoned men, for ſaving ſhips from ſinking, and detains them till compound; whoſe poor wives and children, are ready to ſtarve; alſo keeps them in priſon, till they enter into bond, never to work upon their trades again.

(G) That they of that corporation, have taken an oath amongſt themſelves, not to work with, nor im-

ploy any un-freemen, but to ſuppreſſe all ſuch from working, in that corporation, or the whole river of Tyne.

(H) That they do impriſon poor maſters of ſhips, for letting their ſhips from ſinking, and denies bayl.

(I) That they ſeize of all ſuch goods, as any poor maſter doth ſave, when their ſhips are ſinking, which is all the poor maſter hath left in the world, to relieve his wife and family, and poor ſea-men.

(K) That when any ſhip is ſinking, though ſeven miles from Newcaſtle, none muſt help to ſave her; but Newcaſtle-men muſt be ſent for, who comes at leiſure, beſides having his demands, which is exceſſive.

(L) That they ingroſſe all merchandize, and other dead victual, and proviſion, which comes in by ſea, and then forces the countries, to give them their own rates, for what they want.

(M) They will not ſuffer any proviſions to be bought at Shields, or any market to be there, notwithſtanding people are often drowned, in going and returning from Newcaſtle markets, and alſo, many are ready to ſtarve in the winter ſeaſon, by reaſon the river is then frozen up, and ſo become innavigable.

(N) That they, by ingroſſing all corn into their hands, have kept it to ſo exceſſive rates, that the poor could not buy it, but have been conſtrained to eat beaſts blood baked, inſtead of bread.

(O) That by ſuch hoarding up the corn, and the people not able to buy the ſame, being ſo dear, many country people, were neceſſitated to eat dogs and cats, and to kill their poor little coal-horſes for food.

(P) They have hoarded up ſo much corn, and keeping it for ſuch exceſſive gain, that in the very time of ſcarcity, and miſery amongſt the people, many have been found ſtarved to death in holes; hundred bouls of corn were caſt into the river, being ſpoyled

ſpoyled with the rats, and rot: The very ſwine could not eat it.

(Q) That they will not ſuffer any of the coal owners, in any of the two counties, to ſell their own coals, but the owners muſt either ſell their coals, to the free hoaſt-men, at what price they pleaſe, and then all ſhips muſt give them their own price, or get none, which makes coals ſo dear.

(R) That no ſhip ſhall be loaden with coals, &c. that will not do, what the mayor and burgeſſes commands them, by going up the river, ſeven miles with ballaſt, to their great loſſe of time, and hurt of their ſhips.

(S) That ſhips have been often ten or fourteen daies, in ſailing up and down the river, onely to diſcharge their ballaſt, they, for the moſt part, taking in their loading at Shields. See chap. 32. (C).

(T) That other ſhips, which have taken in their loading at Shields, with coals and ſalt, have made their voyage, to London and back, before ſuch ſhips, which were ſo compelled to Newcaſtle, could get ready, and, ordinarily, is the cauſe of their loſs of three voyages in the year, by ſuch compulſions. See chap. 32. (D).

(U) That they force all ſhips, with materials, brought in by ſea, for the abſolute uſe of the ſalt-works, and coal-works, at and near Shields, to be carryed to Newcaſtle, and laid out upon their key, though they have no uſe for the ſame, and the cuſtoms being already paid, and officers at Shields attending; often the boats that fetches them ſinks, in returning to Shields. See chap. 50. (C).

(W) That ſhips have often ſunk, in returning empty from Newcaſtle to Shields, there being nothing to be had at Newcaſtle, and ſuch ſhips are onely to take in ſalt, or coals, at Shields: No ſalt to be got elſewhere, but at Shields, in that river, and thereabouts. See chap. 29. 30. 32.

(X) That

(x) That they will not tollerate any ſeaman, though never ſo able a pilot, to guide a ſtrangers ſhip into the river, over Tynemouth-bar, though he be in never ſo great diſtreſs, but a freeman muſt be ſent for, from Newcaſtle, there being but two at Shields, by means whereof the ſhip is often ready to be loſt, before any can get ſeven miles up, and ſeven miles back again. See chap. 32. (A).

(Y) That they force all ſhips, though never ſo long, great, or weak, to ſail up the river, to caſt out their ballaſt upon their ſhoars, for the gain of eight-pence, for every tun a ſhip carries, which is an arbitrary impoſition, ſee chap. 32. (B.C), it formerly being but four-pence; and one ſhip with another, carrys an 100 tun, every voyage, &c. See chap. 29. (C).

(A.B) That they force maſters of ſhips, to pay for eighty tun, when indeed they have but forty tun, and ſo oppreſs the poor maſters, whereby the price of coals muſt needs be enhanſt. See chap. 44. (A).

(A.F) That they have ſpoiled the river, with their ballaſt ſhoars, by ſhips ſinking in ſailing up the river, and returning back, their ballaſt-ſhoars being ſo full, and heavy, and hilly, that every ſhower of rain, and ſtorm of wind doth blow and waſh down the ballaſt into the river, beſides the weight, in preſſing down the walls, to the great prejudice of the commonwealth; by the obſtruction of the river, and endangering of ſhipping. See chap. 34. (A), 35. (A.B).

(A.G) That by the negligence of the commiſſioners, for the river, above three thouſand tuns of ballaſt have fallen into the river, in one nights time. See chap. 34. (C). None taken up, &c.

(A.H) That within this twenty years, where twenty ſhips of a certain burden could have rid afloat, in moſt road-ſteads in the river, at a low water mark, now, not above four ſhips can ride afloat, &c. See chap. 35. (B).

(A.I) That ſhips have made twelve voyages in the year, within this 20 years, when they had liberty, to caſt

caſt their ballaſt at Shields, and now, they make but four or five voyages only, being obſtructed by the mayor, and burgeſſes of Newcaſtle, in compelling the ſhips up the river, ſeven miles, to caſt out their ballaſt, upon their own ſhoars, &c. See chap. 32. (D).

(A.K) That they will not ſuffer any ballaſt-ſhoars to be built, at or near the Shields, by reaſon, the owners of the ground will not ſell it to them, notwithſtanding there are convenient places, for ſhoars, for above this hundred years to come, without any prejudice to the river, and to the great advantage of the commonwealth. See chap. 29. (C).

(A.L) That they do hinder the ſtock of the publick revenue, above forty thouſand pounds per an. in cuſtoms, *declaro*. See chap. 45. (B.E.F), 32. (D).

(A.M) That they do hinder a trade, all the winter ſeaſon, by reaſon, neither ſhips, nor boats, can paſs up the river, which is often frozen, below the ballaſt-ſhoars, called the Bill-point, and half down the river, it never freezeth lower. See chap. 35. (B).

(A.N) That the mayor, and burgeſſes of Newcaſtle have combined, and made new ordinances amongſt themſelves, that what free hoaſt-men, or filler of coals, ſhall ſell any coals, to ſuch ſhip-maſters, as ſhall caſt any ballaſt at Shields, and not upon their own ballaſt ſhoars, ſhall forfeit and pay, 20l. a time, or lie in priſon, till the ſame be paid. See chap. 43. (D), 30. (D).

(A.O) That all ſuch coals as ſhall be ſold, and not being free of that corporation, ſhall be confiſcated, for the corporations uſe. See 21. chap. (A).

(Some ſay, if what is here alledged, be nothing but the truth, it were pity, but they ſhould receive judgement, according to their reſpective offences, but if it appear otherwiſe, it were pity, but the evidence upon oath, with myſelf, ſhould receive the ſame judgement.)

(A.P) That the mayor and burgeſſes, by having betrayed the truſt, repoſed in them, by king James, in the

the two and twenty articles, for the preſervation of the river of Tyne, have forfeited all that corporations liberties, into the ſtates hand, by the exorbitant abuſes committed, and neglect, in not putting them in execution. See chap. 13. (A), 34. (C).

(A.Q.) All which ſaid charge was proved upon oath, before the council, at White-hall, 1650, and the committee for trade and corporations, at White-hall, in November, 1653. And order was given, that Mr. Thomas Skinner, be deſired to draw up an act, for a free trade, in that port, and river of Tyne, to preſent to the parliament, ſee chap. 54. (which act was intended.) Whether it be conſonant to religion, or reaſon, that theſe things ſo perpetrated, aforeſaid, againſt the good of a commonwealth, ſhould be neglected, and in not being timely regulated, I refer to better judgements.

RALPH GARDNER.

(A.R) Mr. Mark Shafto, Mr. Ralph Jenniſon, Mr. Robert Elliſon, Mr. Tho. Bonner, the recorder, and aldermen of Newcaſtle, with Mr. John Ruſhworth, one Maddiſon, and one Michael Bonner, with many more of the burgeſſes, appeared at White-hall, on the 29. of November, being the day appointed, for the town to plead to the charge, they having had the copy of the charge, where the full committee was met, and many parliament-men more, where the petition, the charge, and the deſires were read, to the foregoing gentlemen.

(A.S) The corporation, agents, and aldermen, humbly begged ten weeks longer time, by reaſon they were not ready, nor prepared to anſwer the charge, for it ſtruck at all that was neer, and dear unto them*; and hoped the town would not be ſurpriſed, and that they did conceive Mr. Gardner had ſent down that order to affront the town, by reaſon it was dropt at the mayors door, by a boy; and that there was a paper, printed by Mr Gardner, which was

Oppreſſion.

was as full of lyes, as words, which did conclude them, and diſhearten their witneſſes, alſo, that the Scots having tumbled their records, could not draw up an anſwer in ſo ſhort a time.

(A.T.) In anſwer to the town, it was humbly moved, their honours would give no longer time, by reaſon it was the day ſet, and agreed upon, that they of the corporation ſhould plead, and that it was no new matter inſiſted upon, but what was debated at that board two years before; the records and judgement, given againſt Newcaſtle, being in their honours cuſtody, and that they were as well able to plead then, as at any other time, and if there were any new matter, it ſhould be withdrawn, and was willing to joyn iſſue, upon the former judgement, granted two years before, at the ſame board.

The towns agents altogether refuſed that, and hoped their honours would not inſiſt upon the former judgement, but to give them longer time, they not being ready to plead to the ſaid charge, nor came prepared, upon the earneſt ſolicitation of the towns agents. The committee told them, that if they would deal clearly and candidly with them, as to give in writing, under their hands, ſuch an anſwer to the charge, as they would ſtand and fall by, then they would give them their own time, if not, then they would record that fair motion, and that they muſt plead, by reaſon they appeared, and entred upon a plea, and their work was very ſhort, for all that they had to do, was to plead guilty, or not guilty; if guilty, then to make it good by what law they did ſuch things, as was laid to their charge, and if not guilty, then it was left to Mr. Gardner to prove his charge, (who indeed had proved all ſufficiently) and therefore would give no more day, whatever, then the 13. of December, and Mr. Gardner left free, to bring in what more he had to charge them with. Upon the 12. day of December, the parliament was diſmiſſed.

But the honourable committee, met in Whitehall, and drew up another report, and ſigned the ſame, againſt the corporation of Newcaſtle, and would have preſented the ſame to his highneſſe, the lord protector.

But I conceived to give a narrative was better, though it be large; yet ſuch things as are pertinent, might be ſooner collected, being put together, and more ſatisfactory to all hands, then lying in ſeveral courts diſtractedly; not doubting, but thereby to reap the fruits, according to my labour, I not in the leaſt deſpairing, and am ſatisfied with the change, deſiring God to go along with him, in all his highneſſe undertakes.

CHAP. XXIX.

DEPOSITIONS.

Ships upon ſands, others ſinking, others ſunk; boats, and proviſions caſt away, and people drowned, &c. and others caſt into priſon, for ſaving ſhips from ſinking; all done at Newcaſtle, by order of thoſe magiſtrates; all wreck being given them by charter.

SEE PLATE FIRST, FIGURE FIRST.

Mr. Fuller. Andronicus or the unfortunate politician.

ANDRONICUS* the tyrant, and alſo an heathen king, being overcome with a reluctancy of heart, ſeeing the miſerable condition, poor merchants and ſea-men were in, after ſhipwreck, (and ſhould receive ſo bad a reward from people, whom they came to, for help or ſhelter) by having their goods ſeized on, their throats cut, and no relief afforded, by thoſe, that got all the ſea had caſt up for ſuccour, they never taking any pains for the ſame, made a law, whoſoever took a bit of wreck,

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Fig. I. page 74.

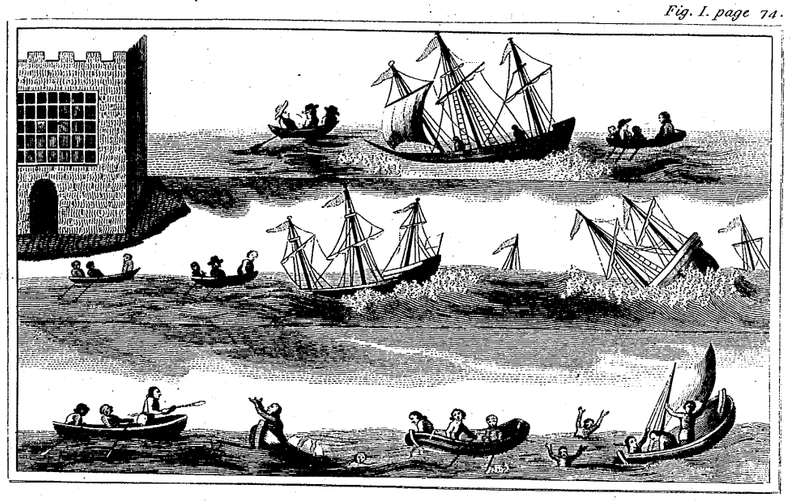
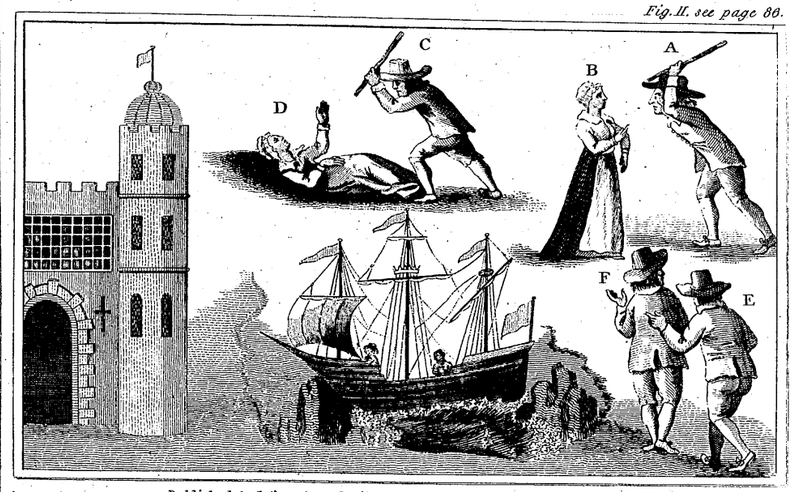


Fig. II. see page 86.



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wreck, for their own uſe, ſhould be put to death, but that all ſhould be preſerved for a time, or the worth, for the right owner, and if not looked after by the owner, then for ſuch, as were ſufferers by ſhipwreck, for the future, and the people paid, for their pains in ſaving of it; for which law they were cannonized.

Let not tyrants and heathens out-ſtrip us in mercy and juſtice. This law we want.

(A) Mary Hume, upon her oath, ſaid, that all ſhips and boats, are compelled, by the mayor and burgeſſes of Newcaſtle, to ſail up the river to their ballaſt ſhoars, and town, with all manner of victuals, which are brought into that river, and will not ſuffer any market to be at Shields, which is ſeven miles from them, and twelve miles from any other market town, in the ſame county, and that they compel all people to their markets,* by which means, ſhe hath known many ‖ ſhips and boats caſt away, in the ſaid river, by ſtormy weather. (Read ſtat. 27. Ed. 1.*) See chap. 49. (B)*), chap. 10. (S), ‖ 31. (A).

(B) She, the ſaid Mary, further affirms, that ſhe hath known many people drowned, and boats caſt away in ſtormy weather, in that river, and proviſions; and that in or about the year 1650, one William Rea of Shields, was drowned in coming from Newcaſtle market; alſo a young gentleman, ſon to Mr. Snape, miniſter, in Northumberland, was drowned in that river; both which were found, and buried at Shields, but no coroner* viewed their dead bodies, which ſhe hath heard ſhould have been done, by Newcaſtles coroner, being tyed to it by charter. See chap. 10. (O.P). Alſo William Grays mother in-law, of North Shields, in going to market, was caſt away, &c.

MARY HUME.

(c) John Mallen, maſter of a ſhip, upon his oath, ſaid, that the mayor and burgeſſes of Newcaſtle, do deny to load any ſhips, nor ſuffer any others to load them, with coals, who refuſe to ſail up that dangerous river ſeven miles, to caſt out ballaſt upon their ſhoars, which compulſions cauſeth the loſſe of many ſhips,* and veſſels in that river, amongſt ſands, ſhelves, and ſunk ſhips, it being merely for the gain of eightpence per tun, of ballaſt. See chap. 31. (A.B.), 32. (B)*.

(d) That he, this deponent, was in company with one Mr. James Beats, of Alborough, who was maſter of a new ſhip, being compelled to ſail up the river, to caſt out his ballaſt, upon their unlawful ballaſt ſhoars, and in returning to Shields, to take in her loading of coals, in the middle of the river, his ſhip ſunk, and none durſt help to ſave her, for fear of being impriſoned, as others were for the like, nor to weigh her up again. See chap. 30. (A).

(e) The free-men came, and required a greater ſumme* to weigh her up, then ſhe was worth; ſo the poor maſter was forced to leave her, upon ſmall termes; but ſoon after, they got her up, and ſet her to ſea, for their own uſe, which the ſaid maſter, Beats, might have done the like, if thoſe of Newcaſtle, would have tollerated the un-freemen to work, who were as well able to perform that ſervice. See chap. 30. (F), 36. (A)*, ſtat. 2. Ed. 6. 15.*

All wreck is given to them. See chap. 10. 8.

JOHN MALLEN,
THOMAS HEISLEWOOD.

CHAP.

CHAP. XXX.

(A) THOMAS GOSNAL, maſter, affirms, that the mayor and burgeſſes of Newcaſtle, by compelling all ſhips, up that dangerous river of Tyne, ſeven miles, is the cauſe of the loſſe of many ſhips; and that Mr. Caſon loſt his ſhip upon the Bill-point, which ſunk, but by weighing her up again, it coſt him near two hundred and fifty pounds, all which might have been ſaved, if ſhips could be tollerated to caſt ballaſt at Shields. See chap. 25. (B), chap 10. (S), 32. (C.E).

THOMAS GOSNAL.

(B) Edmund Tye, of Ipſwich, ſenior, upon his oath, ſaid, that being with his ſhip, laden with coals, riding at anchor, at Shields, with the fleet of ſhips, ready to put forth to ſea, his ſhip ſunk, by a ſad diſaſter to his undoing, being moſt of it his own, and in the time of ſinking, procured help to ſave what goods he could, for relief of himſelf, and ſeamen, who had ſaved to the value of one hundred and fifty pound, and ſent them on ſhoar, to Shields, in the county of Northumberland.* The mayor, and burgeſſes of Newcaſtle,

(C) Sent down their officers, and ſeized of all his goods, and ſent them to Newcaſtle, and carried him, this deponent, to their priſon, and kept him above ſix months, becauſe his ſhip ſunk. The goods and ſhip, were worth about eleven hundred and fifty pound, and would detain him in priſon, till he did weigh up the ſaid ſhip, who had not wherewithall to relieve himſelf, Exod. 22. 21. notwithſtanding they were certified ſo much, under the bayliffs hands, and town ſeal of Ipſwich, and had continued him longer, if he had not procured a habeas corpus, for his removal, to London. See chap. 25. (B), 10. (S), ſtat.

(s), ſtat. 3. Edw. 1. 15. 34. 14. Rich. 2. 9. 23. Hen. 6. 10.

EDMUND TYE.

(D) Thomas Heiſlewood, of London, maſter of a ſhip, upon his oath, ſaid, having taken in his ſhips loading of coals, in the river of Tyne, was putting forth to ſea, with the fleet, but by a ſtorm was caſt aſhoar, neer Tinmouth-bar, and in great danger of their lives, which were on board of the ſaid ſhip, and was conſtrained to caſt his coals into the ſea, and thereby got his ſhip to Shields, where ſhe lay like a wreck, the water having free paſſage in and out.

(E) He, this deponent got on ſhoar, and repaired to one —— Collier, a free carpenter of Newcaſtle, deſiring him to mend his ſhip, and, for haſtes ſake, he would procure thirty or forty of his neighbours, maſters of ſhips carpenters, to help him, but the ſaid free carpenter replied, that he had taken an * oath in Newcaſtle, with their company, neither to work with any unfree carpenter, nor to ſet any on work, by which means, he, this deponent, was conſtrained to patch up his ſhip, with his ſingle carpenter, and adventure to London, to get her upon the ſtock, where he, and his company were in great hazard of their lives, and loſſe of the ſhip. See chap. 10. (s), ſee ſtat. 19. Hen. 7. 7. (2. Edw. 6. 15.*)

THO. HEISLEWOOD.

If all maſters ſhould be thus ſued to buy things of them, judge the conſe-quence.

(F) Henry Harriſon, maſter, upon his oath, ſaid, that his ſhip was laden with corn; coming in at Tinmouth-bar, loſt her rudder, or ſteerer of his ſhip; he, this deponent, deſired another, of a free-man of Newcaſtle, who would not furniſh him, under forty ſhillings,* but this deponent got a good one, of an un-freeman, one Thomas Cliffe, of Shields, carpenter, See chap. 29. (E), 36. (A), for 6s. 8d.

HENRY HARRISON.

CHAP.

CHAP. XXXI.

(A) MICHAEL BONNER, of Newcaſtle, merchant, and water-ſergeant, in Janu. 1649, being examined upon oath,* at Gates-head, by vertue of a commiſſion, in a cauſe depending in the exchequer, between the mayor and burgeſſes, complainants, and Thomas Cliffe, defendant, ſaid, that a ſhip, called the Adventure, of Ipſwich, which was ſunk in the year 1646, (Mr. Thomas Caſon being maſter;) one other ſhip, called the Providence, of London, (Humphrey Harriſon, of London, being maſter,) which ſunk in the year 1649; one other ſhip, called the Refuge, of Ipſwich, ſunk in October, 1649, (Mr. Edmund Tye, being maſter;) another ſhip, called the Henrietta Maria, ſunk in the year 1644; all which ſhips were weighed out of the river of Tyne, at the ſole charge of the mayor, and burgeſſes of Newcaſtle.

MICHAEL BONNER.

Some calls this depoſition perjury,* but I refer it to the judgement of the reader, that reads the following depoſition, which proves, that moſt of the aboveſaid ſhips lye ſunk, and did, three years after the depoſition. See ſtat. 5. Eliz. 9.*

(B) Cap. George Phillips, of London, upon his oath, ſaid, that there lyes ſeveral ſhips ſunk in the river of Tyne, between Sparhawk and Heborn Steath, namely, the Adventure,* of London, Humphrey Harriſon, of Sunderland, late maſter, ſunk in, or about the year 1649; one other ſhip, called the Refuge, of Ipſwich, ſunk in October, 1649, at Shields, (Edmund Tye, the late maſter;) one other ſhip, called the Henrietta Maria, ſunk in the river, in, or about 1644; and one other in the ſouth road, late belonging to Mr. Bulman; and alſo, one other ſhip, belonging to a ſcotch-man, lyes ſunk neer unto the low lights; and that the chiefe cauſe of ſhips ſinking in that

that river is, by being compelled, by the mayor, and burgeſſes of Newcaſtle, to ſail up that dangerous river, to caſt ballaſt upon their unlawful ballaſt ſhoars, for the gain of eightpence, for every tun, ſo caſt out.

GEORGE PHILLIPS, AND
THO. HESILWOOD, PROVE THE LIKE.

CHAP. XXXII.

(A) GAWEN POTS affirms, that no ſtrangers ſhip whatever, though ſhe be in never ſuch great diſtreſſe, and ſinking, muſt be pylotted into the river, by any other ſea-man, then a freeman of Newcaſtle: In the intrim, one is ſent for, (being ſixteen miles forward and backward) often, either ſhe is loſt, or driven by ſtorm away.

MANY OTHERS PROVED THE LIKE.

(B) Jeremiah Low, maſter of a ſhip, upon his oath, 1650, ſaid, that the mayor and burgeſſes of Newcaſtle, compelling all ſhips up the river, to their ballaſt-ſhoars, amongſt the dangerous ſands, ſhelves, and ſunk ſhips, is the cauſe of much harm, and loſſe of many ſhips, and loſſe of many voyages in the year, beſides loſſe to the ſtate, and ſpoyl of the river; it onely being done for the lucre of eight pence, for every tun of ballaſt, to ſome private perſons, which brings them in many thouſands of pounds in the year, and that there are many ſunk ſhips in the river, between Sparhawk and Hebourn Steath. See chap. 29. (C).

JEREMIAH LAW, MR. PHILLIPS,
MR. HESILWOOD, PROVE THE LIKE.

(C) John Mallen, maſter of a ſhip, upon his oath, ſaid, that by the mayor and burgeſſes compelling ſhips

ſhips up the river, to their ballaſt-ſhoars, with their ballaſt, was the cauſe of Mr. Tye, and Mr. Morſes two ſhips running on the ſands, neer Jarrow, where they were both in great danger of being loſt.

Mr. Yaxleys ſhip in a condition of ſinking, but three unfree carpenters being ready, ſaved her. Mr. John Willey in the like condition.

Capt. George Phillips was fourteen dayes, in getting up and down to Shields, by which means, much damage is done to their ſhips, and loſſe of ſeveral voyages, and trade is obſtructed.

Capt. GEO. PHILIPS, Mr. HESILWOOD, Mr. CASON, Mr. MORS, Mr. YAXLY, and Mr. WILLEY, prove the like.

(D) Mr. Keeble, maſter of a ſhip, proves, that himſelf, with many other maſters of ſhips, namely, Mr. Wright, &c. have made twelve voyages in the year, when they caſt ballaſt at Shields, within theſe twenty yeers, and doubts not, but by Gods bleſſing, to make as many again, if the ſhips be allowed to caſt ballaſt there, which may be done without hurt to the river, and more ſafety to ſhips, and a great revenew to the publick; whereas now, being compelled up to Newcaſtle ſhoars, which hath ſpoiled the river, they cannot make above four, five, or ſix voyages in the year, at moſt, which is many thouſand pounds, per annum, loſſe to the ſtate, in cuſtome.

KEEBLE.

(E) Henry Robinſon, upon his oath, ſaid, that being compelled, by the mayor and burgeſſes, up the river to their ballaſt-ſhoars, his ſhip ſet upon a ſand, and broke her keelſon, to his great damage, and loſſe of voyage; and that Mr. Caſon his ſhip, ſet upon the point of the Bill, and overſet, which coſt him two hundred and forty pound, the recovering of her again, beſides the loſſe of voyage.

THOMAS GOSNAL, proves the like.

CHAP. XXXIII.

(A) THOMAS CLIFFE, upon his oath, ſaid, that in April, 1646, Arthur Lyme, maſter of a ſhip, being in the river of Tyne, his ſhip in great diſtreſſe and danger of ſinking, obtained the preſent help of three ſhip carpenters, which were ready at hand, to ſave his ſhip from ſinking; and becauſe they were not freemen, the mayor and burgeſſes of Newcaſtle, ſent down ſeveral carpenters, belonging to Newcaſtle, to force them from work, and carried them away to priſon, with the ſaid maſter, for ſetting them on work, no tryall at law was had, or other offence committed.

THO. CLIFFE.

CHAP. XXXIV.

(A) ——— BIGS, upon his oath, ſaid, that all the ground,* on both ſides of the river of Tyne, to a full ſea-mark, is the right of the town of Newcaſtle, and belongs onely to the mayor and burgeſſes, all the way from Sparhawk to Headwin ſtreams, and that he knoweth the ſame, by reaſon he hath ſeen often the water-ſergeant of Newcaſtle, (by name Charles Mitford) arreſt men, both maſters and others. This depoſition was taken in behalf of Newcaſtle, at Gates-head, in Jan. 1649, in the ſuit, between the town and Cliffe, and remains in the exchequer.

——— BIGS.

Some calls this alſo perjury, but it is left to the judgement of the reader, in reading the next depoſition. See chap. 18. (D.F.), ſtat. 5. Eliz. 9.*

(B) William Gibſon, of Newcaſtle, merchant, in Jan. 1649, at Gates-head, upon his oath, ſaid, that the ground, on both ſides of the river of Tyne, from Sparhawk to Headwin ſtreams, from a low water-mark, was not belonging to the town, nor mayor and burgeſſes of Newcaſtle, but to the reſpective owners, in each county, adjoyning on the river, and that he knew the ſame, by reaſon of former trials, and ſo adjudged; and that the town had only the arreſting upon the water, but not upon the land. See chap. 20.

WILLIAM GIBSON.

(C) Thomas Horth, of London, merchant, upon his oath, ſaid, that he had known the river of Tyne, above five and twenty yeers; and that by reaſon of the mayor, and burgeſſes of Newcaſtle, compelling all ſhips with ballaſt, to ſail up the river, ſeven miles, to unload their ballaſt, and out of keels, upon their own ſhoars, by ballaſt, and other rubbiſh falling in, hath ſpoyled three parts of the river;* whereas within this twenty yeers, twenty ſhips of the burden of two hundred tuns a piece, could have rid a float, in moſt road-ſteads in that river, ‖ and now, not above four or five, at a low water-mark, by reaſon they have ſo little ground, that it is ſo over full, and hilly with the ballaſt, that the winds and rains, every time, doth waſh and blow great quantities off, into the river; and that in one night, the ſhoar called the Bill-ballaſt-key, brake down, and, at leaſt, three thouſand tun of ballaſt, ſand, gravel, and ſtones, fell down into the river,* and they never knew any taken up.

* Neither will the mayor and burgeſſes ſuffer the owners of grounds, adjoyning to the river, to a low water mark, to build any wharfs, keys, or ballaſt-ſhoars, though more convenient then any are, and would ſerve for many years, without any prejudice to the river, to unlade all ballaſt at; neither will

they, the ſaid owners, ſell their grounds to the ſaid magiſtrates, to be inſlaved, by which means the river is ſpoyled. See ſtat 34. Hen. 8, 9. * 30. Ed. 1, || See chap. 12. (6.) 14. (B.)

THOMAS HORTH, GEORGE PHILIPS, and THO. HASILWOOD, prove the like.

CHAP. XXXV.

(A) GEORGE PHILIPS, captain, maſter of a ſhip, of London, upon his oath, ſaid, that the mayor, and burgeſſes of Newcaſtle, is the cauſe, of hindring a trade for coals, ſalt, &c. the greateſt part of the winter ſeaſon, to the great impoveriſhing of the two counties, Northumberland, and Durham, out of which all coals, ſalt, &c. comes, (none being to be had, nor ever was in Newcaſtle) by reaſon the aforeſaid mayor, and burgeſſes having the pre-emption, and will not let the right inheritors ſell their own coals, to any ſhips; (B) nor ſuffer any of the owners to build ballaſt-ſhoars, upon their own land, except they will ſell it them; many of which places, neer unto the Shields, is far more convenient, then any of thoſe unlawful ſhoars, belonging to themſelves, at, or neer Newcaſtle, in the higheſt part of the river, which hath ſo much ſpoyled the ſaid river, eſpecially a place called the Pace-ſand, that it is the ſpoyl of many ſhips, in ſayling up and down, to caſt out ballaſt, and to take in coals. (C) That it muſt be a good neap tyde, that there is above ten foot, and a half, at high water, and moſt ſhips draw twelve foot; alſo, where there hath lately been ten foot at low water, in a place called the Bill, there is not now above eight foot, occaſioned by the ſand, and ballaſt falling off the towns ballaſt-ſhoars; (D) and

and that the river, in the winter, is often frozen, below the towns ballaſt ſhoars, at the Bill, (but never lower) that no ſhips can get up to unlade their ballaſt, and take in coals, ſalt, &c. all ſalt being made at Shields, where the river is never frozen; but all ſhips reſtrained from caſting ballaſt there, though there be more convenient places, and would ſerve all ſhips, to caſt their ballaſt, for above fourſcore years, without any hurt to the river, or ſhipping, (E) and cauſe them to make more voyages in the year.

JOHN MORS, WALTER KEEBLE, JAMES SHRIVE, THOMAS HESILWOOD, ROB. SWALLOW, GEORGE HILL, JOHN KEEBLE, HENRY HARRISON, and many other maſters of ſhips, prove the like.

(B) Thomas Haſilwood, of London, maſter of a ſhip, upon his oath, ſaid, that all the ballaſt-ſhoars above the Bill-reach, have been the ſpoyl, and ruine of the river of Tyne, and doth believe, that if no care be taken ſpeedily therein, there will be no navigable river, to the utter impoveriſhing of thoſe counties, and a great prejudice of the whole nation, the greateſt part of navigation, in that river being ſpoyled, as appears in moſt road-ſteads, in the ſaid river of Tyne, what with the ballaſt falling in, and ſhips ſunk, that when, as within theſe twenty years, twenty ſhips of the burden of two hundred tuns, could have rid afloat at low water, at St. Lawrence road-ſtead, now not above three ſhips of the ſame burthen; at the Hands and Dents hole road-ſteads, where twenty ſhips of the ſame burthen, now not above eight can ride afloat; at St. Anthonies, where twenty of the ſame burthen, now, not above three can ride afloat; at the Bill road-ſtead, where twenty of the ſame burthen might have rid, now not above ſix; at the North road-ſtead, where twenty ſhips of the ſame burthen could have rid afloat, now not above four; and at the South road-ſtead, where twelve

ſhips

ſhips of the ſame burthen could have rid afloat, at low water, now not above three can ride; (B) and that within theſe few years, when ſhips did caſt ballaſt at Shields, without the moleſtation of the mayor and burgeſſes, ſhips made ten or twelve voyages in the yeer, whereas now, they can make but four or five voyages. See ſtat. 34. Hen. 8. 9. 23. Hen. 8. 5.

THO. HASILWOOD, ROB. YAXLEY, GEORGE PHILIPS, WALTER KEEBLE, and HENRY HARRISON, with many more maſters of ſhips, prove the like.

CHAP. XXXVI.

A. *John Hall*, B. *Ann Wallice*, C. *Thomas Rutter*, D. *Ann Cliff*, E. *Free Carpenter*, F. *Cliffs man.*

(SEE PLATE I. FIG. 2.)

(A) HENRY HARRISON, maſter of a ſhip, upon his oath, ſaid, that in April, 1646, a ſhip ſailing into Tinmouth haven, by ſtorm, was caſt upon the rock, near Tinmouth caſtle; the maſter got aſhoar with all expedition, and obtained the preſent help of an antient ſhip-carpenter, by name, Thomas Cliff, of North-Shields, with three of his men, to ſave the ſaid ſhip from periſhing, which ſhip had been quite loſt, if the ſaid maſter ſhould have run to Newcaſtle, to have agreed with the free carpenters, whoſe exceſſive rates* and demands, often ſurmounts the value of the ſhip in diſtreſs, and their tedioufneſs, in coming and going that diſtance, that often the ſhips in diſtreſs are quite loſt.

(B) The

(B) The ſaid Cliff, and his men, ſaved the ſhip, and got her off, and brought her to the lower end of the North Shields, and laid her upon the ſands to mend her, where the three carpenters were at work, and Ann, the wife of Thomas Cliff, and Ann Wallice, his daughter, ſtanding, (to ſee their ſervants work) near unto the ſhip.

(C) The mayor, and burgeſſes of Newcaſtle, ſent Thomas Rutter, and John Hall, two ſergeants, with Thomas Otway, Richard Toderick, and other free carpenters of Newcaſtle, to Shields, to ſeize upon all the aforeſaid workmen, for daring to ſave any ſhip from ſinking, in that river, with command to carry them to priſon.

(D) The two women ſeeing their ſervants trailing away, railed againſt their evil practices, for which, Thomas Rutter, with a club, by ſeveral blows upon Ann Cliffs body, and head, knockt her down to the ground; the other ſergeant, John Hall, by ſeveral blows, with a rule or truncheon, broke Ann Wallice her arme, and then perceiving ſouldiers coming from Tynmouth caſtle, both the ſaid ſergeants fled to Newcaſtle, where they were protected from the hand of juſtice.

(E) The ſaid Ann Cliff was taken up, carried home, got to bed, and in a few weeks dyed* thereon, for which the ſaid Rutter was indited, and found by the jury, guilty, yet did not ſuffer. The ſaid woman required her friends, as they would anſwer it at the laſt day, they ſhould require her blood at the hands of Rutter, he being her death. The poor men kept in priſon,* and Cliff kept in ſuit at law, for his working, by Newcaſtle, and his men, and they forced to give bond never to work again. See chap. 25. (B), 29. (E), 30. (F), 1. Edw. 6. 12*.

HENRY HARRISON, THOMAS CLIFF, AND ELEANOR LOUNSDALE, ALL PROVE THE LIKE.

CHAP.

CHAP. XXXVII.

(A) THOMAS SALKIELD, gent. upon his oath, ſaid, that he, being at Shields, in the county of Northumberland, upon the two and twentieth day of May, 1653, ſaw a great number of men, belonging to Newcaſtle, with ſwords drawn, and piſtols cockt, who invironed a gentleman, who was peaceably in his houſe, and ſhot at ſome of the ſaid gentlemans ſervants, and beat his wife, and much blood was ſpilt, they pretending they came by warrant, and produced a warrant from the mayor, Mr. William Dawſon, Mr. John Butler, ſheriff of Newcaſtle, to take him and carry him away to priſon, under pretence of debt; but the ſea-men got aſhoar, fell upon the ſaid Newcaſtle-men, wounded and diſarmed them, and relieved the ſaid gentleman. See ſtat. 2. Edw. 3. 3. 4. Rich. 2. 37. Hen. 6.

THO. SALKIELD, LETTICE HUME, MARY HUME, AND MANY OTHERS, PROVE THE SAME.

(B) Thomas Salkield, gent. upon his oath, ſaid, he knew a gentleman caſt into Newcaſtle priſon, upon a bare arreſt, in Auguſt, 1652, and laid actions upwards of nine hundred pounds, where twenty pound could not be recovered; and kept him lockt up in a priſon, from all comforts, in a tower, above 36 foot high, being forced to evacuate in the ſame room he lay, and eat his meat, by reaſon he was locked from the houſe of eaſement.

(C) He offered good bayl, free-men of Newcaſtle, who were accepted, and entered in the book, and two daies after raſed out again, and he ſtill kept there. He deſired to be admitted to defend his own cauſe, in their court, but they refuſed it.

(D) Deſired to go with a keeper to counſel, which was alſo denied; his friends and ſervants often not admitted to come to him.

(E) Proffered

(E) Proffered good bond to be a true priſoner, to the end he might have the benefit of the freſh aire, for preſervation of his health, but at the goalers houſe; which the ſheriff granted, at the firſt, but preſently after refuſed, ſaying, that the mayor, aldermen, and himſelf had a meeting, and reſolved, he ſhould have no liberty, being an enemy againſt their privileges.

(G) The ſaid gentleman offered them, that what any could recover againſt him by law, they ſhould have it without law.

(H) Conſtrained to drink the goalers beer, not fit for mens bodies.

(I) No tryal ever againſt him; they diſobeyed two or three habeas corpuſſes, which the ſheriff received, and his fee, and was proffered to have their charges born, but never returned them.

(K) Refuſed ſubſtantial bond, to appear at London, before the judges, and after five months impriſonment, he brake priſon, in February following.

(L) And he further affirms, that upon the third of February, 1652, one John Cuthbertſon, being impriſoned, upon an action of 5l. debt, but no tryal ever had againſt him, for the ſame, was upon this gentlemans getting away, caſt into the dungeon, by the command of the magiſtrates of Newcaſtle, where they laid fetters of iron upon him, to force a confeſſion from him, whether he did not help the ſaid gentleman out; where he lay upon the cold earth, without either bed, ſtraw, or any other thing to keep him warm, or firing, and fed him onely with bread and water, and fuſed comfortable ſubſiſtance to be brought unto him.

(M) The poor man being not worth, in the whole world, forty ſhillings, and two children a begging, and himſelf kept in priſon, after this impreſſion, begging for food.

(N) And that he was certainly informed, that ſome of the officers of Newcaſtle, had counterfeited a letter, and ſet the gentlemans name to it, and read it to the

ſaid priſoner, thereby perſwading him to confeſs he helped him out of priſon. See ſtat. 23. Hen. 6. 10. 1. Edw. 1. 15. See chap. 41.

THOMAS SALKEILD.

Hornes Mirror ſaith, it is an abuſe, that priſoners be charged with irons, before they be attainted, cap. 8. ſect. 1. 2 Edw. 3. 10. 1. Edw. 3. 10.

Bracton ſaith, to lay a man in chains is againſt the law, for a priſon is to keep, not to puniſh.

And it is commanded by the law, that neither felon, nor treſpaſſer be puniſhed, nor tormented, in priſon, fo. 11. 17.

Fleta ſaith, it is lawful for ſheriffs to keep priſoners in priſon, but not to puniſh them, but keep them, &c. 33. Hen. 1. P. Inſt. 54. See chap. 41. (A).

CHAP. XXXVIII.

(A) RALPH TAYLER, publick notary, and ſteward to the carpenters of Newcaſtle, upon his oath, at Gateſhead, in January, 1649, ſaid, that the mayor and burgeſſes of Newcaſtle, did ſue,* impriſon,* and fine,* Robert Johnſon, Alexander Hearon, and William Portice, of the town of Gateſhead; John Hubbert, of South-Shields, and John Readhead, only for working upon ſhips, in the river of Tyne, being carpenters, and made them to pay their fines, impoſed upon them, by the mayor and burgeſſes. See ſtat. 2. Edw. 3. 6. 28. Edw. 3. 3.* 9. Hen. 3. 29.* 43. Eliz. 2.*

RALPH TAYLER, and MICH. BONNER, prove the like.

(B) Michael Bonner, merchant, and water-ſergeant of Newcaſtle, at the ſame time, upon his oath, ſaid, that the mayor and burgeſſes of Newcaſtle, arreſted and

and impriſoned, and ſet a fine, upon one John Hardcaſtle, a carpenter, for working upon a ſhip, in the river of Tyne, he not being a freeman of that corporation, and made him enter into a bond of 100l. in May, 1648, never to work upon his trade again, and made him pay his fine.

MICHAEL BONNER.

(C) John Hall, upon his oath, ſaid, that the mayor, and burgeſſes of Newcaſtle, did arreſt, impriſon, fined, ſued, and forced bonds, from one Richard Tayler, Henry Atcheſon, and Robert Lambert, ſmiths, whoſe wives and families inhabits, at North-Shields, in the county of Northumberland, and Thomas Brocket, of Gateſhead, in the county of Durham, ſmith, for no other offence than for working upon their lawfull trades, where they dwell; Tayler and Brocket ſtood out ſuit, Atcheſon entered into bond, never to work upon his trade, to the ſhips on the the river, and Lambert kept in priſon, till almoſt ſtarved,* his wife and ſix ſmall children begging for food. See ſtat. 9. Hen. 3. 29.* 43 Eliz. 2.

JOHN HALL.

(D) Ralph Bowes, of Newcaſtle, late burgeſs, but disfranchized, upon his oath, ſaid, in January, 1649, that, formerly, he had ſeen an antient writing, belonging to the mayor, and burgeſſes of Newcaſtle, purporting, that it was unlawful for any tradeſmen to work, or live in any port, adjoyning to the river of Tyne, but onely at the town aforeſaid, and that the mayor and burgeſſes, have had the puniſhing of all ſuch as did work, as alſo the correction thereof, in that port, &c.

RALPH BOWES.

It is pitty this gentleman is not reſtored to his freedom again, for this his great diſcovery. Surely this ſaid writing was made by the corporation themſelves, it was ſo conſcienciouſly drawn, it having ſo little regard to the weal of the publick.

CHAP. XXXIX.

D. *The mayor and witneſſes.* C. *The maſter ſwearing.* A. *The maſter cutting a purſe.* B. *The clarks telling the mony. To ſwear againſt themſelves, to be impriſoned, to cut a purſe, to pay a fine, are four puniſhments for one offence.*

(SEE PLATE 2. FIG. 1.)

(A) THOMAS HASILWOOD, of London, maſter of a ſhip, upon his oath, ſaid, that all maſters of ſhips, which ſayleth into the river of Tyne, for coals, ſalt, &c. the mayor, and burgeſſes of Newcaſtle, compels them to * ſwear againſt themſelves, whether they did not caſt ballaſt at ſea, between Sowter and Hartly, or within fourteen fathom water, to the hurt of the ſaid river of Tyne, and when the ſaid maſter hath ſworn the truth, that he did not, then a poor drunken fiſher-man, or other, is called into the town chamber, and maketh oath, that the maſter did caſt ballaſt, when in truth he did not, he having part of the fine for the ſame.

(B) Then the maſters oath is invalid, and laid aſide,* and forthwith is commanded to pay a fine of five pounds, or elſe to cut a purſe, which hangs up in the town-chamber, with ſand and money in it, and ſo much as is therein, he muſt pay, or is ſent to priſon, and there to lye till he doth pay it. See chap. 14, (F)* 12. 5. 17. k. Charles, (19. Hen. 7. 7.).

THO. HASILWOOD, JOHN LOCKWOOD, and SAM. JAMES, maſters of ſhips, prove the like. Read theſe ſtatutes.

(C) Thomas Bradford, of Lyn, affirms, that in, or about the year, 1652, the mayor, and burgeſſes of Newcaſtle, compelled one Richard Neſling, maſter of a ſhip,

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Plate II. Fig. I. page 92.

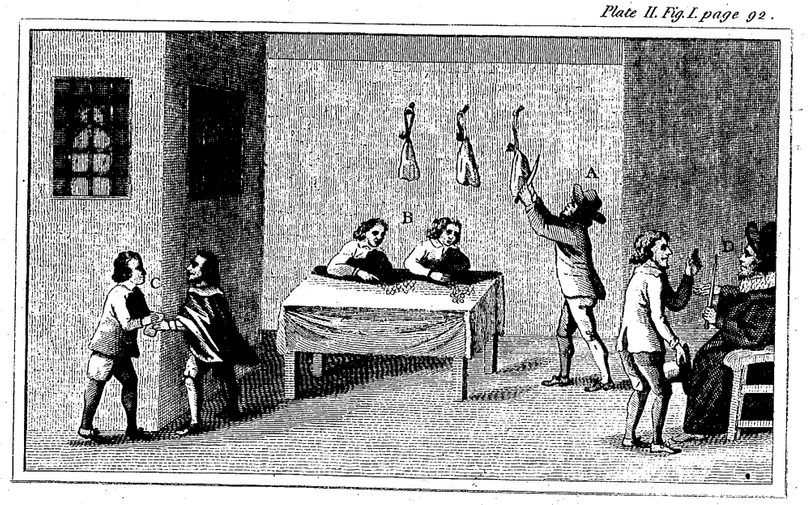

Fig. II. See page 106.



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a ſhip, to cut a purſe,* hanging up in the town-chamber, with monies in it, and paid money for ſo doing. See chap. 12. (5) ſtat. 8. Eliz. 4.*

THO. BRADFORD.

(D) In Spain, if any perſon do inform againſt another, let the ſuggeſtion be what it will, and the information never ſo falſe, the party informed againſt, is ſent to priſon, and there kept, till he do confeſs that it is truth, and thereupon is lead to the ſtake, and executed.

(E) The heathen kings, when they condemn a perſon, to dye for any offence, firſt ſends him a pair of ſcales, and a weight; if the malefactor ſends him ſo much gold, as the weight weigheth, is ſaved, otherwiſe not.

(F) The Star-chamber practice was to put a man to his oath, to betray himſelf, and confeſſe as much as he pleaſed, and then other witneſſes were brought in againſt him, as that of the lord Bucan, and the warden of the Fleet, upon a complaint made againſt the warden, in the Star-chamber, &c. See ſtat. 17. Carol.

CHAP. XL.

(A) JOHN HARRISON, of London, upon his oath, ſaid, that all maſters of ſhips, belonging to the coal trade, at Newcaſtle, are compelled to ſwear how many coals, and chaldrons, they have aboard their ſhips, at Newcaſtle, when they are loaden, which is impoſſible to ſwear, by reaſon they buy their coals by weight, and often the maſters occaſions draws them aſide, ſo are not then aboard, when the coals are ſhipped, but truſts to his,

his, or their mates; and often the coal boat, hath much water, which weighs heavy, alſo great ſtore of ſlates, and other rubbiſh; and often the ſhips are loaden in the night, ſo that this oath, is a great vexation to their ſpirits, and diſquieting thereof; and conceives that never a time, a maſter ſwears, but he is perjured, and often deceived by the keelsmen in the nayles.

Capt. JAMES GREENWAY, proves the like.

(B) The oath, *ex officio*. No man is bound by the law of God, or laws of the land of England, to betray himſelf, *in criminalibus, licet in contractibus*, not in criminal offences, but in contracts and bargains, it may be whether he did make the contract or bargain, in queſtion, but never uſed to a malefactor, for if witneſſes do not come in againſt him, he is cleared by law, and not put to his oath, to accuſe himſelf.

(C) Many are conſtrained to take an oath, *de rebus ignotis*, to anſwer to they know not to what, but Gods command is, ſwear not at all.

(D) Query, whether it be lawful for one to ſwear, being forced?

(E) The anſwer. Magiſtrates may impoſe an oath, with theſe three limitations; firſt, if the thing be weighty; ſecondly, if otherwiſe it cannot be known; thirdly, if it be not a ſnare to catch a mans ſelf, or trick to make him accuſe himſelf; ſecondly, magiſtrates ſhould be very wary, how they inforce, or conſtrain men to ſwear, becauſe they often thereby add fuel unto the fire of Gods wrath, by making men forſwear themſelves, and therefore it were better to looſe the thing in queſtion, than hazard the loſs of a brothers ſoul, by making him perjure himſelf. Paul would rather chuſe never to eat fleſh, than to offend his weak brother.

(G) If ye believe him when he ſwears, why not upon a ſolemn proteſtation? It ſhould be conſidered, whether

whether ſuch as is to be put to his oath, fears God, then he dares no more lye than forſwear himſelf, and if he fear not God, how will he fear to forſwear himſelf?

(H) The practice in Newcaſtle is worſe, for notwithſtanding a man is put to his oath, againſt himſelf, it will not ſtand, but another is called in, to ſwear point blanck againſt what he had ſworn.

CHAP. XLI.

(A) WILLIAM LING, maſter of a ſhip, of Ipſwich, upon his oath, ſaid, that Henry Truelove, maſter of a ſhip, with himſelf, did caſt their ballaſt, at Shields, upon a ſufficient ſhoar, without any harm to the river, for which, (B) the mayor, and burgeſſes of Newcaſtle, arreſted them both, and detained them, till they did pay ten pounds fine, for this offence, as they called it.

(C) He, this deponent, with Mr. Truelove, tendered ſufficient bail, freemen*, to anſwer the great council, or the common law, for any thing that they had done; this they could not deny by their power, P. 17. N. 7. (D) but the mayor and aldermen, ſharply reproved the bondſmen, for daring to offer themſelves as bail, and told to him, this deponent, and Mr. Truelove, that for a great council there was none, and for the common law, that they had within themſelves, and needed not to yeeld to any other court, and that to priſon they ſhould go, and lye and rot, till they had paid the fine. P. 17. N. 7.

And then caſt them both, into their ſtinking common goal, where onely a wall parted them, and ſuch as had the plague, where they lay, in that ſad and miſerable condition, in hazard of their lives, (G) and was forced to pay the ſaid ten pounds, and all charges,

charges, beſides the loſs of their voyage, which amounted to above 80l. to their owners. (H) * There was no tryal at law, nor any other offence committed, but they could get no right, by reaſon they were to have the fines, and being judges, jurors, and witneſſes, in their own court, and for their own benefits. See ſtat. 11. R. 2. 9. (A), ſee chap. 18. (C), 23. Hen. 6. 10. See chap. 37. (D), 28. Edw. 3. 3. (F), 1. Rich. 2. 13. 99. (G), 1. Ed. 3. 15. (C).

WILLIAM LING, and HENRY TRUELOVE, ſwears the like.

(B) Joſeph Prieſtly, with John Walker, the miniſter of Jarrow, and twelve more, upon a tryal, at Durham aſſizes, between the dean and chapters, plaintiffs, againſt Thomas Talbot, and Richard Allen, gent. concerning the right of Jarrow*Slike, which by verdict was given to the defendants, upon their oathes, ſaid, that they knew Jarrow Slike, by eſtimation three hundred acres, where a wall was building, to have it a ballaſt-ſhoar, for the good of ſhips and river, 22. Feb. 1638, by Ling and Truelove, and that the ballaſt which was caſt thereon, was caſt without any prejudice to the river, and there lay ſafe and ſad, and that neither the wind could ever blow it off, nor the rain, nor waves could waſh it into the river. See chap. 34. (A.D).*

JOSEPH PRIESTLY, JOHN WALKER.

How long will yee give wrong judgement, to accept the perſons of the ungodly? Pſa. 82. 2.

CHAP.

CHAP. XLII.

(A) CAPTAIN ROBERT WYARD, of London, upon his oath, ſaid, that he, with his ſhip, being in the river of Tyne, at Newcaſtle, in Nov. 1649, where one of his ſhips company (it ſeems) did caſt two or three ſtraw mats, out of one of his ſhips port-holes, yet, to this deponents unknowledge, which could do no harm to the river, by reaſon of its ſwiming to ſea*; but one Edward Green, and one ——— Wilkinſon, two free-men of Newcaſtle, ſtanding a quarter of a mile from the ſhip, upon the land, made oath, at Newcaſtle, that this deponent caſt out ballaſt into the river, to the prejudice thereof.

(B) Whereupon the mayor, and burgeſſes of Newcaſtle ſeized him, and fined him twenty pounds‖ for the ſame, and conſtrained him to pay ten pound of it, and ten pound to Green, and eight pounds to Wilkinſon, and twenty four pounds more the ſuit coſt him, being fined by them, for ſaying they were forſworn, to ſay he caſt ballaſt into the river, when he neither did, nor was out of his cabin when the mats were caſt in.

ROBERT WYARD.

* It could no harm to the river, other than endanger the choaking of the fiſh.

‖ Yet the 10 did not clean the river thereof.

*1.Tim.6.10

(C) And further ſaith, that the mayor and burgeſſes, were plaintiffs, judges, jurors, and witneſſes in this cauſe, of their own fines. See chap. 11. (E), ſtat. 5. Eliz. 9.

If theſe men be fined ſo high, for ſo ſmall an offence, and that ignorantly, what muſt thoſe men that have offended arrogantly and knowingly, a thouſand times more? Thomas Peach, maſter of the Ann Speedwel, of Ipſwich, who, by ſtorm, was caſt upon the rocks, near Tinmouth caſtle, and for caſting his ballaſt over-board, to ſave his ſhip, was fined by the mayor and burgeſſes.

Mr. James Talbot, for his men ſweeping the bins of his ſhip, where there could not lie above one ſhovel full of ballaſt, was fined five pounds, and laid it down; ſome they took, and ſome they returned to him again.

CHAP. XLIII.

(A) NICHOLAS PYE, of London, creup, upon his oath, ſaid, that Mr. Thomas Partridge, of Gateſhead, maſter, being loaded at Newcaſtle, by Thomas Read, Fitter, with bad and unmerchantable coals, which he had ſold for good coals, to Mr. Clark, of London, and M. Otridge, M. Godfrey, M. Harriſon, and others, at the rate of 31l. the ſcore, but proving ſo bad, that he was threatened to be ſued, by the ſaid gentlemen that bought them, and was conſtrained to compound for the ſame, and loſt 6l. in every ſcore, and that he hath known much bad coals, which the freemen of Newcaſtle forceth maſters of ſhips to take, to the great loſs on all hands.

NICHOLAS PYE.

Pray look into the tenth year of king James, what puniſhment hath been for the ſame, formerly.

The ſaid Thomas Read, did give 20l. as part of ſatisfaction, to the ſaid Mr. Tho. Partridge, the maſter, and in conſideration of his great wrong, &c.

(B) Captain Gregory Butler, captain of a man of war, for the parliament, upon his oath, ſaid, that in April, 1650, he, this deponent, wanting ſome ballaſt for his ſhips uſe, being at Shields, required a maſter of a ſhip, of Yarmouth, to caſt his ballaſt into his ſhip, for the ſtates uſe, which the ſaid maſter did

did with much care, and no prejudice to the river, (C) for which the mayor, and burgeſſes of Newcaſtle, refuſed to ſuffer any coals to be laid on board of his ſhip, till he paid 5l. fine, for this contempt, and forced him to pay a fine, and to pay eight pence, for every tun of ballaſt (beſides) computing it to 48 tun, and then, and not before, he could get any coals. See chap. 44.

GREGORY BUTLER.

Thomas Partridge, maſter, affirms, that Mr. alderman Samuel Rawling, forced him to pay for 80 tuns of ballaſt, when he carryed but 42 tun. Every freeman pays ſix pence the tun, and un-freeman pays eight pence. There is no warrant to demand any ſuch ſum.

THOMAS PARTRIDGE.

(D) Richard Leaver, of Ipſwich, maſter of a ſhip, upon his oath, ſaid, that for his caſting out ballaſt, at Shields, upon a more convenient ſhoar, than any was at Newcaſtle, and without any hurt to the river, went to Newcaſtle, to the coal fitter, to be laden, but could get none, by reaſon of a combination of the free hoaſt-men, who had made a new ordinance* amongſt themſelves, in the free hoaſt-mens court, that who ſhould dare to ſell a coal to any ſuch maſter of a ſhip, as did not caſt ballaſt upon the town ſhoars, ſhould forfeit twenty pound a time.

(E) Upon which, this deponent waited above ten dayes, and could not get coals for money, but at laſt prevailed, with one of the fitters of coals at Newcaſtle, by promiſing him to ſave him harmleſſe, and he would load him, which was done, for which the ſaid mayor and burgeſſes, caſt the ſaid fitter into priſon, where he lay, till a fine of five pound was paid for his ranſome, with other charges, which he, this deponent, was forced to pay, beſides loſſe of his voyage. This was without any triall at law, &c. (See 19. Hen. 7. 7.*) 28. Ed. 3. 3.

RICH. LEAVER.

CHAP. XLIV.

(A) RICH. LEAVER, of Ipſwich, maſter of a ſhip, upon his oath, ſaid, that for the only gain and advantage of ſome aldermen, and a few other private perſons, of the town of Newcaſtle, no maſters of ſhips can be tollerated to caſt ballaſt, in any part, but at their ballaſt-ſhoars, which is unlawful, and very prejudicial to the river and trade, and muſt often pay for eighty tun of ballaſt,* when indeed there is but forty to be paid for, (B) and do hinder all coals from being ſold, to any ſhip which do caſt ballaſt at Shields, upon as ſufficient ſhoars, and better than the other, both for the good of the river, and leſſe hurt to ſhips, and more voyages made in the year; (C) alſo, that the mayor and burgeſſes, do prohibit all the coal-owners, in both counties of Northumberland, and Durham, for ſelling their own coals, it tending to the ſaid owners utter undoing, and the cauſe of many voyages loſt in the year, to the great prejudice of the poor, and much loſſe to the ſtate, (D) and that there is more convenient places, to build ballaſt-ſhoars, which will laſt, for hundreds of years, without hurt to the river, at, and neer Shields, then where they are at preſent. See chap. 43. See the following depoſition.

RICHARD LEAVER.

CAPT. BUTLER, SAMUEL JAMES, CAPT. PHILIPS, and JEREMIAH LOW, proves the like.

(E) Thomas Cartwright, of Lyn, merchant, upon his oath, ſaid, that by reaſon all coals are ingroſſed, and ſold by the free-men, the mayor, and burgeſſes of Newcaſtle, onely tends to the great impoveriſhment of the coal owners of the two counties, where all the coals are.

(F) Alſo,

(F) Alſo, that it is the cauſe of the high and exceſſive rates of coals, at London, and ſea-coaſts, and loſſe to the maſters, ſeveral voyages in the year.

(G) And to the ſtate likewiſe, in cuſtomes of the three ſhillings per chalder.

(H) And that he hath known many ſhips, denied to be laden with coals, only for caſting ballaſt at Shields, to their extraordinary loſſe, which is the cauſe of coals being ſold the dearer, they ſtaying ſo long for them.

(I) And that the ſaid mayor and burgeſſes, being the ſole cauſe hereof, and likewiſe engroſſe all proviſions coming in by ſea, and ſets their own rates thereon, and takes exceſſive *towl, one peck of every grain of corn. See ſtat. 22. Hen. 8. 8.*. See chap. 44. (C), (A).

THO. CARTWRIGHT, Mr. SYMONDS, and WIL. REAVELY, proves the like.

1. The pre-emption of tyn, ſoap, ſalt, cards, &c. was adjudged grievous, and why not coals, which is of as great uſe, nay more, as appears by ordinance of parliament, 1640; (A) alſo, they were damned by the judgement of the ſage judges, in Sergeants-inn, upon a conference then had, before that parliament began, as being repugnant to the law.

2. And why a monopoly of coals, more upon the owners, then on any thing elſe in England? and more of them to be inſlaved then any other people of England? I appeal to God, the whole world, as alſo to the coal-engroſſers themſelves, whether it be juſt? &c.

CHAP.

CHAP. XLV.

(A) DECEMBER, 1653, a charge was exhibited, to the committee for inſpections, and advance of cuſtomes, againſt Mr. George Dawſon, collector of the cuſtomes of Newcaſtle, the contents being as follows, viz.

(B) That the ſtate hath been, and is much wronged in their cuſtomes in that port, by reaſon ſome of the ſaid cuſtomers, are traders, merchants, &c. and many ſhips vexatiouſly troubled without juſt cauſe, onely by reaſon they buy not their coals from them, and ordinarily give coals, for reparation, cuſtome-free, as alſo, a ſecond charge exhibited to the commiſſioners of cuſtomes, not doubting but to receive juſtice at either place; here follows the depoſition, viz.

(C) Jonas Cudworth, of Newcaſtle upon Tyne, draper, upon his oath,* in December laſt, ſaid, that Mr. George Dawſon of Newcaſtle, collector of the cuſtomes, in the ſame port, did exerciſe the trade of a free hoaſt-man,* in the year 1651, and imployed for his ſitter, one Tho. Read, who loaded ſeveral veſſels with coals, and cleared them in the name of the ſaid Mr. Dawſon.

Coal ingroſs.

(D) And in the year aforeſaid, one John Grip, maſter of a hoy, belonging to Hamborough, was laden with coals, by the ſaid Thomas Read, and information being by this deponent, to the ſurveyor of the ſaid port, by name, Mr. Meriton, that the ſaid Grip had ſhipped a great quantity of coals more, then he had cleared for, and paid the duty of cuſtomes, the ſaid Mr. Meriton had acquainted the ſaid George Dawſon herewith, after which, notwithſtanding information was made, and ſeizure alſo ſhould have been made, he the ſaid George Dawſon did admit of a poſt entry of a ſmall quantity of the ſaid coals, and after cocket granted, and did not unload

unload the ſaid veſſel, to diſcover the fraud, and ſeize the ſame.

(E) This deponent further ſaid, that about the ſame time, the ſaid George Dawſon did unload another veſſel, belonging to Peter Hofman, of Dantzick, to his great damage, before any cocket granted, and refuſed to let any entry be made, though offered, before full loading, and for reparation thereof, he gave to the ſaid maſter, four chalder of coals, cuſtome free, and the ſaid maſter, George Dawſon, had, and hath parts of ſhips, * and trades over ſea with coals. (See ſtat. 3. Hen. 7. 7.*) 14. Rich. 2. 10.

JONAS CUDWORTH.

(F) Theſe are humbly to certifie, that David Lindiman, maſter of a ſhip, called the Fortune, of Statin, did load his ſhip with coals, in the ſaid port of Newcaſtle upon Tyne, and cleared in the cuſtome-houſe, for three ſcore and twelve chalder of coals, and that Jonas Cudworth, of this town, came and told me, that the ſtate was wronged of cuſtome, for forty chaldron of coals, in that ſhip, and gave the names of the maſters of keels, or boats, that laid the coals aboard, and requeſted they might be ſworn, which was done, and the information found true. The ſaid Mr. Lindiman did pay for forty chalder of coals, more then he had entered for in the cuſtome-houſe, which cuſtome amounted to fifty and odde pounds, all which, I humbly conceive, the ſtate had been defrauded* of, if the ſaid Jonas Cudworth had not informed thereof. See ſtat. 11. Hen. 6. 15.

THO. MERITON, ſurveyor.

Newcaſtle upon Tyne, 23. of March, 1643.

It is the old proverb, *foul birds bewrayes their own neſt.*

If one ſhip could cheat the ſtate, ſo much as fifty odd pounds cuſtome, what do hundreds of ſhips do? See chap 46. (B.).

CHAP.

CHAP. XLVI.

(A) GEORGE PHILIPS, of London, maſter, and captain of a ſhip, upon his oath, ſaid, that for his caſting ballaſt, at Shields, upon as ſufficient ballaſt-ſhoars as any can be, could not obtain his loading of coals, for doing thereof, being denied by the mayor, and burgeſſes of Newcaſtle, and lay five weeks for the ſame, and at laſt obtained favor from one Major Tolburſt, and Mr. Readnal, to furniſh him with keels or lighters, to fetch ſuch coals as he could procure, and when he had loaded his ſhip, Mr. George Dawſon, collector of the cuſtome-houſe, and * officer of the corporation of Newcaſtle, ſometimes mayor, alderman, juſtice of peace, and merchant, and Mr. George Blackſtone, cheque of the cuſtome-houſe, iſſued out a warrant, under the town-ſeal, and cuſtome-houſe-ſeal, to ſeize his ſhip and coals, upon the 19. of April, 1651, which warrant is extant amongſt the records at White-hall. See ſtat. 3. Hen. 7. 7.* 11. Hen. 6. 15.

GEORGE PHILIPS.

(B) Coales, the chalder, at Newcaſtle, doth coſt the maſters of ſhips, ten ſhillings the chalder, Newcaſtle meaſure, and one ſhilling cuſtome, ordained by queen Elizabeth.

For all coals, carried beyond ſea, by any Engliſhman, pays by the chalder, for coals and cuſtome, eleven ſhillings four pence, as by an act of parliament, of the 28. of March, 1651, appears.

For all coals, carried by any ſtranger, payes the chalder double, being for cuſtome per chalder, two and twenty ſhillings eight pence, and argiere duties, &c. in all ſix and twenty ſhillings and ten pence, cuſtome, beſides the price of coals and fraught.

For all coals at the market, in every port, two ſhillings per chalder, exciſe, towards building of frigots.

And

And for all coals, ſold by the tun, one ſhilling per tun, and for all ſcotch coals, two ſhillings ſixpence per tun.

(C) And yet, notwithſtanding theſe impoſitions, coals might be ſold for twenty ſhillings the chalder, all the year long, at London, with greater gain to the maſters and ſeamen, if ballaſt ſhoars were at, or neer the Shields.

(D) Proviſions for the relief of the multitude of ſhipping, above nine hundred ſail, and the inhabitants there.

(E) Coals to be bought from the firſt hand, then there might be as many more voyages in the year, as now they make.

(F) The maſters of ſhips, deſires onely their due meaſure, and then they would not regard the odd chalder given to the ſcore, all which they are debarred of, moſt unjuſtly, for commonly where ſhips takes in at Newcaſtle, one hundred thirty ſix chalder of coals, and expects to make at London, two hundred and ſeventeen, or elſe loſeth, beſides having bad coals a long voyage; there are computed three hundred and twenty coal keels, alias lighters, and every keel accounts to have carried every year, eight hundred chalder of coals to ſhips; then judge how many thouſand London chalder is carried away. See chap. 23.

JOHN WRENHAM.
ROBERT REEX.

CHAP. XLVII.

People robbed in the open market, and others, onely passing through Newcaſtle. A. C. E. *Three Newcaſtle-men.* B. *Iſabel Orde.* D. *John Williamſon.*

(See plate 2. fig. 2.)

(A) ELIZABETH LUMSDEL, upon her oath, faith, that one John Williamſons wife, and ſervants, having bought forty pounds worth of tobacco, (who dwelt at Braughton, in the county of Cumberland,) which ſaid tobacco, all duties of exciſe, cuſtome, or toul were paid, and carrying the ſame through Newcaſtle, towards Carliſle-market, one Mr. Huntley, and Mr. Stranguage, merchants, made * a ſeizure of the ſaid tobacco and horſes, by order from the magiſtrates, pretending it were foreign bought, and foreign ſold, * and therefore confiſcate to their uſe. The poor people petitioned ſir Arthur Heiſlerigge for the ſame, who interceded hard with them for the reſtauration thereof, but it was refuſed, yet they, fearing ſir Arthurs diſpleaſure, ſold the tobacco for thirty pound, and reſtored to the poor owner but fifteen pounds thereof.

(B) This deponent further affirms, upon her oath, that about the ſame time, one Iſabel, wife to Henry Orde, ſitting in open market, ſelling a role of tobacco, who had paid all duties, the ſaid Mr. Huntley, and Mr. Stranguage, made * ſeizure, by ſtrong hand, of the ſaid tobacco from the poor woman, and would not acquaint them with the reaſon, whereupon, in paſſion, ſhe called them robbing raſcals, for which they ſued her poor huſband, in their own court, and put him to great expences; ſhe, this deponent, with the ſaid Iſabel, hard petitioned judge Thorp for her tobacco, who ſent for the two merchants, and demanded the reaſon of their taking away the poor woman

womans tobacco in the open market, who produced a warrant from the mayor, who likewiſe was ſent for, by name Mr. William Dawſon; the judge demanded of him, by what power he durſt rob people in the market, who replyed, foreign bought, and foreign ſold, my lord, but command was given by the ſaid judge to reſtore the ſame, but after departure it was not; then the judge granted a warrant for reſtoring the ſame upon his going away, and when it was ſhewed the mayor, he ſnatched it and put it up into his pocket, and would not reſtore the ſaid tobacco, but ſleighted the ſaid warrant. See ſtat. * 3. Ed. 1. 24. 11. Ric. 2. 7. 27. Ed. 1. 5. 6. Ed. 6. 9. See chap. 49. 51.

Eliz. Lumsdel.

CHAP. XLVIII.

(A) LETTICE HUME, upon her oath, ſaid, that no victual or other proviſions, coming in by ſea, for the relief of Northumberland, or county of Durham, is permitted to be ſold at Shields, but all is compelled to Newcaſtle by the magiſtrates, and there ingroſſed after three market dayes, Tueſday, Saturday, and Tueſday, and payes double tole, * in and out, and pays double rates for the ſame, and that ſhe hath often known boats, and proviſions, caſt away, and peoples lives, in going and returning from Shields to Newcaſtle, in ſtormy weather, too and from the market; namely, one William Rea, with others, in the year 1650, at the ſame time, and before, nor never any coroner ſate upon any of the dead bodies, nor young Mr. Snape, &c. and that greater rates are given for proviſions, being bought up by the townſmen, than might be had at the firſt hand. See chap. 11.

(H), 44. (I), 49. (C), * ſtat. 3. Ed. 1. 20. 23. Ed. 3. 6. *

MARY HUME, LETTICE HUME, proves the like.

(B) Mr. Richard Blewet, brother to commiſſary Blewet, affirms, that in, or about the year 1649, rye was at ſixteen ſhillings the bowl, in Newcaſtle, none to be got for the poor, but from the merchant who had bought it all up, that the poor being in great want, ſir Arthur Haſlerigge cauſed the ſaid commiſſary, to lay out a thouſand pounds of the publick ſtock upon rye, from the firſt ſhips that came, and to ſell it for the relief of the poor, four ſhillings under the market, which was done.

(B) The merchants of Newcaſtle, proffered to his ſaid brother, the market price for all the corn he had bought, which was ſixteen ſhillings the bowl, when they ſaw the ſaid commiſſary ſell, for eleven ſhillings per bowl to the poor, and the commiſſary was a great gainer at eleven ſhillings, and paid as much as the merchant.

(C) And by reaſon the ſaid commiſſary did refuſe, ſome of them threatened, if ten thouſand pounds would break his back in ſuit, for daring to ſell corn in their town, he not being a free-man, it ſhould. This information I had from Mr. Blewet, who will make it good upon his oath, when called, and from Mr. Nich. Ogle. They will neither doe good, nor ſuffer good to be done, much like the dog in a manger. See ſtat. 5. 6. Edw. 6. 14. 23. Edw. 3. 6. 2. Edw. 6. 15. 5. Eliz. 12.

CHAP. XLIX.

(A) WILLIAM REAVELY, of Lyn, maſter of a ſhip, upon his oath, ſaid, that by reaſon of the ſhips not caſting ballaſt at Shields, above four, if not five voyages, are loſt in the year compleat.

(B) That all proviſions brought in by ſea, are compelled up to Newcaſtle, and there ingroſſed into the free-mens hands; people often going to market have loſt their lives, and many ſtarved to death in the two counties, which cannot get to Newcaſtle market, in the winter ſeaſon, by reaſon of the great ſtorms of ſnows, and the river frozen, and no market allowed for the counties relief at Shields, where many thouſand of paſſengers, ſea-men, and inhabitants are, being twelve miles from any market in the ſame county.

(C) That he, this deponent, and ſhips company, hath often been conſtrained to go to ſea, without bread or beer, none being to be got at Shields on a ſudden, and have drunk water for above five daies, which hath ſo weakened his men, that they were in great danger of their lives, and that from Newcaſtle, they often ſend down dead beer, and the caſks, but half, or three parts full, from the brewers of the ſaid town, and bread wanting above two pence weight in the ſhilling, and not looked after by the magiſtrates.

(D) That they the ſaid mayor, and burgeſſes of Newcaſtle, aforeſaid, did ruin one Mr. Johnſon, and Mr. Hilton, for brewing at Shields, for the relief of the ſhips, and that they rooked from him, this deponent, twelve barrels of beer, which he brought from Lyn, for the relief of the poor at Shields, and made it confiſcate, arreſted him, and caſt him into priſon, ſued him, and made him enter into ſixty pound bond, never to bring in any more, alſo kept a bag of hops, which was ſent to a friend in Northumberland, and that he hath known them often do the like to others, they being judges, jurors, and witneſſes in their own cauſe.

(E) That they take exceſſive tole,* above a peck of corn of every grain brought to be ſold by veſſels, beſides all other duties.

(F) That the ſaid magiſtrates force men to ſwear againſt themſelves, *and will not tollerate any gentleman, to build ballaſt-ſhoars upon their own land.

(G) And that he, this deponent, hath ſeen ballaſt warrants, ſigned by one of the magiſtrates,* only for keels to carry up ballaſt from Shields, and hath ſeen the keel-men caſt it into the river, in the ſouth road, to the rivers great damage,* and often dirt caſt into the river, by ſervants, brought out of the gates, when no watchmen were kept. See chap. 39. (A), 12. 4. 14. (C), 47. (B), 51. See ſtat. 27. Ed. 1.* 51. Hen. 3. 15.* 11. Hen. 7. 4.* 5. 6. Ed. 6. 9.* 3. Ed. 1. 20.* 17. k. Char.*

WILLIAM REAVELY.

(G) Hugh Farrow, of Lyn, maſter of a ſhip, upon his oath, ſaid, that he and his ſhips company having lyen ſo long at Shields, for a fair wind, with the fleet, that when they had ſpent all their proviſions, at no time could obtain any from Shields, by reaſon obſtructed by the magiſtrates, and having ſent up his boat and ſome of his men for ſome at Newcaſtle, the wind came fair, and on a ſudden the ſhips all ſet ſail to ſea, ſo that he, this deponent muſt looſe the protection of the fleet, and hazard himſelf to the mercy of the enemy, or muſt leave his men and boat behind, which the latter he did, and was conſtrained to drink ſtinking water for four daies, for want of beer, which might be conveniently got at Shields, and he was in greater danger of loſing his ſhip, for want of his men.

HEN. FARROW.

CHAP. L.

(A) JO. Gardner, of London, upon her oath, ſaid, that within this ſeven and twenty years, or thereabouts, ſhe knew the uſual practice of the mayor, and burgeſſes of Newcaſtle, was to ingroſs all

all proviſions into their hands, as corn, &c. and have kept it* in their corn lofts ‖ till ſo dear, and at ſuch high and exceſſive rates, that moſt people could not buy it, and that the people of Northumberland, and county of Durham, being in great want for bread, that many were conſtrained to let their beaſts blood, and made cakes thereof, to eat inſtead of bread, and in the ſpring time many of thoſe beaſts dyed, being over-blooded.

(B) Other poor people killed their coal-horſes for food, ſome eating dogs, and cats, and ſtarved, many ſtarved to death*, ſixteen, or ſeventeen dead, in a hole together; and yet at the ſame time many hundred bowles of corn caſt into the river, being* rotten, and mouldy, and eaten with rats, and ſome of thoſe people boaſting, they hoped to ſee the day a bowle of corns price ſhould buy a ſilk gown. This was not in the time of war, and the countries might have had plenty, if it had not been ingroſſed by them. See ſtat. 5. Eliz. 12.* 23. Ed. 3. 6.*.

JO. GARDNER.

Major WILL. BURTON, late member of parliament, THO. HESILWOOD, and WIL. REAVELY, proves the like.

(B) Richard Tayler, upon his oath, ſaid, that the mayor, and burgeſſes of Newcaſtle, do compel all iron and other neceſſaries, which comes in by ſea, for the ſalt-pans and collieries uſe, at and near Shields, to be carried up to Newcaſtle, and unladen upon their town-key, at the charge of the owner, and to pay toule, and the ſame veſſels forced to ſail back to Shields empty, and often ſuch veſſels ſinks by the way, and their own veſſels muſt be hired, at their own rates, to carry it back again to Shields, being ſometimes fourteen daies in getting down thither, though preſent uſe be for the ſame, and divers

divers times caſt away, ſo that ſhips utterly refuſe to bring ſuch commodities, to be put to ſuch unneceſſary and needleſs trouble and charge, and this is done conſtantly, notwithſtanding all duties are paid, and the ſhip or veſſel comes onely for ſalt at Shields, where it is made, and not to Newcaſtle, where they have no buſineſs. See ſtat. 21. Hen. 8. 18.

RICH. TAYLER.
WILL. REAVELY.

(C) It were leſs damage to the commonwealth, for allowing ſeamen, for their encouragements, 5l. cuſtom-free of goods, then thus to be abuſed by meer pretences of loſs of cuſtom, eſpecially, by ſuch who wrongs the cuſtoms. See chap. 45. (F).

CHAP. LI.

(A) ALEXANDER SYMONDS, of Lin, merchant, upon his oath, ſaid, that all commodities, as well dead victual, as other merchandize, are compelled up to Newcaſtle, which comes in by ſea, and there, by the mayor and burgeſſes, are ingroſſed and bought up by them; nothing to be landed elſewhere but at Newcaſtle, notwithſtanding all ſhips do lye at Shields, and paſſengers; and often in ſtormy weather, and river frozen, none can paſs too and fro, for any relief from thence, and none to be had elſewhere, and if there be any, it is ſeized on by them of Newcaſtle, and confiſcate to their own uſe, namely, beer from one Will. Reavely, and divers others. See chap. 11. (N), 47. (A), 49. (D), 50. (A).

ALEXANDER SYMONDS, and THOMAS CARTWRIGHT, depoſe the like.

(B) Captain

(B) Captain James Greenaway, of London, affirms, that his ſhip was at Shields, in company with a fleet of loaden ſhips, where they all had lyen a long time, for a fair wind, and had often ſpent their proviſions; on a ſudden the wind came fair, and the whole fleet ſet ſail for London; he, this deponent, having ſpent all his bread, could get but two dozen at both Shields, yet was neceſſitated to ſet to ſea with the fleet, otherwiſe had loſt their protection, if ſtaid till he ſent to Newcaſtle, for bread.

(B) The whole fleet being at ſea, the wind came croſs, being a violent ſtorm, that it was five daies before they could get ſo high as Scarborough, ſome twenty leagues from Newcaſtle, and then the ſtorm ceaſed, and he, this deponent, got aſhoar to Scarborough, for bread, when, the wind coming fair, the fleet ſailed out of ſight, ſo he loſt their protection and company; (G) he, getting aboard, and ſailing after them, was taken by a Dunkirk man of war, loſt his ſhip, goods, and money, his ſhip being worth 800l. goods, 200l. and money, 400l. all which might have been ſaved, if bread, beer, and proviſions had been admitted to be ſold at Shields. Onely are hindered by the tyrannical power of the mayor, and burgeſſes of Newcaſtle.

JAMES GREENAWAY.

(H) John Houlden, upon his oath, ſaid, that in or about the year 1648, a maſter of a ſhip was arreſted, and impriſoned, onely for ſelling of a little corn, to commiſſary Weſt, by the mayor of Newcaſtle, he alleadging the town was not ſerved, but ſir Arthur Hazlerigge cauſed the mayor to releaſe the ſaid maſter, and demanded by what power, law, or right, they ought to impriſon any man, for ſelling his own commodity in the market or key, and told Mr. Ledger, then mayor, if he did not releaſe him, the ſouldiers ſhould.

JOHN HOLDEN.

CHAP. LIII.

Many poor women impriſoned, and hanged for witches.

A. *Hangman.* B. *Bellman.* C. *Two ſergeants.* D. *Witch-finder taking his money for his work.*

(SEE PLATE 3. FIG. 1.)

(A) IOH. WHEELER, of London, upon his oath, ſaid, that in, or about the years 1649, and 1650, being at Newcaſtle, heard that the magiſtrates had ſent two of their ſergeants, namely, Thomas Shevel, and Cuthbert Nicholſon, into Scotland, to agree with a ſcotch-man, who pretended knowledge to finde out witches, by pricking them with pins, to come to Newcaſtle, where he ſhould try ſuch who ſhould be brought to him, and to have twenty-ſhillings a peece, for all he could condemn as witches, and free paſſage thither and back again.

(B) When the ſergeants had brought the ſaid witch-finder on horſe-back, to town, the magiſtrates ſent their bell-man through the town, ringing his bell, and crying, all people that would bring in any complaint againſt any woman for a witch, they ſhould be ſent for, and tryed by the perſon appointed.

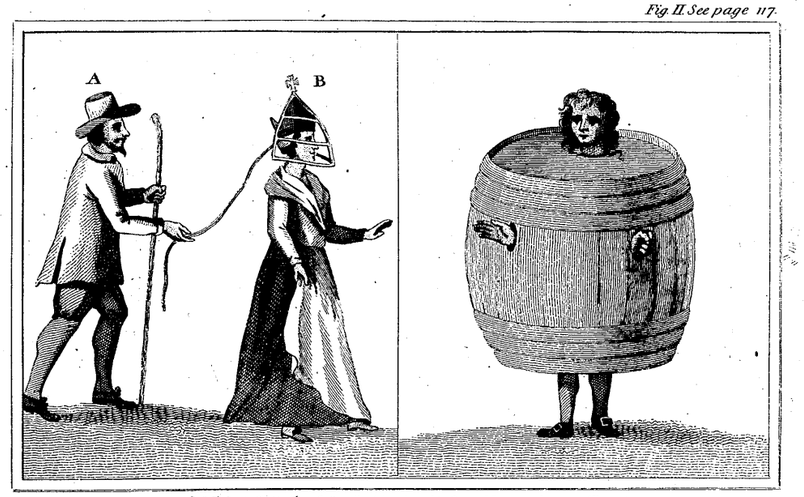
(C) Thirty women were brought into the town-hall, and ſtript, and then openly had pins thruſt into their bodies, and moſt of them was found guilty, * near twenty ſeven of them by him, and ſet aſide.

(D) The ſaid reputed witch-finder, acquainted lieut. colonel Hobſon, that he knew women, whether they were witches or no, by their looks, and when the ſaid perſon was ſearching of a perſonable, and good-like woman, the ſaid colonel replyed, and ſaid, ſurely

Plate III. Fig. I. page 114.



Fig. II. See page 117.



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ſurely this woman is none, and need not be tryed, but the ſcotch-man ſaid ſhe was, for the town ſaid ſhe was, and therefore he would try her; and preſently in ſight of all the people, laid her body naked to the waſte, with her cloaths over her head, by which fright and ſhame, all her blood contracted into one part of her body, and then he ran a pin into her thigh, and then ſuddenly let her coats fall, and then demanded whether ſhe had nothing of his in her body, but did not bleed, but ſhe being amazed, replied little, then he put his hand up her coats, and pulled out the pin, and ſet her aſide as a guilty perſon, and child of the devil, and fell to try others whom he made guilty.

(E) Lieutenant colonel Hobſon, perceiving the alteration of the foreſaid woman, by her blood ſettling in her right parts, cauſed that woman to be brought again, and her cloaths pulled up to her thigh, and required the ſcot to run the pin into the ſame place, and then it guſhed out of blood, and the ſaid ſcot cleared her, and ſaid, ſhe was not a child of the devil.

(F) So ſoon as he had done, and received his wages, he went into Northumberland, to try women there, where he got of ſome, three pound a peece, but Henry Ogle, eſq. a late member of parliament, laid hold on him, and required bond of him, to anſwer the ſeſſions, but he got away for Scotland, and it was conceived, if he had ſtaid, he would have made moſt of the women in the north, witches, for mony.

(G) The names of the priſoners that were to be executed, being kept in priſon till the aſſizes, and then condemned by the jury, being burgeſſes, were, Matthew Bulmer, Eliz. Anderſon, Jane Hunter, Mary Pots, Alice Hume, Elianor Rogerſon, Margaret Muffet, Margaret Maddiſon, Eliz. Brown, Margaret Brown, Jane Copeland, Ann Watſon, Elianor Henderſon, Elizabeth Dobſon, and Katherine

rine Coultor. Theſe poor ſouls never confeſſed any thing, but pleaded innocence, and one of them, by name, Margaret Brown, beſeeched God that ſome remarkable ſign might be ſeen, at the time of their execution, to evidence their innocency, and as ſoon as ever ſhe was turned off the ladder, her blood guſhed out upon the people, to admiration of the beholders.

JOHN WHEELER, ELIANOR LUMSDEL, and BARTHOLOMEW HODSHON, proves the like.

(H) The ſaid witch-finder was laid hold on in Scotland, caſt into priſon, indicted, arraigned, and condemned for ſuch like villanie, exerciſed in Scotland; and upon the gallows, he confeſſed he had been the death of above two hundred and twenty women, in England, and Scotland, for the gain of twenty ſhillings a peece, and beſeeched forgiveneſs, and was executed.

(I) The judgement, nor execution, is not in queſtion, nor queſtioned, being ordinary, but onely, it being deſired to know, by what law the magiſtrates of Newcaſtle could ſend into another nation, for a mercinary perſon, to try women for witches, and a bell-man, to cry for them to be brought in, and twenty ſhillings a peece given him, to condemn them?

(K) Query, and by what law men are hired to give evidence, to take away peoples lives, and the convicted eſtates to come to the jurors, being extraordinary.

The lord protector, commands all judges, juſtices, and witneſſes, to appear to execute juſtice, and give evidence gratis.

Queen Elizabeth, by her charter, grants to the mayor and burgeſſes, all fines, and felons goods in that town and liberties. Zech. 11. 5. See chap. 58. (C.D).

CHAP.

CHAP. LV.

A. *Robert Sharp.* B. *Ann Bidleſtone.*

(SEE PLATE 3. FIG. 2.)

(A) JOHN WILLIS, of Ipſwich, upon his oath, ſaid, that he, this deponent, was in Newcaſtle, ſix months ago, and there he ſaw one Ann Bidleſtone, drove through the ſtreets, by an officer of the ſame corporation, holding a rope in his hand, the other end faſtened to an engine, called the branks, which is like a crown, it being of iron, which was muſled,* over the head and face, with a great gap, or tongue of iron, forced into her mouth, which forced the blood out, and that is the puniſhment which the magiſtrates do inflict upon chiding, and ſcoulding women, and that he hath often ſeen the like done to others.

(B) He, this deponent, further affirms, that he hath ſeen men drove up and down the ſtreets, with a great tub, or barrel, opened in the ſides, with a hole in one end, to put through their heads, and ſo cover their ſhoulders and bodies, down to the ſmall of their legs, and then cloſe the ſame, called the new faſhioned cloak, and ſo make them march to the view of all beholders; and this is their puniſhment for drunkards, or the like.

(C) This deponent further teſtifies, that the merchants, and ſhoe-makers of the ſaid corporation, will not take any apprentice under ten years ſervitude, and knoweth many bound for the ſame terme, and cannot obtain freedome without. 5 Eliz. 4.

Theſe are ſuch practices as are not granted by their charter law, and are repugnant to the known laws of England.

(D) Drunkards are to pay a fine of five ſhillings to the poor, to be paid within one week, or be ſet

in

in the ſtocks ſix hours; for the ſecond offence, to be bound to the good behaviour. 1. k. James, 9. 21. 7.

(E) Scoulds are to be duckt over head and ears, into the water, in a ducking-ſtool.

(F) And apprentices are to ſerve but ſeven years, 5. Eliz. 4.

I was certainly informed, by perſons of worth, that the puniſhments above, are but gentle admonitions, to what they knew was acted by two magiſtrates of Newcaſtle, one for killing a poor workman of his own, and being queſtioned for it, and condemned, compounded with king James for it, paying to a ſcotch lord his weight in gold and ſilver, every ſeven years, or thereabouts, &c. the other magiſtrate found a poor man cutting a few horſe-ſticks in his wood, for which offence, he bound him to a tree, and whipt him to death. Related by William Wall, vintner, in Gates-ſide, Tho. Watſon, ſcrivenor, on ſand-hill, and Ralph Watſon, late miniſter in Northumberland.

CHAP. LVI.

(A) FIVE and twenty years ago, upon the trial with the mayor, and burgeſſes of Newcaſtle, and ſir Robert * Heath, the judgement of the moſt ancient and experienced maſters of the trinity-houſe, in London, were required, in anſwer to the town of Newcaſtles objections, as is upon record in the trinity-houſe.

(B) Newcaſtles ſaith, if ballaſt-ſhoars be ſuffered to be built at, or near the Shields* it would hinder the towns trade, and endanger the river of Tyne; neither can any ballaſt-ſhoars be built at Shields, below a full ſea-mark, or in any part of the river, by

by any but Newcaſtle, by reaſon all that ground, to a full ſea mark, on both ſides of the river, is the towns, by charter, from Sparhawke to Headwin ſtreams, fourteen miles in length. See chap. 20. (A), 19. (E.G).

(C) Anſwer, to the firſt. It will not hinder the town of trade, but advantage the whole nation, eſpecially that town, by reaſon double trade will be drove thereby, and cauſe coals to be cheaper at half rates, then now they are at, and the river better preſerved.

(D) Secondly, it will better the river; for inning of void and waſte grounds, and flats in rivers, cauſeth the ſtreams to be more ſtrong, and run more ſwift, which thereby will ſcowr and cleanſe the channel, and conſequently gain more water to the river, preſerve the banks from falling into it, help navigation; for the deeper the water, the more navigable, the leſſe danger, and more ſafety for ſhips. See chap. 19, (H)*.

(E) It is alſo anſwered, by others, if the ground, to a full ſea-mark, be theirs, then why ſhould they proffer to king Charles,* two hundred pound, for Jarrow-ſlike, 1637, all which the water covers, and is within a full ſea-mark. See 20. chap. (C.D).

(F) Alſo, why ſhould Thomas Bonner, the alderman, buy ſir Henry Gibs his ballaſt ſhoar, to a low water-mark, at Jarrow, for his uſe, from the town, (were it theirs before?)

(G) And why ſhould Mr. Gibſon * ſwear, none of that ground, which they claim to a full ſea-mark is theirs? See 34. chap. (B).

(H) In the treaſury, at Weſtminſter, thoſe ancient records, will quickly decide the controverſie, making it appear, that the one third part of the river, on the ſouth-ſide, belongs to the gentry of the county of Durham, and all grounds to a low water-mark; and the like on the north-ſide, to the gentry of Northumberland; and the other third part free, for ſhips and veſſels

veſſels to ſail too and fro, for the relief of the inhabitants. See chap. 34. (A), (*), (B). See chap. 4. (*).

(I) It is too much, that the corporation ſhould be lords of both the ſea and all the land, and it is too little, the commoners, in both counties, ſhould have neither ſea nor land, being born to all alike.

A quo warranto would know, by what power they claim one ſhilling for every ballaſt bill, one ſhilling for every ſalt bill, three pence for every chalder of coals, two pence for every weigh of ſalt, and eight pence the tun, for all ballaſt, and I am confidently perſwaded (K) would void them all, for they are neither cuſtomary, nor warrantable by law, (ſo unlawful;) as for other duties, as tunage and poundage, cuſtomes, lightage, otherwiſe called beaconage, boyage, for maintaining of peers, and ancoridge with tole, it will hardly be queſtioned, except abuſed. Let them complain that are agrieved, &c. See ſtat. 30. Edw. I. 1301.

Inſtead of a mayor, in that, and ſuch like corporations, a king Cattelus ſpirit to govern, were better, who hanged up all oppreſſors of the poor, for an example, whereby he reigned twenty yeers in peace; alſo a Lud, who made good laws, and took away all uſages that were bad, and reigned long in peace and plenty.

CHAP.



CROMWELL.

HIS EXCELLENCIE, OLIVER CROMWELL,

Generall of all the forces of England, Scotland, and Ireland, chancellour of the univerſity of Oxford, lord protector of England, Scotland, and Ireland.

CHAP. LIV.

An act for a free-trade, in the river of Tyne, for coals, ſalt, &c.

(A) WHEREAS trade and commerce is become now, more than formerly, the intereſt of this nation, and it is therefore the duty, as well as the wiſdome of this parliament, to ſecure and advance the ſame, and in order thereunto, and for other great ends of honour and ſafety, to increaſe the ſhipping, and incourage navigation; and whereas a great part of the ſtock, and wealth of this nation, lyes in the well huſbanding and managing of thoſe home commodities, of coals and ſalt, milſtones, glaſſe, the chief trade whereof is exerciſed upon the river of Tyne, and in the county of Northumberland and Durham.

(B) And whereas the parliament hath been informed of great exorbitances, done, and committed, by the town and corporation of Newcaſtle, upon pretence and colour of powers, priviledges, and franchiſes, granted to the ſaid corporation, whereby it appears, (C) that the free and quick trade of thoſe ſtaple commodities, hath been much obſtructed, the river made dangerous, and in many places almoſt un-navigable, and encreaſe of ſhipping, ſo conſiderable a nurcery of marriners, greatly ruined, and navigation too much diſcouraged; for remedy herein,

(D) Be it enacted, declared, and ordained, by this preſent parliament, and by the authority thereof, that all former powers, priviledges, and grants,

made, and granted to the town and corporation of Newcaſtle, or to any other perſon, or perſons whatſoever, for the conſervancy of the river of Tyne, be, and are hereby repealed, made void, and null, and the committee of the admiralty, by authority of parliament, or any five of them, be, and are hereby authorized, and required, to nominate and appoint, fit and able perſons, as well of the counties of Northumberland and Durham, ſea-coaſt, and port of London, as of the town and corporation of Newcaſtle, to have the charge of, and to be conſervators of the river of Tyne, and to inveſt, and impower the ſaid perſons, with all priviledges and power neceſſary, to enable them for the better, and more effectual carrying on, and performance of the ſaid ſervice.

(E) And the ſaid commiſſioners are hereby further impowered, and enable from time to time, to give, and preſcribe unto the ſaid conſervators, rules, and inſtructions, for to obſerve and purſue, and to require obedience thereunto, and to receive and examine complaints, and to hear witneſſes, upon oath, (which oath, they, the commiſſioners, or any three of them, are hereby enabled to adminiſter) and to puniſh offenders, by reaſonable fine, and puniſhment, by impriſonment, and to diſplace, and to remove conſervators, upon juſt and reaſonable cauſe, and to leſſen, or adde to their number, as they ſhall ſee cauſe, and to direct and order all other matters requiſite, and neceſſary, for the conſervancy of ſo famous and commodious a river, and for preventing of all ſuch damages, miſchiefs, and newſances, as may hurt, or ruine the ſame, and to ſettle a ſtipend upon the ſaid conſervators, and to direct the ſame, and other neceſſaries, and incident charges, to be allowed, and iſſue out of the profits of the ſaid river.

(F) And be it further enacted, and ordained, that ſufficient and well fenced ballaſt ſhoars, keys, and ſteaths,

ſteaths, be built and erected, either at Shields, or ſuch other convenient place, as the ſaid conſervators, or the major part of them ſhall think fitting; and the ſaid conſervators, are authoriſed and required, to uſe and direct, all good wayes and means, according to ſuch powers and directions, as they ſhall from time to time receive, from the ſaid commiſſioners of the admiralty, to prevent and remedy all damages, that may happen, by loſſe of ſhips, and mens lives, at ſea, by caſting their ballaſt over-board, or into the river, at unſeaſonable times, or unfitting places, or from the ballaſt-ſhoars, being careleſsly kept, through great winds, rains, or other caſualties, waſhing down the ballaſt, and that from henceforth, no maſters of any ſhips, or other veſſels, be conſtrained to go up the river, and to heave out their ballaſt, at the ſhoars belonging to the town of Newcaſtle, or be hindred to load coals, or diſcharge their ballaſt, where they may, with moſt conveniency and ſafety, perform it, as well to the road-ſteads itſelf, as to their ſhipping.

(G) And further, that all maſters of ſhips, trading to the ſaid river of Tyne, have hereby liberty and power, to make uſe within the ſaid river, of what ſhip-carpenter, or ſhip-wright, or other artificers, or perſons, they pleaſe, and find fitteſt for their own conveniency, in times of diſtreſſe and neceſſity.

(H) And of what able ſea-men they ſhall think fit, for pilots.

(I) And have hereby liberty to buy, or take in, at any place of the ſaid port, or river, bread, and beer, and other neceſſaries, for their own ſpending and victualling.

(K) And that all goods and proviſions, which come in by ſea, for the uſe of the ſalt works, colleries, and other buildings, at, or near the Shields, may be delivered at the Shields, courſe being taken for paying and ſatisfying all duties, payable for the ſaid goods and proviſions.

(L) And all perſons, who are willing, are hereby encouraged, and have liberty, to build ſhips and veſſels, on the ſaid river, for the encreaſe of trade and navigation.

(M) And that all this be done without any fine, impriſonment, confiſcation, or other moleſtation of any perſon, veſſell, or goods, for, or in reference to any of the premiſes, any law, uſage, practice, cuſtome, priviledge, grant, charter, or other pretence whatſoever, to the contrary, notwithſtanding: Provided alwayes,

(N) And it is hereby enacted, that no ſhip, or veſſell whatſoever, that ſhall bring in any kind of merchandize, or grain, for the proper uſe of the town of Newcaſtle, uſually coming to the ſaid town of Newcaſtle, and places adjacent, beyond, ſhall deliver, or land the ſame, or any part thereof, at any other place, within the ſaid harbour or port, but at the ſaid town, or, as near to it as formerly have been accuſtomed.

(O) And to the end ſo uſeful a commodity, as that of ſea-coal, wherein the poor of this commonwealth are ſo principally concerned, may come cheaper to the market, and that coal-owners may not be in a worſe condition, then the reſt of the free people of this nation,

Be it enacted, and ordained, that the ſaid coal-owners, in the reſpective counties, adjacent to that river, may, and have hereby liberty, to let leaſes of their coal-pits, and to ſell their coals to whom they pleaſe, as well to ſhips, as elſe-where, for benefit of the public, though they be not free of that corporation of Newcaſtle, due courſe being taken for ſecuring, paying, and ſatisfying to the ſtate, all duties payable thereupon.

And be it further enacted, that North-Shields, in the county of Northumberland, be made a market-town, two dayes in the week, to be holden, on Munday, and Thurſday, for the relief of the country, the garriſon of Tynemouth caſtle, the great confluence

fluence of people, and fleets of ſhips, and that the commiſſioners of the great ſeal, be hereby authorized, to iſſue out ſuch powers as are requiſite, and uſually done, to other markets in the commonwealth.

This is the copy of what was to have paſſed, after debate, if the late parliament had continued, &c. appointed to be drawn up by order.

HAVING given a ſhort relation of the ſad events by charters, and acted by ſubjects, I ſhall now trouble your eye and ear, to hear what kings have done to theſe poor northern people formerly, therefore now deliverance is expected, &c. leaving it to the judgement of the reader, to judge whether it be not time, &c. viz.

The danes laid claim to the crown of England, the kings laid claim to the peoples lives, and corporations to their eſtates, (what was free?) judge what reaſon England hath to ſubmit to thoſe illegal charter-laws, invented by a prerogative, whoſe uſurpation was not to be owned, as by the ſequell appears. King Harrold who aſſumed the crown of England to himſelf, lead an army to battell in Suſſex, where William the conqueror, baſtard earle of Normandy, met him, having the aſſiſtance of the earle of Flanders, by reaſon he was promiſed a good part of England, if he conquered it, at which place, king Harrold was killed, and ſixty ſeven thouſand, nine hundred ſeventy four engliſh-men, in the year 1060, at which time he conſumed many towns, ſubduing where ever he came, except Kent, who contracted, to hold their land in gavel-kind, all England elſe being over-come by this ſaid ſtranger, &c.

When the Normans ruled England, the laws were in that tongue, but they being extinguiſhed, we find the benefit of our laws, in our own tongue, and doubts not but to be reſtored to our ancient right, for ſo long as monarchs were rulers, monopolies were

were in force, but now ſuch power being thrown out of doors, and being become a civill free ſtate, under the government of our own free-born, choſen, according to the command of God, as Deut. 17. 14. 15. by which monopolizers dare not aſſume to petition for a revival of ſuch their illegal grants, being found to be the greateſt of evills in a commonwealth.

All kings were ſworn, that juſtice ſhould neither be bought nor ſold, nor any hindred from it, to ordain good laws, and withſtand all rapines, and falſe judgements.

Charters are no other than commiſſions, impowring perſons, uncapable of the laws, to be judges and juſtices, in every reſpective corporation, which charter and commiſſion is ſold, and the members thereof are judges, in their own cauſes. So juſtice is both bought, and ſold, beſides breach of oath, neither can a foreigner obtain any right, if it be againſt the ſaid corporation, ſo that it is right in theſe judges judgement to do wrong.

I ſhall give you a ſhort relation of the miſeries, the county of Northumberland hath taſted of, to this day, from William the conqueror, and what little need there is Newcaſtle ſhould ſo tyrannize over them, &c.

WILLIAM the conqueror, having killed many, and deſtroyed the land, and brought under his ſubjection, the people, cauſed ſuch who did oppoſe his forces, at Ely, to have their legs and hands cut off, and their eyes put out, and then gave liberally to all his Norman race, earldoms, baronies, biſhopricks, honours, mannors, dignities, and farms, all being got by the ſword; upon his diviſions, &c. the earle of Flanders ſent to know what part he ſhould have for aſſiſting him, who ſent him word, nothing at all, by reaſon all was but little enough for himſelf; then he gave to his ſon, Robert Cuming, the earldom of Northumberland, who in poſſeſſing of

of it, acted ſuch cruelty, with his army, which came againſt Malcolm, king of the ſcots. The ſaid Robert built the caſtle, called the Newcaſtle, upon the river of Tyne, in the county of Northumberland, about which was built the town, called Newcaſtle, the town taking its name from the Newcaſtle, and not the caſtle from the town; the ſaid Northumberland being ſo oppreſſed, that they fell upon Robert, ſon to the conqueror, killed him, and his whole army, upon which, William the conqueror ſent another army, who had command, to kill both men, women, and children, who did it, and waſted the whole county, that for nine yeers there was not any food to be got, and ſuch who had hid themſelves in coal-pits, and other places, were conſtrained to eat dogs and cats, dead horſes, and mens fleſh, and many of them ſtarved to death, all which nine years time, not any ground tilled.

Northumberland being recruted, and moſt ſhamefully abuſed, by the biſhop of Durham, who killed Leviſus, was killed by them, for which, William the conqueror ſent down Odo, with an army, who totally laid Northumberland to waſte, cut off the heads of all the people, after they had diſmembered them.

Little of confeſſion, or repentance, was by king John, as was by William the conqueror, for he, upon his arreſt, at the ſuit of death, confeſſed he had committed many outrages, and won England by the ſword, and not by inheritance, and was heartily ſorry for the wrongs he had done, and required his body to be buried, at Cain, in Normandy. When he was dead, they would not afford him a burial-place, till ſuch time as one of his relations was conſtrained, to purchaſe ſo much ground, but ſoon after they defaced his tomb, took up his bones, and brake them, and caſt them away.

In the fifteenth year of king Richard the ſecond, the ſcots burnt all the towns of Northumberland,

and

and the north, as far as York, except Rippon, who redeemed themſelves with a ſum of mony.

In the ſixth year of king Edward the third, 1332, a great battel was fought between the engliſh and the ſcots, near Barwick, where was killed, eight earls, fifteen hundred horſe, and thirty five thouſand foot.

In the thirteenth year of king Edward the third, 1339, an inundation of water ſurmounted the wall of Newcaſtle, and broke down ſix pearches in length, and drowned one hundred and ſixty perſons, neer the wark knowl.

In the year 1345, William Douglas lead into Northumberland, above thirty thouſand ſcots, and fired many towns, but was overcome, by a ſtratagem with biſhop Ogle.

The next year, 1346, king David, king of the ſcots, entered Northumberland, with a great army, and fought at Nevils-Croſſe, where he was overthrown, himſelf taken priſoner, by one Copland of Northumberland, who had five hundred pound per annum, given to him, and to his heirs for ever.

In king Richard the ſeconds dayes, 1379, the ſcots entered England, and killed all men, women, and children, in the north parts, notwithſtanding the plague was ſorely amongſt them.

1383. The ſcots entered England, and lead all the people away priſoners, that were in Northumberland, and laid that county to waſte.

1384. They entered again, and did the like.

1389. The ſcots again invaded England, where a great battel was fought, at Otterborn, in Northumberland, where they were over-thrown, and eleven hundred killed, and thirty thouſand put to flight, who, upon their flight, killed men, women, and ſucking babes, and filled houſes with people, two hundred in a houſe, and then ſhut the doors, and fired the houſes.

1399.

1399. King Richard the ſecond, cauſed ſeventeen counties to be indicted, pretending they were all againſt him, with the duke of Gloceſter, Arundel, and Warwick, and commanded them all, to give it under their hands, and ſeals, that they were traytors, though indeed they never were, and then he makes them pay, ſome a thouſand pound, ſome more, ſome leſſe.

King Henry the fourth. Great fights were between Douglas and Piercy, in the north.

And in the years 1639, and 1643, and 1648, it being well known to all, the miſery they brought upon the north, and heavy impoſitions, both upon the north, and ſouth parts, as appears, in the cloſe of the epiſtle to the reader, &c.

It is no ſmall mercy, that we now live ſo in peace, here being none of thoſe bloody times; and our anceſtors would willingly have enjoyed this mercy; and we hunger after blood, which they wallowed in. What bloody minded men are theſe? I wiſh them in better minds, and to be contented with that, which, in former times, could not be obtained.

Many have admired the poverty of Northumberland, as well they may, for what with the bloody tyrants, the ſcots, on the north of that poor county, and oppreſſive corporation of Newcaſtle, on the ſouth thereof, bounded in with the high-lands, on the weſt, and the ſea, on the eaſt, that it can get nothing but ſtrokes, and worried out of what they have, and not being tollerated to make uſe of their own, and cold blaſts from the ſea; but it would be otherwiſe, if ſuch gentlemen might be re-imburſed, for ſuch ſums of money, as they would expend, to vend coals out of Hartly, Blithe, and Bedlington rivers, which be convenient places, to vend them at, after ſome charge, which would be done, by having, either their money again, or cuſtome free, for ſome years, to re-imburſe them, which would not onely make that poor county as rich as any is, but reduce the ex-

ceſſive rates of coals, and ſalt, and bring in many thouſands per annum, into the public revenew, &c. enable the people to be ſerviceable, and abundantly increaſe trade, and navigation, as alſo, there being as good coals, as poſſibly can be burnt, which now lyes, &c. and others, not knowing their right, is ſtript of it.

But if one thing they look after, which is to examine ſome records, they may perceive what is their rights, and which was, eſpecially in a book, lodged in the exchequer, made in the year 1080, it being called *Domus Dei*, or *Dooms day*, being a perfect ſurvey, of all the lands in England, the rent, value, quantity, &c. by which, William the conqueror, taxed the whole nation, and it goeth by the name of the role of Winton, being ordered to be kept in Wincheſter, and recites the earldomes, hundreds, tythings, woods, parks, and farms, in every territory and precinct, with plowlands, meadows, marſhes, acres, &c. what tenements, and tenants; then the corporation of Newcaſtle, might be as glad, to keep what is their own, as they are to take from others, &c.

CHAP. LVII.

THE reaſon of my collecting theſe few ſtatutes is, to ſhew how they are intrenched upon, by an illegal charter, and preſſing upon a remedy, ſhall cite Poulton, which is, that ſeeing we have all received, and allow it for truth, that the ignorance of the law, doth excuſe none of offence, and alſo, that the law doth help the watchful, and not the ſloathful man.

Therefore

Therefore, it behoveth each perſon, firſt, to ſeek the knowledge of thoſe laws, under which he doth live, and whereby he is to receive benefit, or to ſuſtain peril, and next, with all induſtry, to frame his obedience unto them, or humbly to ſubmit himſelf, to the cenſure of them.

And though we find by experience, that ſome men, by the ſluggiſhneſſe of their natures, others, by the careleſneſſe of their own welfares, and a third ſort, wholly given over to pleaſures and vanities, do little reſpect to know, and leſſe to obey, our criminal, and capital laws, being things of great moment, and importance, and therefore do oftentimes taſte the ſmart of them, and repent of their follies, when it is too late.

Many there be, that by reading, deſires to conceive them, others, for increaſe of their knowledge, others, in their actions, to be directed by them, therefore to content ſuch, as knoweth not, as yet, theſe heads, that they may know what they condemn, and do tend to the breach of the peace of the realm, and to the diſlike of all the good members thereof, and what puniſhments ſhe hath impoſed, upon the tranſgreſſors therein, and by whom, and in what manner to be inflicted, eſpecially, upon murder, robbery, riots, forgery, perjury, extortion, and oppreſſion, in any of which caſes, any perſon maketh it his own cauſe, and doth, in a ſort, take it to be done to himſelf, and ought to reduce the tranſgreſſor, nay, his highneſſe, by his oath, and all people elſe, are bound to puniſh them, as being tranſgreſſors of his laws, and diſquieters of the peace, therefore ought to be rooted out, as the huſbandman the thiſtle, from the good corn, and the gardner his nettles, from his ſweet flowers, wherefore, ſeeing a guilty perſon, in any of the offences aforeſaid, is perſecuted in deed, or conſent, by all, wiſhing well to the weal-publick, or their own private eſtate,

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It is requiſite, that good men, which eſchew to offend, for the love of virtue, and evill men, which fear to offend, for the dread of puniſhment, ſhould both know thoſe laws, which they are to make uſe of, and the penalties, which be threatened to the infringers thereof, to the intent, the good man having a will to ſtand, may truſt to his feet, remain firm, and continue his integrity, and the evill man, beginning to ſtagger, may bend his endeavour to ſtay, and ſlide no further, (this labour) being to the intent, that the well meaning-man, being made the better, and he, or they, that before were lewdly diſpoſed, the leſſe hurtful, may all, at the laſt, meet and joyn in ſeeking, and furtherance of that peace, which will be comfortable to the lord protector, and nation, and pleaſing, both to God and man.

Theſe laws are preſervers of the peace, and layes heavy puniſhments, upon the withſtanders, or deniers thereof, they are his highneſſe privy councellors, inceſſantly, reſpecting the preſervation of his perſon and dignity, they be as his gentlemen penſioners, attending daily his preſence, to do him all honor and ſervice, being as the yeoman of his guard, waiting day and night, to protect him, for his protecting the nation, and them, and from all forcible aſſaults, and other perils; alſo, they be as his great and goodly ſhips, which hath purchaſed freedome, on the ſeas, and now lyes hovering up and down, as his caſtles, and ſtrong forts of defence, as well as they, which ſtand upon the land, wherewith he doth prevent foreign hoſtility, repreſſe inward tumults, and ſo keep himſelf, and the people, in peace and ſafety; likewiſe, as his judges, juſtices, ſheriffs, conſtables, and other officers, watching, every hour and moment, in all ſhires, and counties, places, and corners of the nation, to repreſſe outrages, and to maintain peace.

To maintain theſe laws, every good member hath the like benefit, as himſelf hath, for in fear of them, every perſon doth enjoy his life, and limbs in peace, and

and is defended from the bloody-minded murderer, and man-queller, and the rage of the furious quarreller and fighter, and in fear of them, the houſekeeper reſteth in peace, with his wife and family, under his own roof; the terror hereof doth often reſtrain godleſſe people, from committing perjuries, frauds, and deceits, and impudent, and ſhameleſſe men, to wreſt from others, by bribery, extortion, or oppreſſion.

And divers there be, who neither by the laws of God, of nature, or reaſon, will be bridled, and reduced to vertue, yet, by the penalties, and fear of our capital, and criminal laws, do yeeld to be curbed.

And we ſhould now obſerve, with what care, our fore-fathers, had, from one age to another, and what ordinances they eſtabliſhed, in parliament, that ſeveral penal, criminal, and capital laws, and ſtatutes, ſhould be read, or proclaimed, in churches, in fairs, in markets, at the general aſſizes, and quarter-ſeſſions, of every county, at leets, and law-dayes, and in every inns of court, and chancery, and how the ſame is continued, and put in practice, to the intent, that the ſame laws, and the penalties thereof, ſhould be heard, learned, known, and underſtood, by all ſorts of perſons, willing to perceive, and apprehend the ſame.

Charter-law is not ſo, but like the foul ſpirit in the air, ſtill ranging, never at reſt, nor will let others take any, never ſeen, but heard in every corner, ſtriking at the pure law, to advance itſelf, it forces people to a kind of an order, in a town, and the whole nation, to a diſorder.

The chiefeſt reaſon, why I give a recital of the penal laws, is, that the ignorant may ſee how well they are provided for, and not to be left blind, and only being inſtructed by the extortioner himſelf, what they muſt pay, for fees, &c. (but that they may know themſelves) and to remedy themſelves, when offended, for ſuch oppreſſors would diſcover

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no more, for safety of their purses, or bodies, then care was taken formerly, for others souls, when it was ordained, that the bibles should be in latine, and not in english, as appears, by statute the 34. of Henry 8. Several persons restrained from reading the bible, in english, &c. to keep them in ignorance, &c.

CHAP. LVIII.

The oath of an attorney at law.

(A) YOU shall do no falshood, nor consent to any, to be done in the court, and if you know of any, to be done, you shall give knowledge thereof, unto my lord chief justice, or other his brethren, that it may be reformed; you shall delay no man, for lucre, or malice; you shall increase no fees, but shall be contented with the old fees, accustomed; you shall plead no foreign plea, nor suffer no foreign suits, unlawfully, to hurt any man, but such, as shall stand, with order of the law, and your conscience; you shall seal all such proses, as you shall sue out of the court, with the seal thereof, and so the kings majesty, and my lord chief justice, discharge for the same; yee shall not wittingly, nor willingly sue, nor procure to be sued, any false suits, nor give aid, nor consent to the same, in pain to be expulsed from the court, for ever; and furthermore, you shall use yourself, in the office of an attorney, within the court, according to your learning and discretion. So help you God. See stat. 3. k. James, 7.

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The oath of an under-sheriffe, bayliffe of franchises, deputies, and clerks of sheriffes, and under-sheriffes. Stat. 27. Eliz. 12.

(B) I (A.B) shall not use, or exercise, the office of under-sheriffe, corruptly, during the time I shall remain therein.

Neither shall, or will except, rejoyce, or take by any colour, means, or device whatsoever, or consent, to the taking of any manner of fee, or reward, of any manner of person, or persons, for the impanielling, or returning of any inquest jury, or tales, in any court of record, for the queen,* or between party and party, above two shillings, or the value thereof, or such fees, as are allowed, and appointed, for the same, by the lawes, and statutes of this realm.

But will, according to my power, truly and indifferently, with convenient speed, impanel all jurors, and return all such writ, or writs,* touching the same, as shall appertain to be done, by my duty, or office, during the time I shall remain in the said office. So help me God, and by the contents of this book.

The reason I write these oaths is, that perjury may the better appear to be punished, in officers, as well as others.

The oath of a jury.

(C) You shall truly enquire, and due presentment make, of all such things as you are charged withall, on the lord protectors behalf, the lord protectors council, your own, and your fellows; you shall well and truly keep, and in all other things, the truth present. So help you God, &c.

The oath of those, that give evidence to a jury, upon an indictment.

(D) The evidence you shall give, to the enquest, upon this bill, shall be the truth, the whole truth, and

and nothing but the truth; and you ſhall not let ſo to do, for malice, hatred, or evil will; nor for meed, dread, favor, or affection. So help you God, and the holy contents of this book.

CHAP. LIX.

King Charles his oath, at his coronation, with his hand upon the bible, at the altar.

(A) SIR, will you grant and keep, and by your oath, confirm to the people of England, their lawes and cuſtoms, to them granted, by the kings of England, your lawfull and religious predeceſſors, and namely, the lawes, cuſtomes, and franchizes, granted to the clergy, and to the people, by the king, St. Edward, your predeceſſor, according, and conformable to the laws of God, and profeſſion of the goſpel, eſtabliſhed in this kingdom, and agreeing to the prerogatives, of the kings thereof, and to the antient cuſtoms of this realm?

Reſponſ. I grant, and promiſe to keep.

Sir, will you keep peace, and agreement, intirely, according to your power, both to God, the holy church, the clergy, and the people?

Reſponſ. I will keep it.

Sir, will you, to your power, cauſe law, juſtice, and mercy, in diſcretion and truth, to be executed, in all your judgements?

Reſponſ. I will.

Sir, will you grant, to hold and keep, the laws, and rightfull cuſtoms,* which the commonalty of your kingdom have, and to defend, and uphold them, to the honor of God, ſo much as in you lieth?

Reſponſ. I grant, and promiſe ſo to do, and ſhall obſerve and keep. So God me help, and the contents of this book.

King Johns oath, and fealty, to the Pope Innocentius, an. Dom. 1213.

(B) JOHN, by the grace of God, king of England, France, and Ireland, from this hour forward, ſhall be faithful to God,* and to St. Peter, and to the church of Rome, and to my lord, pope Innocentius, and to his ſucceſſors, lawfully entering; I ſhall not be in word, and deed, in conſent, or counſel, that they ſhould looſe life, or member, or be apprehended in evill manner; their loſs, if I may know it, I ſhall impeach, and ſtay, ſo far as I ſhall be able, or elſe, ſo ſhortly as I can, I ſhall ſignifie unto them, and declare the ſame, unto you the councill, which they ſhall commit unto me, by themſelves, their meſſengers, and their letters; I ſhall keep ſecretly, and not utter to any man, to their hurt, to my knowledge, the patrimony of St. Peter, and eſpecially, the kingdom of England, and Ireland, and I ſhall endeavour, myſelf to defend, againſt all men, to my power. So help me God, and the holy evangeliſt, amen. See his reaſſignation of the liberties, after this oath, to the barons, of the liberties of England, in chap. 1. (K).

* It was tin

CHAP. LX.

The oath of a mayor of a corporation.

(A) YOU ſhall ſwear, that you well, and truly, ſhall ſerve the keepers, of the liberties of England, by authority of parliament, and the commonwealth, in the office of a mayor, and as mayor, of this town, and borough of Newcaſtle, for, and during, the ſpace of one whole year, now next coming, and you ſhall miniſter equal juſtice, as well

to the poor, as rich,* to the beſt of your cunning, wit, and power, and you ſhall procure ſuch things, to be done, as may honeſtly, and juſtly, be to the profit, and commodity of the corporation, of this town, and alſo, ſhall indeavor yourſelf, to the utmoſt of your power, to ſee all hereſies, treaſons, fellonies, and all other treſpaſſes, miſdemeanors,* and offences, whatſoever, to be committed,* within this town, and borough, during the time of your office, to be repreſſed, reformed, and amended,* and the offenders duly puniſhed, according to the law;* and finally, you ſhall ſupport, uphold, and maintain the commonwealth, within this town preſcribed, cuſtomes, rights, liberties, juriſdictions, franchizes, compoſitions, and all lawful ordinances, of this town, and borough,* and as concerning all other things, appertaining to your office, you ſhall therein, faithfully, and uprightly behave yourſelf, for the moſt quietneſs,* benefit, worſhip, honeſty, and credit of this town, and of the inhabitants thereof. So help you God.

The oath of burgeſſes of corporation.

(B) YOU ſhall ſwear, that you well, and truly, ſhall ſerve the keepers, of the liberties of England, by authority of parliament, and the inhabitants of this town, and borough of this town, as one of the burgeſſes of this town, and ſhall miniſter equall juſtice, to poor and rich, after the beſt of your cunning, wit, and power, and alſo, ſhall well, and truly obſerve, perform, fulfill, and keep, all ſuch good orders, rules, and compoſitions, as are, or ſhall be made, ordered, or eſtabliſhed, by the common council, of this town, for the good government thereof, in all things, to you appertaining, and you ſhall not utter, or diſcloſe any counſel, or ſecret thing, or matter, touching the fellowſhip, or corporation of this town, whereby, any prejudice, loſs,

loſs, hindrance, or ſlander, ſhall, or may ariſe, grow, or be, to the ſame corporation, but you ſhall, in things, belonging to the fellowſhip, or corporation of this town, faithfully, honeſtly,* and indifferently, behave yourſelf, for the moſt benefit, and honeſty of this town, and the inhabitants thereof. So help you God.

The ſame oath is for the aldermen.

Where the ſtars are in the lines there will appear breaches.

CHAP. LXI.

The oath of a ſheriff.

(A) YOU ſhall ſwear, that you ſhall well, and truly, ſerve the keepers, of the liberties of England, by authority of parliament, in the office of a ſheriff, of the county of N. and do the keepers of the liberties of England profits, in all that belongeth you to do, by way of your office, as far forth, as you may, or can.

Yee ſhall truly keep the keepers, &c. and all that belongeth to them; ye ſhall not aſſent to decreaſe, to leſſen, nor to concealment, of any of their rights, or franchizes, and whenſoever yee ſhall have knowledge, that their rights be concealed, or withdrawn, be it in lands, rents, franchizes, or ſuits, or any other thing, ye ſhall do your true power, to make them be reſtored to them again, and if ye may not do it, ye ſhall certifie them thereof, ſuch as you know for certain, will ſay unto them; ye ſhall not reſpect their debts, for any gift, or favour, when ye may raiſe them, without grievance to the debtor;

ye ſhall truly, and righteouſly, treat the people of your ſheriffwick, and do right well, to poor, as to rich, in all, that belongs to your office.

Ye ſhall do no wrong, to any man, for any gift, or other beheſt, or promiſe of goods; for favor, nor hate, ye ſhall diſturb no mans right; ye ſhall acquit, at the exchequer, all thoſe, of whom ye ſhall any thing receive, of the keepers, &c. debts; ye ſhall nothing take, whereby the keepers, &c. may looſe, or that right may be letten, or diſturbed, or the keepers, &c. debt delaid; ye ſhall truly receive, and truly ſerve the keepers, &c. writs as far forth, as it ſhall be in your cunning; ye ſhall not have, to be your under ſheriff, any of the ſheriffs clerks, of the laſt years paſſed; ye ſhall take no bayliff, into your ſervice, but ſuch, as you will anſwer for; ye ſhall make, each of your bailiffs, make ſuch oath, as you make yourſelf, in that that belongeth to their occupation; ye ſhall receive no writs, by you, nor any of yours, unſealed, nor any ſealed, under the ſeal of any juſtice, ſave of juſtices of Eyre, or juſtices, aſſigned in the ſame ſhire, where you be ſheriff in, or other juſtices, having power, or authority, to make any writs unto you, by the law of the land.

You ſhall make your bayliffs, of the true, and ſufficient men in the country; ye ſhall be dwelling, in your own proper perſon, within your bayliwick, for the time; you ſhall be in the ſame office, except you ſhall be licenſed, by the keepers, &c. you ſhall not let your ſheriffwick, nor any bayliwick thereof, to farm, to any man; ye ſhall truly ſet, and return, reaſonable, and due luſes, of them, that be within your bayliwick, after their eſtate and behaviour, and make your pannel yourſelf, of ſuch perſons, as be moſt meet, moſt ſufficient, and not ſuſpect, nor procured, as it is ordained, in the ſtatute, and over this, in eſchewing, and reſtraining of the robberies, manſlaughters, and other manifold grievous offences, that be done daily, by ſuch, as name themſelves ſouldiers,

fouldiers, and by other vagrants, by which increaſe, in multitude, and number, ſo that the good people may not ſafely ride, nor go, to do ſuch things, as they have to do, to their intollerable hurt, and hindrance; ye ſhall truly, and effectually, with all diligence poſſible, to your power, execute the ſtatute of Wincheſter, for vaggabonds; all theſe things, ye ſhall well, and truly obſerve, and keep. So help you God.

It is the judgement of learned councel, that ſheriffs may be indicted, for perjury, by wilful neglect of their duty, as other perſons, wilfully, or procuringly, perjures themſelves, &c.

KING HENRY THE THIRD,

Was crouned, at the age of 9 *yeres, the* 28. *October,* 1216, *he raigned* 56 *yeres, and* 20 *daies, dyed, the* 16. *November,* 1272, *lyeth buried, at Weſtminſter.*

None to be condemned, but by the judgment of the law.

STAT. ninth year of his reign, chap. 29. in parliament, enacts, that no free-man ſhall be taken, or impriſoned, or be diſſeazed, of his free-hold, liberties, or free cuſtomes, or paſs upon him, or condemn him, but by lawful judgement of his equals, or by the law of the land; we will not ſell to no man, we will not defer to any man, either juſtice, or right. Reg. fo. 186. Coke, Pla. 456. Dyer, fo. 104. Coke, lib. 5. fo. 64. lib. 10. fo. 74. lib. 11. fo. 99. ſtat. 2. Edw. 3. 8. 5. Edw. 3. 9. 14. Edw. 3. 14. 28. Edw. 3. 3. 11. Rich. 2. 10. 3. Carol. Pet. of right. See chap. 38. (A.C).

Bakers,



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HENRY III.

Bakers, and brewers, faulty, to be puniſhed.

Stat. 51. year of his reign, 1266, enacts, that if any baker, or brewer, be convict, becauſe he hath not obſerved the aſſize, of bread and ale, for the firſt, ſecond, and third time, he ſhall be amerced, according to his offence, but if he amend not, then to ſuffer puniſhment of body, the baker, to the pillory, and brewer, to the tumbrel, which ſhall not be remitted, for gold nor ſilver, and impowres ale cunners, in every town, &c. every baker, to ſet his own mark, on his bread. See chap. 49. (c).

KING HENRY THE FOURTH,

Born at Bollingbroke, in the countie of Lincolne, began his raigne, the 26. of September, 1399, raigned 13 yeares, and 6 moneths, and died, in an. Dom. 1413, of the age of 46 yeares, buried, at Canterbury.

Juſtice ſhall be done in England.

STAT. firſt year of his reign, chapter the firſt, enacts the confirmation, of the liberties of England, and all ſtatutes, not repealed; peace ſhall be maintained, and juſtice ſhall be done, to all men.

Sheriffes ſhall not let their county to farm.

Stat. the fourth year of his reign, chapter the fifth, enacted, that every ſheriff, in England, ſhall abide in proper perſon, within his bayliwick, for the time, he ſhall be ſuch officer, and that, he ſhall not let his bayliwick, to farm, to any man, for the time, that he occupieth, ſuch office, and that the ſaid

ſheriffe

0209



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HENRY IV.

0210



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HENRY V.

ſheriffe, be ſworn, from time to time, to do the ſame, in ſpecial, amongſt other articles, comprized, in the oath of ſheriffs. Stat. 23. Hen. 6. 10.

KING HENRY THE FIFTH.

Began his raigne, the 20. of March, was crouned, at Weſtminſter, the 9. of Aprill, 1413. He raigned 9 yeares, 2 months, died, in the caſtel of Boyes, neer Paris, the 13. of Auguſt, 1422, buried, at Weſtminſter.

Coals to pay, two pence, per chaldron, cuſtome, and keels, to be meaſured.

(A) STAT. the ninth year of his reign, chap. 9. 10. it was enacted, the king ſhould have two pence, of every chalder of coals, of unfranchized men, in the river, and port, at Newcaſtle upon Tyne, as cuſtomes, and, for the better knowledge of ſuch cuſtomes, ordains, that all keels, or boats, which carried coals, to ſhips, ſhould be, of the juſt burden of twenty chaldron of coals. Notwithſtanding this act, the Newcaſtle men, made the keels, to carry, ſome, two, and ſome, three and twenty, to wrong the king, of his cuſtomes, which great cheat, was proved in parliament, where they enacted, to prevent ſuch like, for the future, that ſworn commiſſioners, ſhould mark all keels, and other veſſels, carrying coals, to ſhips, upon pain of forfeiture, of keel and coals. See chap. 9. (A), 11. chap. (1).

KING

KING HENRY THE SIXTH,

Of the age of 8 *moneths, began his raigne, the* 1. *of September,* 1422, *crowned, at Weſtminſter, the* 6. *of November,* 1429, *afterward, crowned, at Paris,* 7. *September,* 1431, *raigned* 38 *yeares,* 6 *moneths,* 4 *dayes, buried, at Winſore.*

Puniſhments of cuſtomers, for not clearing ſhips.

(A) STAT. the eleventh year of his reign, chap. 15. enacted, that, for as much as the cuſtomers, and controlers, in the kings ports, do not write any warrants, in diſcharge of merchants, of their merchandizes, by them ſhewed, and duely cuſtomed, tranſported, or imported, the ſame cuſtomers, and controlers, do imbezel the kings cuſtomes, and the merchants be greatly hindred, becauſe that the warrants might plainly ſhew, and declare their due cuſtome, when they be often, and unduly impeached, in the kings exchequor; in conſideration of the ſaid deceits, it was enacted, that the ſaid cuſtomers, and controlers, ſhall write, and deliver, ſufficient warrants, ſealed, with the ſeal of their office, to that end ordained, to the ſaid merchants, not any thing to be given for the ſame, but their due cuſtome; and, that in caſe any cuſtomer, or controler, do the contrary, then the merchant may have an action, by vertue of this ordinance, to purſue every cuſtomer, or controler, that doth the contrary, in every court of record, and being thereof attainted, ſhall forfeit, to the king, for every default, ten pounds, and to the merchant grieved, that ſueth, five pound. 11. Hen. 6. 15. See chap. 45. (E).

The great danger, occaſioned by ſmall riots.

(B) In the 37. year of his reign, began ſuch riots, routs, and unlawful aſſemblies, that it produced a worſe

0213



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HENRY VI.

worſe effect, then in king Richard the ſeconds dayes, which was occaſioned, between a yeoman of the guard, and a ſerving man, of the earle of Warwick, which ſo far increaſed, not being timely prevented, that it proved the root of many a woful tragedy, brought to death the duke of York, who was proclaimed ſucceſſor to the crown; the king, prince Edward his ſon, all, or moſt of the peers of the land deſtroyed, by ſidings, and, at leaſt, ſix and thirty thouſand of the common people, cut off, at one battel, at Toughton, in Yorkſhire, the king, queen, and prince, put to flight, to Barwick. See Richard the ſecond, what was done. See chapter 37. (A), 3. Hen. 6. See Rich. 2. (E).

Sheriffs fees; none of his officers ſhall be returned, upon inqueſts, letting to bayl, &c.

(C) Stat. 23. Hen. the ſixth, chapter 10. The king, conſidering the great perjury, extortion, and oppreſſion, which be, and have been, in his realm, by his ſheriffes, under-ſheriffs, and their clerks, coroners, ſtewards of franchizes, bayliffs, and keepers of priſons, and other officers, in divers counties of this realm, have ordained, by the authority aforeſaid, in eſchewing of all ſuch perjury, extortion, and oppreſſion, and, that becauſe the ſheriffe of every county, is a great, and neceſſary officer, in the commonwealth, and uſed, as a ſpecial inſtrument, to the furtherance of juſtice, in all ſuits, purſued at the common-law, and his ſervice is employed, in the beginning, proſecuting, and ending, of the moſt of them, therefore, as the law, hath alwayes, had a ſpecial regard of him, and foreſeen, that he ſhall be a man of wiſdome, of worth, of credit, countenance, and ability, (this is not William Fenwick, of North Riding, in Northumberland, for he derogates from them all) and that he ſhall be allowed, a convenient ſtipend, and ſalary, for his pains, in moſt caſes, ſo

doth ſhe carry a vigilant, and watchful eye, upon him, and his inferiour officers, or ſubſtitutes, knowing what grievous oppreſſions might enſue, if ſhe ſhould leave a man of his authority, and neceſſary imployment, at liberty, to dive, at his pleaſure, into other mens purſe, and to take what he would, (as William Fenwick doth) therefore, ſhe hath reſtrained him, his under ſheriffe, bayliffe of franchizes, and other bayliffes, (moſt of which are foreſworn) within certain liſts, and aſſigned them, what they ſhall take for arreſts, attachments, mainprizes, letting to bail, and ſerving of executions, which, if any of them do exceed, he ſhall forfeit, forty pound a time, and ſhall be adjudged an extortioner, in which ſaid ſtatute, it is enacted, that no ſheriffe, under-ſheriffe, or any bayliffe, by occaſion, or under colour of his office, ſhall take any other thing, by themſelves, or any other perſon, to their uſe, or to their profit, of any perſon, by any of them arreſted, or attached, nor of any other for them, for the omitting of any arreſt, or attachment, to be made, by their bodies, or of any perſon, by any of them, by force, or colour of their office, arreſted, or attached, for fine, fee, mainprize, letting to bail, or, for ſhewing any eaſe, or favour, to any ſuch perſon, ſo arreſted, for their reward, or profit, but ſuch as follows; the ſheriffe, twenty-pence, the bayliffe, which maketh the arreſt, or attachment, four pence, the gaoler, if the priſoner be committed to his ward, four pence; for making of a return, or paniel, and for the copy of a paniel, four-pence; no bond to be made, by them, under colour of their office, but onely to themſelves, for the appearance of any priſoner, at the day preſcribed, and what bond is otherwiſe, is void; and he ſhall take no more, for making ſuch obligation, warrant, or precept, by him to be made, but four pence; and all ſheriffes, under-ſheriffes, clerks, bayliffes, gaolers, coroners, ſtewards, bayliffes of franchizes, or any other officer, or miniſters, which

which doth, contrary to the aforeſaid ordinances, in any point of the ſame, ſhall loſe, to the party, in this behalf endamaged, or grieved, his treble damages, and ſhall forfeit, forty pounds, at every time, that any do the contrary, in any point of the ſame, whereof the king ſhall have the one half, to be imployed, only to the uſe of his houſe, and the other, to the party, that will ſue for the ſame, by bill, plaint, &c.

I ſhall lay open the exceſſive fees, extorted by the ſheriffs of Northumberland, againſt the law, viz.

	l.	*s.*	*d.*
Return a tales - - - - - - - - - -	o	6	o
For allowance of a pony - - - - - -	o	9	2
For allowance of a writ, falſe judgement -	o	16	6
Upon execution granting out - - - - -	o	15	o
And all upon the defendant, after execution	1	11	6
For breaking open an original proces - -	o	2	6
For the warrant thereof - - - - - -	o	o	6
Bayliffs, for the arreſt from the plaintiff -	o	1	o
From the party arreſted - - - - - -	o	1	8
To file bayl above, and taking the declaration	o	8	o

This is coſtly law.

This juſtice is both bought and ſold, &c.

A bill of indictment, before a judge, would reduce theſe, &c.

The form of an indictment, for ſheriffs.

(D) London ff. The jurors, for the lord protector, of the commonwealth of England, Scotland, and Ireland, &c. upon their oaths, do preſent, that John Butler, of London, ſheriffe, the 20th. day of Auguſt, in the year of our Lord God, 1652, being then ſheriffe, and keeper of the priſon, of the Newgate, in London, the day, and year aforeſaid, did, by force, or colour of his ſaid office, as ſheriffe, and

keeper of the ſaid priſon, unlawfully, and extortionouſly exact, and take of one John Cuthberton, then, and there, being arreſted, and impriſoned in the ſaid priſon, under the cuſtody of the ſaid ſheriff, at the ſuit of John Roe, the ſum of ſix ſhillings and eight pence, for the fee of the ſaid ſheriffe, and keeper, for the cuſtody of the ſaid John, in the ſaid priſon, from the 20. day of the month of May, in the year aforeſaid, until the 20. day of Auguſt, then next following, to the great damage of the ſaid John, and to the evill example of others, in the like caſe offending, and contrary to the form of the ſtatute, in ſuch caſe made, and provided, and againſt the public peace. See chap. 58. (C), (D), (B), ſtat. 23. Hen. 8. 3.

KING HENRY THE SEVENTH,

Began his raigne, the 22. of June, 1485, and was crowned, at Weſtminſter, the 30. of October. He raigned 25 yeares, and 8 monthes, and died, the 22. of April, lieth buried, at Weſtminſter.

STAT. 3. Hen. 7. chap. 1. * It is enacted, if any coroner be remiſſe, and maketh not inquiſition upon the view of the body dead, and certifie not, according to his office, it is ordained, that he ſhall, for every default, forfeit five pounds. See chap. 10. (O.P), chap. 48. 29. 49.

Weights and meaſures, &c.

Stat. 11. Hen. 7. chap. 4. For as much, as many grievances have been ſet forth, unto this preſent parlament, of the great fraud, and deceit, in meaſures,



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HENRY VII.

meaſures, and weights, for remedy whereof, it is ordained, and enacted, that, to the knights, and citizens, of every ſhire, and city, aſſembled, in this preſent parlament, barons of the five ports, and certain burgeſſes, of burrough towns, ere they depart, from this preſent parliament, be delivered, one, of every weight, and meaſure, which now is made of braſs, for the good of the ſubject, according to the kings ſtandard, of his exchequer, of weights, and meaſures, and that they ſhall cauſe all common weights, and meaſures, to be as abovesaid, and all ſuch as prove defective, then ſuch weights and meaſures, ſhall be broken and burnt, and the party pay twenty ſhillings, and be ſet in the pillory; the quarter of corn, to be eight buſhels, raiſed, and ſtruck, and fourteen pound, to the ſtone of wool, &c. and water meaſure, to be five pecks on ſhip board, according to the ſtandard, &c. See chap. 49, (c).

No ordinance to be made by corporations, &c.

By act of parlament, 19. Hen. 7. 7. That maſters, wardens, and people of guilds, fraternities, and of other companies corporate, oftentimes, by colour of rule, and governance, to them granted by charter, and letters pattents, made amongſt themſelves, many unlawfull, and unwarrantable ordinances, as well in prizes of wages, as other things, for their own ſingular profit, and to the common hurt, and damage of the people, be it enacted, and it is hereby enacted, that no ſuch maſter, wardens, nor companies*, make, nor uſe, any ordinance, in diſheritance, nor diminition, of the prerogative of the king, nor of others,* nor againſt the common profit of the people, nor none other ordinance of charge, except it were firſt diſcuſt, uſed, and and proved, by good advice of the juſtices of peace, or the chief governors of cities, and before them, entered upon

on record, and that upon pain, to looſe, and forfeit the force, and effect of all the articles, in their ſaid letters pattents, and charters contained, concerning the ſame, and over that, to pay ten pounds to the king, for every ordinance, that any of them made, or uſed, to the contrary, the ſame ordinance to indure, at the kings pleaſure, which act was then expired, and ſince the expiration of the ſame, many ordinances have been made, by many private bodies, within divers cities, towns, and burroughs, contrary to the kings prerogative, his laws, and the common weal of his ſubjects; be it therefore enacted, that no maſters, wardens, and fellowſhip of crafts, or myſteries, nor of any rulers of guilds, or fraternities,* take upon them, to make any acts, or ordinances, nor to execute any, by them heretofore made, in diſhertion, or diminition of the prerogative of the king, nor of other, nor againſt the common profit of the people, except the ſaid acts, and ordinances, be examined, and approved by the chancellor, treaſurer of England, or chief juſtices, of either benches, or three of them, or before both the juſtices of aſſizes, in their circuit, in the ſhire, where ſuch acts, or ordinances be made, upon pain of forfeiture of forty pounds, for every time they doe to the contrary; and over that, it is enacted, that none of the ſame bodies corporate, take upon them, to make any acts, or ordinances, to reſtrain* any perſon, or perſons, to ſue to the king, or any of his courts, for due remedy, to be had in their cauſes, nor put, nor execute any penalty, or puniſhment, upon any of them, for any ſuch ſuit to be made, upon pain of forfeiture of forty pounds, for every time, that they do to the contrary. See chap. 39. (A), 30. (D), 43. (D), and chap. 10. (G).

This ſtatute will prove offenſive to the free hoaſtmen, and the charter of the admiralty, if well proſecuted, and pay them for all the wrongs done.

KING



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HENRY VIII.

KING HENRY THE EIGHTH,

Was borne, at Greenwich, entered his raigne, being 18 yeares of age, the 22. Aprill, 1509, was crouned, at Weſtminſter, the 25. of June following. He raigned 37 yeares, and 9 months, died, the 28. of June, buried, at Winſor.

(A) STAT. 21. Hen. 8. chap. 18. In the vacancy of the ſea of Durham, cardinal Wolſey being dead, and no knights, nor burgeſſes, in parlament, for Durham, and Northumberland, then, the mayor, and burgeſſes of Newcaſtle, knowing there could be no oppoſition, petitioned the king, and parlament, for that, whereas the mayor, burgeſſes, and commonalty of that town, having been faithfull ſubjects, and held, in fee, from his progenitors, that town, port, and haven of the river of Tine, thereunto belonging, and of all ground,* which the water covered, within the ſaid river of Tine, from the mouth of the ſaid river, called Sparhawke, and to Headwin ſtreams, in their demean, as of fee, in right of the crown, and that all merchandizes, carryed by any ſhip, or veſſell, into that port, or carried out, uſed to be diſcharged, and loaden, only, at that town, by which means, the cuſtoms, ſubſidies, and tole, were received there, for his majeſties uſe, 500l. per annum, and that by reaſon of thoſe liberties, and franchizes, that town hath been well repleniſhed, and maintained, and able to furniſh his majeſty, with four hundred marriners for the war, and by reaſon of ſeveral great perſonages, as well ſpiritual, as temporal, having lands adjoyning to the ſaid river, have loaden and unloaden ſhips, with ſeveral merchandizes, and paid no cuſtoms, to the utter undoing of the town, and the great diſhertion of your highneſs, and miniſhment to your cuſtoms, and that divers weyers, and fiſh-gates, were erected in the ſaid river, by means

means whereof great ſand-beds, and gravel heaps, be grown, and caſt up, in the ſaid river, that within few years to come, no ſhip of good burthen, or weight,* ſhall be able to come up to the town, to the ineſtimable hurt of the countries, thereunto adjoyning, and to the damage of your realm,* eſpecially, to all perſons needing ſea coals, which be onely conveyed from the ſaid port, and no where elſe, to be ſhipped, or had, but there.

In conſideration whereof, may it pleaſe your majeſtie, out of your bounden grace, with the aſſent of your lords, ſpiritual and temporal, and the commons, in parlament, to enact, ordain, and eſtabliſh, that from henceforth, any merchant, or merchants, or any other perſon, or perſons, ſhall not ſhip, load, or unload, any merchandize, or other wares of goods, to be ſold here, between the ſaid place, called Sparhawke, and Headwin ſtreams, (being fourteen miles in length) but onely at Newcaſtle, upon pain of forfeiture, of all ſuch goods, and wares, and merchandizes, to the king.

And for the mayor, and burgeſſes, to pull down all weires, goares, and engins, which was granted by the ſaid ſtatute, provided alwaies this act be not prejudical to any perſon, or perſons, being the kings ſubjects, for building, ſhipping, loading, or unloading, any ſalt, or fiſh, within the ſaid river, and port, or to any of them, or to any other perſons, repairing to the ſaid port, with ſhips and merchandizes, for ſelling, or buying of any merchandizes, or wares, needful for victualing, and amending of the ſaid ſhips,* at the time of their being in the ſaid port, this act, or any thing compriſed in the ſame, notwithſtanding. See chap. 50. (c).

A table of fees, for cuſtoms, toles, &c. in towns.

(b) Stat. 22. Hen. 8. chap. 8. Be it enacted, that every city, borough, and town corporate, their officer

cer ſhall ſet up, or cauſe a table, in open place, of, and for the certainty of all ſuch, and every duty, of every ſuch cuſtom, tole, and duty, or ſum of money, of ſuch wares and merchandizes, to be demanded, or required, as above rehearſed, ſhall, and may plainly appear to be declared, to the intent, that nothing be exacted, otherwiſe, than in old time hath been uſed, and accuſtomed, upon pain of each city, five pound, and every corporation, forty ſhillings, for every month, that the ſaid table ſhall fail to be ſet up, the moyety to the king, and the other to the party, that will ſue for the ſame, by writ, bill, plaint, or information, in which the defendant ſhall have no aſſoyn, wager of law, nor protection of law, allowed. See chap. 44. (e).

A commiſſion of ſewers, &c.

(c) Stat. 23. Hen. 8. chap. 5. The king, conſidering the abſolute neceſſity, of granting a general act, for commiſſioners of ſewers, to be directed, in all parts of his realm, for the advancing of the commonwealth, and commodity of this his realm, and likewiſe, conſidering the daily great damages, and loſſes, which have happened in many parts of the nation, in the decay, and ſpoil of rivers, to the ineſtimable damages of the commonwealth, which do daily increaſe; for remedy whereof, it is enacted, that there be commiſſioners of ſuers, and other premiſes, directed, in all parts, from time to time, where and when need ſhall require, to ſuch ſubſtantial, and indifferent perſons, as ſhall be named by the lord chancellor, and lord treaſurer of England, and the two chief juſtices, for the time being, or by three of them, whereof the lord chancellor to be one.

The commiſſioners to be reſiding, in the reſpective countie, where the commiſſion is directed, (which ſaid commiſſioners, will preſerve the ſaid river) having

ing power given them, to conſtitute and ordain laws, ordinances, and decrees, and to repeal, reform, and amend, as need ſhall require, any defects.

Alſo, to pull down any newſances, incroachments, or the like, erected in the ſaid rivers, and to cauſe buildings of wharfs, for the good of the ſame, and power, to rate, and tax any perſon whatſoever, towards the charge, for the good of the ſaid rivers, or having ſpoyled the ſame, to ſeize his, or their lands, tenements, goods, and chattels, for the ſaid taxes, and to diſpoſe of the ſame, by ſail, leaſe, or otherwiſe, ſix commiſſioners being preſent, and every commiſſioner is to have four ſhillings a day, when they ſit, and the clerk, two ſhillings a day, out of the taxes. I refer the reſt of this power, to the relation of theſe ſtatutes following. 3. Edw. 6. 9. 13. Eliz. 9. See 34. chap. (c), 35. (A.B).

An attaint againſt a jury.

(D) Stat. 23. Hen. 8. chap. 3. The law having firſt uſed all good devices to cauſe ſheriffs, under-ſheriffs, bayliffs of liberties, coroners, and all others authorized to return, and impannel juries, to be indifferent, and to return the ſaid jurors, and juries, without all partiallity, and that they ſhall be no furtherers, maintainers, nor aſſiſters to perjury, ſubordination, or embracery, and alſo having provided, that all thoſe jurors, which be ſo returned upon inqueſts, and to try inqueſts, and to try iſſues between party and party, may again, one by one, be ſifted, tryed, and examined, whether they ſtanding unſworn, be indifferent, or not; ſhe doth then expect from thoſe jurors, *veridictum*, a true tale, that is to ſay, a true verdict, or preſentment, of ſuch things as be given them, in charge, according to their evidence, but if the ſame jurors, will decline from truth, and make a falſe preſentment, contrary to their evidence,* then, it is not to be tearmed *veredictum*,

veredictum, but *perjurium*, and it will be returned to them, as *maledictum*, for by the common-law, they being attainted, by the verdict of four and twenty other jurors, ſhall receive a curſed, and villainous judgement; therefore, viz.

The ſaid jurors, ſhall loſe the freedom of the law, their wives, and children ſhall be thruſt out of their houſes, their houſes ſhall be pulled down to the ground, their orchards, and gardens ſhall be ſubplanted, their trees ſhall be digged up by the roots, their meadows ſhall be eyred up, all their goods, and chattels, which they have at the time of the attaint brought, or at any time after, ſhall be forfeited to the king, the king ſhall have all the profit of their forfeited lands, during their lives, and they ſhall be committed to perpetuall priſon, which judgement, was deviſed, and many years put in execution, to the intent, it might be known, how much the common-law did deteſt, and puniſh wilfull perjury, and falſehood, in thoſe who ſhe truſted, in place of juſtice, and from whom ſhe accounted to receive truth. See *Poulton*, *Perjury*, (16). See chap. 58. (B.C.D,) ſtat. 23. Hen. 6. 10. (D).

To prevent ſpoyl in rivers by ballaſt.

(C) Stat. 34. Hen. 8. 9. The king, for the good and preſervation of rivers, enacted, that what perſon, or perſons, do caſt, or unlade any ballaſt, rubbiſh, gravel, or other wreck out of any ſhip, crayer, or other veſſels, being within any haven-road, channel, or river to any port, town, or other city, or borough, within this realm, but onely upon the land, above the full ſea-mark, upon pain of forfiture of five pound a time, the one half to the king, the other, to the party diſcovering, that will ſue for the ſame, by bill, plaint, or otherwiſe, no wager of law admitted, or any eſſoyn, or protection allowed.

This is a legal courſe, but Newcaſtle acts not hereby, as you may ſee, in chap. 34. (C), 35. (A.B), 12. chap. (6), 14. (B).

KING EDWARD THE FIRST.

Sheriffs puniſhed for refuſing bail.

(A) STAT. 3. Ed. 1. 15. King Edward the firſt, for as much as ſheriffs, and others, which have taken, and kept in priſon, perſons detected of felony, and incontinent, have let out, by plevyn, ſuch as were not repleviſable, and kept in perſons, ſuch as were repleviſable, becauſe they would win of the one party, and grieve the other, it is ordained, that if any ſheriffe, or any other, which hath the keeping of priſons, let any go at large, by ſurety, that is not repleviſable, and thereof be attainted, he ſhall loſe his fee, and office, for ever, and if the under-ſheriffe, conſtable, or bayliff, of ſuch who have fees, for keeping of priſons, do it, contrary to the will of his lord, or any other bayliff, being not of fee, they ſhall have three years impriſonment, and make fine, at the kings pleaſure, and if any man with-hold a priſoner repleviſable, after that they have offered ſufficient ſurety, he ſhall pay a grievous amerciament to the king, and if he take any reward, for the deliverance of ſuch, he ſhall pay it double, to the priſoner, and alſo, ſhall pay a grievous amerciament, to the king. See ſtat. 27. Edw. 1. 3. ſtat. 3. Hen. 7. 2. the firſt and ſecond Philip and Mary, 13. See 30. chap. (B), 37. chap. (A), 41. chap. (A).

Extortion

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Engraved by W. Ridley, from a Painting, taken from the Statue, formerly at Gloucester Gate.

EDWARD I.

Extortion in officers.

(B) Stat. 3. Ed. 1. 26. The king ordains, that none of his officers ſhall commit extortion, neither ſheriffe, nor other ſhall take reward, to do his office, but ſhall be paid, of that which they take of the king, and he that ſo doth, ſhall pay, or yeeld two times as much, and ſhall be puniſhed, at the kings pleaſure. See ſtat. 23. Hen. 6. 10.

Outrageous tole.

(C) Stat. 3. Edw. 1. 30. The king ordains, that ſuch who takes outrageous tole, contrary to the common cuſtome of the realm, in market towns, by the lord, then the franchizes of the ſaid market, to be ſeized into the kings hand, and if it be in the kings town, which is let in the farm, the franchizes to be ſeized, in the kings hand, and if it be done, by a bayliffe, without conſent of his lord, he ſhall reſtore double, and ſhall have forty dayes impriſonment; touching citizens, and burgeſſes, to whom the king granted murrage, to incloſe their towns,* which takes ſuch murrage, otherwiſe then it was granted unto them, and thereof be attainted, it is provided, that they ſhall loſe their charter, or grant, for ever, and ſhall be grievouſly amerced, unto the king. (See 44. Edw. 3. fo. 20.) 43. Edw. 3. fo. 29. (Fit. N. B. fo. 94.). See 11. chap. (H), 44. (I), 49. (C), 48. (A).

Perſons attached out of their liberty.

(D) Stat. 3. Ed. 1. 34. For as much as great men, and the bayliffs, and others, the kings officers onely excepted, unto whom ſpecial authority is given, which, at the complaint of ſome, are by their own authority attached, others paſſing through their juriſdictions with their goods, compelling them to anſwer

anſwer afore them,* upon contract, covenants, and treſpaſſes, out of their juriſdiction, where indeed they hold nothing of them, or within their franchizes, where their power is, in prejudice of the king, and his crown, and to the damage of the people, it is provided, that none, from henceforth, ſo do, and if any do, he ſhall pay to him, that by his occaſion ſhall be attached, his damage double, and ſhall be grievouſly amerced to the king. 3. Ed. 1. 16. See chap. 30. (B).

The penalties for procuring writs.

(E) Stat. 13. Edw. 1. 36. For as much as lords of courts, and others, that keeps courts, and ſtewards, intending to grieve their inferiors, where they have no lawful means ſo to do, procures others, to move matters againſt them, and to put in ſureties, and other pledges, or to purchaſe writs, and at the ſuit of ſuch plaintiffes, compels them to follow the county, hundred, wapentake, and other like courts, untill they have made fine with them, at their will; it is ordained, that it ſhall not be ſo uſed hereafter, and if any be attached upon ſuch falſe complaints, he ſhall replevy his diſtreſſe, ſo taken, and ſhall cauſe the matter to be brought afore the juſtice, before whom, if the ſheriff, bayliff, or other lord, after that the party diſtrained, hath framed his complaint, will advow the diſtreſſe lawful, by reaſon of ſuch complaints made unto them, and it be replied, that ſuch complaints were moved maliciouſly, againſt the party, by the ſolicitation, or procurement of the ſheriff, or other bayliffe, or lord, the ſame replication ſhall be admitted, and if they be convicted hereupon, they ſhall make fine to the king, and treble damages to the party grieved. See ſtat. 8. Eliz. 2.

No

No tax to be levied but by parliament, &c.

(F) Stat. 25. Edw. 1. 6. Be it enacted, that none ſhall be charged, by any charge, or impoſition, nor be compelled to contribute to any tax, talledge, aid, or other like charge, not ſet by common conſent in parliament.

A writ called Ad quoddamum, to purchaſe fairs, markets, &c.

(G) Stat. 27. Ed. 1. 1299. The king ordains, that if any perſon, or perſons, having a mind to obtain any liberties, fairs, markets, or the like, may have this writ out of chancery, called *Ad quoddamum*; if the inqueſt paſſe for them, they ſhall have it, for remembrance of which thing, there is an indenture made, and divided into three parts, whereof one part remains in the chancery, another in the exchequor, and the third in the wardrop. Regiſt. fo. 247. Fitz. N. B. fo. 221. Raſt. Pla. fo. 25. 32. See chap. 48. (A.B), 44. (I), 49. (A.G), 50. (A), 29. (A), 47. (A), 51. (A), 50. (O), and chap. 11. (I.K).

This writ, called a quo warranto, will daſh any charter a peeces exceeded.

(H) Stat. 30. Ed. 1. 1301. The king and his parliament, provided well for the weal of the nation, againſt any indirect courſe, proſecuted under colour of charter, grants, &c. either by not putting in execution, what is granted to corporations, or exceeding their powers, ordains this writ, whereby all men may have right, if they look after it, viz. The king to the ſheriff, greeting, ſummon by good ſummons, &c. that they be before us, at &c. in our next coming, into the county aforeſaid, or before our juſtices of aſſize, when they ſhall come into thoſe

thoſe parts, to ſhew, by what warrant they claim ſuch liberties, and hold a view of frank pledge, in their mannor of &c. or by what warrant they have, to hold *Tholonium* (*tollis*) for them, and their heirs, and by what warrant they do ſuch wrongs, &c.

This writ, is like twenty of the violenteſt maſtiffs, upon a ſmall bear, tearing her all in peeces, they being unmuzled. There is great want of ſuch bayting.

(I) Doctor Lamb, who was killed by a rude multitude, in London, and ſoon after buried, but by reaſon a coroner did not view his dead body, &c. this writ was brought, by attorney general Noy, who voided their charter, and they were fined many thouſand pounds, and paid, &c.

(K) London-Derry, onely for exceeding their power, in their charter, were ſerved the very like, &c.

This writ would do the like to Newcaſtle, if acted, for exceeding their powers, and not burying Mr. Snapes ſon, one Gray, and William Rea, who were drowned in that river, as they are tyed to do by charter. See chap. 10. (O.P), and ſee chap. 29. (A), 48. (B), 49. (Y).

No diſtreſſe without warrant.

(L) Stat. 34. Ed. 1. 2. The king ordains, that no officer of his, or his heirs, ſhall take any corn, cattle, or any other goods whatever, from any perſon, without the good will, and aſſent of the party, to whom the goods belonged. See chap. 47. (A), 30. (B).

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Taken from an Antient Print of Vertue and Engraved by W. Bailey

EDWARD II.

KING EDWARD THE SECOND,

Surnamed Carnarven, was crouned, at Weſtminſter, at the 22. yere of his age, the 24. of February, 1308. He raigned 19 yere, 6 monethes, was depoſed the 25. of Janiwarius, 1326. He was ſlayne in the caſtle of Barkley, in the 43. yere of his age.

Breaking of priſons.

(A) STAT. 1. Ed. 2. 1307. By the common-law of England, if a man had been impriſoned, and broke the priſon, he ſhould have been hanged, for what cauſe ſoever he had been impriſoned, yea, although it had been but for treſpaſs, which great enormity was redreſſed, by this ſtatute of 1. Edw. 2. intituled, *De frangentibus priſonam*, the words where be theſe, touching priſoners breaking of priſon, our lord the king, doth will and command, that none, which from henceforth do break priſon, ſhall have judgement of life, and member, for the breaking of priſon onely, except the cauſe for the which he was taken, and impriſoned, doth require ſuch judgement, if he ſhould have been convicted thereof, according to the law, and cuſtom of the realm, though in times paſt, it hath been otherwiſe uſed, and therefore it is to be conſidered, who is a priſoner, and what is breaking of priſon. According to the meaning of the aforeſaid ſtatute, every perſon, who is under arreſt, for felony, is a priſoner, as well being out of the goal, as within, ſo that if he be but in the ſtocks, in the ſtreet, or out of the ſtocks, in the poſſeſſion of any, that hath arreſted him, and doth make an eſcape, that is a breaking of priſon, in the priſoner, for impriſonment is none other, but a reſtraint of liberty. Raſt. pla. fo. 247. 340. Kil. fo. 87. Dyer, fo. 99. Fitz. Coron. 134. Bro. Coron. 79.

Unſufficient Sheriffs.

(B) Stat. 9. Edw. 2. 1315. The king, receiving great complaints, from the great men, and people in parliament, throughout the whole realm, perceived great damage done to him, and great oppreſſion, and diſheritances to his people, by reaſon of unſufficient ſheriffs, and bailiffs; the king, reſolved to prevent ſuch evil oppreſſions, and diſheritances, by the aſſent of his prelates, barons, &c. enacted, that the ſheriffs, ſhall have ſufficient land, within the ſame ſhire, to anſwer the king, and his people, and to attend his office, and if any ſheriffs, or hundreders, be unſufficient, ſhall be removed,* and others, more convenient, put in their place; that none ſhall farm his land; that writs, ſent to the ſheriffs, ſhall be executed by the hundreders, ſworn and known; they to be ſuch———as have land, to anſwer, and not by others, ſo that the people may know to whom to ſue, ſuch execution, ſaving always the returns of the writs, to them that have them, or ought to have them.

The king, by his prerogative, ſhall have the wreck of the ſea.

(C) Stat. 17. Edw. 2. 11. It is enacted, that the king ſhall have the wreck of the ſea, throughout the realm, whales, and great ſturgeon, taken in the ſea, or elſewhere, within the realm, except in certain places privileged by the king. See ſtat. 3. Edw. 1. 4. Raſt. pla. fo. 611. Co. lib. fo. 106. 108. 1. Hen. 7. fo. 23. 11. Hen. 4. fo. 16. 9. Hen. 7. fo. 20. 35. Hen. 6. fo. 27. See chap. 10. (S), 30. (A), 29. (D), 30. (C).

The

The king ſhall have all felons goods.

(D) Stat. 17. Ed. 2. 16. Be it enacted, the king ſhall have the goods of all felons, attainted, and fugitives, whereſoever they be found, and if they have freehold, then it ſhall be forthwith taken into the kings hands, and the king ſhall have all profits of the ſame, by one year, and one day, and the land ſhall be waſted, and deſtroyed, the houſes, woods, and gardens, and all manner of things, belonging to the ſame, excepting men of certain places, privileged by the king therefore, and after he hath had the year and the day, and the waſte, then the land ſhall be reſtored to the chief lord of the ſame fee, unleſs that he fine before with the king, for the year and the day, and the waſte; nevertheleſs, it is uſed in the county of Gloceſter, by cuſtome, that after one year and a day, the lands, and tenements of fellons ſhall revert, and be reſtored to the next heir, to whom it ought to have deſcended, if the fellony had not been done, and in Kent, the cuſtome is gavel kind, the father to the bow, and the ſon to the plow: All heirs male ſhall divide their inheritance, and likewiſe women, but women ſhall not make partition with men, and a woman, after the death of her huſband, ſhall be endowed of the moiety, and if ſhe commit fornication, in her widowhood, or take an huſband after, ſhall looſe her dower. Fitz. N. B. fo. 144. Regiſt. fo. 165. V. N. B. fo. 99. V. N. B. fo. 5. See chap. 10. (S), 53. (A).

KING EDWARD THE THIRD,

Borne at Winſor, was crowned, at Weſtminſter, the 2. of Feb. 1327, *being* 15 *yeares olde, raigned* 50 *yeares,* 4 *months,* 24 *daies, dyed, the* 21. *of June,* 1377, *lyeth buried, in Weſtminſter.*

Enquiry of Goalers, which ſhall procure priſoners to become appealers.

(A) STAT. 1. Edw. 3. 7. Be it enacted, for the eſchewing the damages, and deſtruction, that often doth happen by ſheriffs, goalers, and keepers of priſons, within franchizes, and without, which have pained their priſoners, and by ſuch evill means, compel, and procure them to become appealers, and to appeal harmleſs, and guiltleſs people, to the intent to have ranſome of ſuch appealed perſon, for fear of impriſonment, or other cauſe, the juſtices of the one bench, and of the other, and juſtices of aſſizes, and goal delivery, ſhall, by force of this ſtatute, enquire of ſuch compulſive puniſhments, and procurements, and hear the complaints of all them that will complain, in ſuch caſes by bill, and ſhall hear, and determine ſuch plaints, as well at the ſuit of the party, as at the kings ſuit. Stat. 13. Edw. 1. 12. 14. Ed. 3. 10. Raſt. pl. fo. 56.

None to ride armed, except, &c.

(B) Stat. 2. Edw. 3. 3. Be it enacted, that none ſhall ride, or go armed, but ſuch as are the kings ſervants, or being licenced, nor his officers, to do their office by force of arms, nor bring any force, in an affray of the peace; neither to be armed by day, nor night, in any place, upon pain of forfeiture of their arms, and impriſonment, during the pleaſure of the king: All officers whatever is required to put this act in force. See chap. 37. (A).

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Engraved by T. Phillips, from a Painting in Windsor Castle.

EDWARD III.

(c) 2. Edw. 3. 6. 2. Edw. 4. 5. Every juſtice of peace, upon his diſcretion, may bind to the peace, or good behaviour, ſuch as are common barrators. A common barrator is he, which is either a common moover, and ſtirrer up, or maintainer of ſuits in law, in any courts of record, or elſe of quarrels, or parts in the country; as if any court of record, county court, hundred, or other inferior courts, any perſon, by fraud, and malice, under colour of law, ſhall themſelves maintain, or ſtir up others unto multiplicity of unjuſt, and feigned ſuits, or informations, upon penal laws, or ſhall maliciouſly purchaſe a ſpecial ſupplicavit of the peace, to force the other party to yeeld to him compoſition, all ſuch as are barrators in the countrey, and theſe are three ſorts.

Firſt, diſturbers of the peace;* ſuch are either common quarrellers, or fighters in their own cauſe, or common moovers, or maintainers of quarrels, and affraies between others.

Secondly, common takers, or detainers by force, or ſubtlety of the poſſeſſions of houſes, lands, or goods, which have been in queſtion, or controverſie.

Thirdly, inventers, and ſowers of falſe reports, whereby diſcords ariſeth, or may ariſe between neighbors; yea, if one be *communis ſeminator litium*, he is a barrator, or if any man, of himſelf, be *communis oppreſor vicinorum*, a common oppreſſor of, or wrangler with his neighbors, either by unjuſt, or wrangling ſuits, or other oppreſſions, or deceits, he is a barrator, or if one *communis pacis perturbater, calumniator, et malefactor*, he is a barrator, but all ſuch perſons muſt be common barrators, not in one, or two, but in many cauſes. See Lamb. 79. Co. 8. 36. Co. l. 338. Co. 8. 36. Cromp. 257. Co. 8. 7.

(d) Stat. 2. Edw. 3. 8. It is accorded, and eſtabliſhed, that it ſhall not be commanded by the great ſeal, nor the little ſeal, to diſturb, or delay common right, and though ſuch commandements do come, the

This will break the neck of all charters i England, t be unjuſt,

the juſtices ſhall not therefore leave to do right, in any point. Stat. 9. Hen. 3. 29. 5. Ed. 3. 9. 14. Edw. 3. 14.

Gold and ſilver prohibited, &c.

(E) Stat 9. Edw. 3. 1. No perſon ſhall carry gold, or ſilver out of the realm, without the kings licence; who ſo doth, ſhall forfeit all ſuch as is carrying, with ſhip, &c. Stat. 5. Rich. 2. 2. Stat. 2. Hen. 6. 6. 19. Hen. 7. 5.

Rates on victuals.

(F) Stat. 23. Edw. 3. 6. The king ordains, all perſons whatever, which ſells any kind of victuals, ſhall be bound to ſell their victual, at a reaſonable rate, or price, having reſpect to the price, that ſuch victuall be ſold at, in the places adjoyning, ſo that the ſeller may have a moderate gain, and not exceſſive,* and if the ſeller do ſell otherwiſe, ſhall pay double back. The mayor, and bayliffs of the city, market-towns, and other corporate towns, and the ports of the ſea, ſhall have power to enquire of all offenders in the ſame, and to levy the ſaid pain (upon themſelves) for their uſe, who ſueth for the ſame; and in caſe the mayor, and bayliffs, be negligent in putting in execution, any of the premiſes, and thereof be convicted, before juſtices aſſigned, then the ſaid mayor, and bayliffs, ſhall be compelled by the ſaid juſtices, to pay the treble of the things ſo ſold, to the party damnified, and alſo, ſhall be grievouſly puniſhed by the king. 23. Edw. 3. 4. See chap. 50. (A), 44. (E), 48. (A), 51. (A), 29. (A).

None to be condemned without his anſwer, &c.

(G) Stat. 28. Edw. 3. 3. The king ordains, that no man, of what eſtate, or condition he be, ſhall be put

put out of his land, nor tenements, nor taken, nor impriſoned, nor diſ-inherited, nor put to death, without being brought to anſwer, by due proceſs of law. Stat. 9. Hen. 3. 29. 5. Edw. 3. 9. 25. Ed. 3. 4. See chap. 10 (X), 38. (C), 41. (A), 43. (D), 38. (A).

Penalty of a mayor, ſheriff, and aldermen, for not redreſſing grievances.

(H) Stat. 28. Edw. 3. 10. Becauſe of the errors, defaults, and miſpriſions, which be notoriouſly uſed in cities, boroughs, and corporations, for default of good governance, of the mayor, ſheriff, and aldermen, cannot be inquired, nor found, by people of the ſame town, it is ordained, and eſtabliſhed, that the ſaid mayor, ſheriffs, and aldermen, which have the governance of the ſaid town, or city, ſhall cauſe to be redreſſed, and corrected, the defaults, errors, and miſpriſions above named, and the ſame duly puniſh, from time to time, upon a certain pain, that is to ſay, at the firſt default, a thouſand marks to the king, the ſecond default, two thouſand marks, and at the third default, that the franchizes, and liberties of the ſaid town, be taken into the kings hand; it ſhall be enquired of by foraign inqueſts, of foraign counties, namely, the city of London, but all other cities, boroughs, and corporations, to be tryed by forain inqueſts, in the ſame town, which may be done by the puniſhment of judges, thereunto aſſigned by inqueſt, or indictment, and called to anſwer the ſame, out of their town, which fine is to be leavyed by attachment, and diſtreſs, and by exigent, if need be, upon any land, or tenements out of their town, belonging to any of them.

KING

KING EDWARD THE SIXTH,

Borne at Hamton Court, at the age of 9 yeares, began his raigne the 31. of January, 1546, crowned, at Weſtminſter the 20. of February following. He raigned 6 yeares, 5 monthes, died, the 6. of Julie, buried, at Weſtminſter.

Murder, &c.

(A) STAT. 1. Edw. 6. 12. It is murder to ſtrike with either blunt, or ſharp weapon, if the party dye within a year and a day, and the blows given upon malice; neither ſhall clergy be allowed. See chap. 36. (A).

Victuallers, and handicrafts-men.

(B) Stat. 2. Edw. 6. 15. For as much as artificers, handicrafts-men, and labourers have made confederacies, and mutually ſworn, not onely that they ſhould ſell their victuals, at a certain rate, and not to meddle with one anothers work, and finiſh that which others have begun, but alſo, to appoint how much work they ſhall do in the day, and what hours, and times they ſhall work, contrary to the laws, and ſtatutes of this realm, and to the hurt, and great impoveriſhment of the kings ſubjects; for reformation whereof, the king ordains, that if any victuallers, or artificers aforeſaid, ſhall at any time combine, conſpire, or make any oaths, that they ſhall not ſell their victuals, at certain prices, or that artificers ſhall not work, but as aboveſaid, being convicted, ſhall pay, in ſix dayes, ten pounds to the king, or twenty dayes impriſonment, and fed onely with bread and water, if he have not ſufficient to pay the ſaid fine; for the ſecond offence, the pillory, or twenty pound, and for the third offence, ſhall forfeit

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Engraved by W. Ridley, from a Painting of Holbein in Hampton Palace.

EDWARD VI.

forfeit forty pounds, or elſe be ſet in the pillory, and loſe one of his ears, and ſhall be taken as an infamous man, and his ſayings, and oath, not to be credited in matter of judgement; and if any ſuch conſpiracy, covenant, or promiſe be had, or made by any ſociety, brotherhood, or company of craft-myſtery, or occupation of the myſteries afore-mentioned, with the preſence, or conſent of the moſt of them, that then, immediately upon ſuch act of conſpiracy, covenant, or promiſe, had, or made, over and beſides the particular puniſhment, before in this act appointed, for the offender, their corporation ſhall be diſſolved, to all intents, conſtructions, and purpoſes; and that none do preſume to hinder any free-maſon, rough-maſon, carpenter, bricklayer, plaſterer, joyner, hard-hewer, ſawer, tyler, pavier, glaſier, lyme-burner, brick-maker, tyle-maker, plummer, or labourer, born in this realm, or made deniſon, to work in the ſaid crafts, in any city, borough, or town corporate, with any perſon, or perſons that will retain him, albeit the ſaid perſons, ſo retained, or any of them, do not inhabit, or live in the ſaid town, &c. nor be free of the ſame city, &c. any ſtatute, law, ordinance, or other thing to the contrary, upon forfeiture of five pound a time, half to the king, and half to the party ſuing, to be recovered by bill, &c. No wager of law, or protection, allowed, &c. See chap. 29. (E), 30. (F), 36. (A).

Robbing within a market of a fair, booth, tent, &c.

(c) Stat. 5. 6. Ed. 6. 14. Be it enacted, that no perſon, or perſons which ſhall happen to be found guilty, after the laws of this realm, of, and for robbing any perſon, or perſons, in any booth, or tent, in any fair, or market, the owner, his wife, children, or ſervant, then being within the ſame booth, or tent, ſhall not be admitted the benefit of his, or their clergy, but excluded thereof, and ſuffer

death, without conſideration, whether the ſaid perſons within, ſhall be ſleeping, or waking. See chap. 47. (B), 49. (D), 51. (A), 11. (N).

Fore-ſtalling, regrators, ingrocers.

(D) Stat. 5. 6. Edw. 6. 14. The law being ſo good againſt theſe offenders, that I ſhall give Poultons expoſition thereof, viz. They deſerve to be reckoned amongſt the number of oppreſſors of the common good, and publick weal of the nation, for they do endeavour to enrich themſelves, by the impoveriſhing of others, and reſpect not how many loſes, ſo they may gain.

They have been exclaimed of, and condemned in parliament, from one generation to another, as appears by many ſtatutes, at leaſt fourteen ſtatutes, eſpecially fore-ſtallers, as appears by 34 Ed. 1. when it was ordained, that no foreſtaller, ſhould be ſuffered to dwell in any town, for he is a manifeſt oppreſſor of the poor, and deceiver of the rich, a publick enemy of the country, a canker, a moth, and a gnawing worm, that daily waſteth the commonwealth. And the name, and act of a foreſtaller was ſo odious, that it was moved in parliament, to enact, that a foreſtaller ſhould be bated out of the town, where he dwelt, by dogs, and whipped forth with whips, (Newcaſtle would have been empty) and by this ſtatute, it declareth who are offenders, and what puniſhment to be inflicted.

That whatſoever perſon, or perſons, ſhall buy, or cauſe to be bought, any merchandize, victual, or other thing, coming by land, or water, towards any fair, or market, to be ſold in the ſame, or coming towards any city, port, or haven, creek, or road of this nation, from any part, beyond the ſeas to be ſold.

Or make any bargain, contract, or promiſe for the having, or buying of the ſame, or any part of the

the ſame, ſo coming as aforeſaid, before the ſame merchandize, victual, or other things ſhall be in the market, fair, city, port, haven, creek, or road, ready to be ſold; or ſhall make any motion by word, letter, meſſage, or otherwiſe, to any perſon, or perſons, for the inhanſing of the price, or dear ſelling of any of the other things abovementioned; or elſe diſſwade, move, or ſtir any perſon coming to the market, or fair, to forbear to bring any of the things abovemention ed, to any fair, or market, city, port, &c. to be ſold as aforeſaid, ſhall be adjudged a foreſtaller, 13. Eliz. excepts oyls, ſugars, ſpices, currans, or other foreign victuals, brought from beyond the ſea, fiſh, and ſalt only, excepted.

A regrator, defined. What perſon, or perſons ſhall by any means regrate, obtain, or get, into his, or their hands, or poſſeſſions, in any fair, or market within this nation, to be ſold, any dead victual whatſoever brought thither for that purpoſe, and do ſell the ſame again, in any fair, or market holden, or kept in the ſame places, or within any market, or fair, within four miles thereof, ſhall be reputed, and taken for a regrator, or regrators.

An engroſſer, is he, or they which ſhall engroſſe, or get, into his, or their hands, by buying, contracting by promiſe, taking other then by demiſe, grant, or leaſe of land, or tythe, any corn, growing in the fields, or any other corn, or grain, butter, cheeſe, fiſh, or other dead victuals whatſoever, within the nation, to the intent to ſell the ſame again, ſhall be reputed, and taken, an unlawful engroſſer, or engroſſers.

If any perſon, or perſons ſhall offend, in any of the things before recited, and being thereof duly convicted, or attainted thereof, by the laws of this nation, for the firſt offence, ſhall ſuffer two months impriſonment, without bayl, or mainprize, and forfeit the value of the goods, for the ſecond offence, ſix months impriſonment, without bayl, or main-

prize, and loſe double the value of the goods, and upon conviction of the third offence, ſhall be ſet in the pillory, where he dwells, in the ſame town, and loſe all the goods, he, or they have, which was to their own uſe, and be committed to priſon, during the kings pleaſure. It is but *Mutatis, mutandis.*

Every juſtices of every county, is to enquire, and determine of the offences, in their quarter-ſeſſions, upon inquiſition, preſentment, bill, or information, exhibited, and proved by two witneſſes, the one half of the fine to the king, the other to the party diſcoverer.

What juſtice can be expected, or had in Newcaſtle, the mayors, juſtices, and burgeſſes, being the offenders, judges, (P) jurors in their own cauſes, and muſt be tryed in the ſame county, (T) themſelves to have the fines, as by charter appears. * See ſtat. 21. k. James, 4. (T). See 10. chap. (L). (P), chap. 10. (R). (*) See ſtat. 5. Eliz. 12.

The town of Gates-head, and all liberties, given to Newcaſtle, &c.

(E) Stat. 7. Edw. 6, 10. There being *no* biſhop of Durham, elected, nor any member of parliament, for that county, which the mayor, and burgeſſes of Newcaſtle, perceiving, petitioned the king, that the town of Gateſhead, in the county of Durham, adjoyning to their corporation, only the river of Tyne between, being populous, and without government, and often committing many outrages, in their town, and then got over the water, into the town of Gates-head unpuniſhed, and that often they caſt rubbiſh into the river, and alſo, that the bridge went to decay very much, which belonged to that town, humbly beſeeching, that his majeſty, would be graciouſly pleaſed, to incorporate that town, with them, under their government, with all its members, and ſalt-meadows, and park, and that it may be quite taken

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RICHARD II.

taken from the county of Durham, and all the people therein, to become ſubordinate to their laws.

Be it enacted, that the whole town of Gates-head, with the ſalt-meadows, the whole water, and bridge, with all the liberties thereunto belonging, except the common, which ſhall ſtill remain to the inhabitants, be incorporated with Newcaſtle, and diſjoyned from the county of Durham, as Newcaſtle was from Northumberland, by charter.

KING RICHARD THE SECOND,

Borne at Bourdeaux, ſonne to Edward, prince of Wales, begann his raigne, the 21. of June, anno. Dom. 1377. He raigned 22 years, was depoſed, and died, the 14. of Feb. 1399. Firſt, buried at Langley, in Hartfordſhire, and afterwards, at Weſtminſter.

A free trade in all England.

(A) STAT. 11. Rich. 2. 7. and the 14. Rich. 2. 9. Be it enacted, that all merchants, aliens, and deniſons, and all other, and every of them, of what eſtate, or condition they be, which will buy, or ſell corn, wine averdepoize, fleſh, fiſh, and all other victual, or other merchandizes, and all other things vendible, from whenceſoever they come, in whatſoever place they pleaſe, be it city, borough, town, port, of the ſea, fair, market, or other place within this realm, within franchizes, or without, may freely, or without diſturbance, ſell the ſame to whom they pleaſe, as well to foreigners, as to denizons, except to the enemies of the king, and of his realm.

And

And if any diſturbance be done, to any ſuch merchant, &c. upon his ſail of the ſame, in any of the places aforeſaid, the mayor, and bayliffs of ſuch franchizes, ſhall make remedy, but if they do not, and being thereof convicted, the franchizes ſhall be taken, into the kings hand, and the party grieving, ſhall make to the merchant grieved, double damages.

And if ſuch diſturbance be out of the franchized towns, then the ſteward, or bayliffe of ſuch lord, who is lord of the mannor, ſhall give right, or pay double damages; the party offending ſhall be impriſoned, for one whole year, and that none ſuch ſhall be diſturbed, but ſhall freely buy, and ſell, for his own uſe, or to the kings, &c. except that the merchant, aliens, ſhall carry no wines out of the realm, as it is contained, in their charters.

And that the ſaid things be holden, kept, and performed, in every city, borough, town, port of the ſea, or any other place, notwithſtanding any charter of franchize, to them granted, to the contrary, nor uſage, cuſtome, nor judgement, given upon their charters, uſages, nor cuſtomes, which they may alleage, which charters, uſages, and cuſtomes, the ſaid king, the grand-fathers, the prelates, earls, barons, and great men, and commons in parliament aforeſaid, holds theſe ſaid charters, &c. of no force, and as being things, granted, uſed, and accuſtomed to the damage of the king, the prelates, earls, barons, and great men of his realm, and great oppreſſion of the commons, ſaving to the king, and to other, the cuſtomes due of the ſaid merchandizes.

And the chancellor, treaſurer, and juſtices, aſſigned to hold the pleas of the king, in places where they come, ſhall enquire of ſuch diſturbances, and grievances, and do puniſhment, according as is before ordained.

And

And by a ſtatute, made the 25. Edw. 3. 2. it was ordained, and eſtabliſhed, that the ſaid ſtatutes, made in the ninth year, chapter 1. in all points, and articles, contained in the ſame, ſhould be holden, kept, and maintained, &c.

And if any charter, letters pattents, proclamations, or commandements, uſage, allowance, or judgement were made to the contrary, the ſame ſhould be utterly repealed, avoyded, and holden for none.

And that it is free for any whatever, that brings any proviſions whatever, to ſell the ſame, or other merchandizes, by groſſe, or retail, either in the city of London, or any other port, city, borough, or town-corporate in England, without challenge, or impeachment, and to ſell them freely, to any that will buy the ſame, notwithſtanding any grant whatever, to the contrary, notwithſtanding any franchize, cuſtome uſed, ſince ſuch franchizes, and cuſtomes, uſages, be in common prejudice to the king, and all people, &c.

And that no mayor, bayliff, catch-pole, miniſter, nor other, ſhall meddle in the ſail of any manner of victuals vendible, brought to the places aforeſaid.

And all men that will ſue, may have a writ out of the chancery, to attach him by his body, that offends herein, as a diſturber of the common profit, &c.

The king ſeeing clèerly if the ſaid ſtatutes were duly put in execution, would much extend to the profits, and wealth of the whole nation, do ordain, and eſtabliſh, by aſſent of the prelates, dukes, earls, barons, great men, nobles, and commons, in this preſent parliament, aſſembled, that the ſaid ſtatutes, ſhall be firmly holden, kept, maintained, and fully executed, in all points, and articles of the ſame, notwithſtanding any ordinance, ſtatute, charter, letters pattents, franchizes, proclamations, commandements, uſage, allowance, or judgement be made,

or

or uſed to the contrary, it ſhall be utterly repealed, avoyded, and holden for none.

This ſtatute was obtained, by a petition (worth reading) from all the nobles, and commons of England, as you may read, in the ninth of Edward the third, chapter the firſt, it laying open the great grievance of the whole nation, in parliament, of proviſions, and other merchadizes, being engroſſed into private hands, and reſtraining all others from trading, but themſelves, &c. See chap. 29. (c), 30. (d), 32. (d), 35. (a), 38. (a), 51. (b.c).

This ſtatute revived, would make England as happy as Venice, for riches, &c.

Merchant-ſtrangers ſhall be well uſed.

(b). Stat. 14. Rich. 2. 9. Be it enacted, that merchant-ſtrangers, repairing into the realm of England, ſhall be well, and courteouſly, and rightfully intreated, and governed in the ſaid realm, to the intent, that they ſhall have the courage to repair into the ſame. See chap. 30. (b), 41. (a).

The duke of Venice, by tollerating a free trade, all the nobility, and gentry trades in merchandizings, which doth ſo improve his revenew, that it maintains his wars, without other impoſitions, he being able to wage war with the moſt potenteſt prince that is, &c.

No cuſtomers to be traders, nor to have parts of ſhips.

(c) Stat. 14. Rich. 2. 10. The king ordains, that no cuſtomers, nor controlers have any ſhips of their own, nor meddle with the fraught of ſhips, and to eſchew as well the damage of the king, of his cuſtoms, as the loſſe of the merchants, repairing to the port, as well aliens, as denizons; and that no cuſtomer, controler, ſearcher, waiter, or finder, have any ſuch office for terme of life, but onely, as

as long as ſhall pleaſe the king, notwithſtanding any pattent, or grant to any, to the contrary, but ſuch pattents, or grants, be repealed, and of no force, nor value. Stat. 17. Rich. 2. See chap. (35).

Statute of mortmain.

(d) Stat. 15. Rich. 2. 5. Be it enacted, what mayors, bayliffs, and commons of cities, boroughs, and other towns, which have perpetual commonalty, and others, which have officers, that from henceforth, they ſhall not purchaſe to them, and their commons, any lands, &c. nor no religious, or other perſon, whatever he be,* do buy, or ſell, or under colour of gift, or terme, or any other manner of title, any lands, tenements, upon pain of forfeiture of the ſame, whereby the ſaid lands, and tenements, might have come to mortmain.

Riots, routs, &c.

(e) The 4. year, king Rich. 2. Riots, routs, and unlawfull aſſemblies, have been ſo many times pernicious, and fatal enemies, to the peace, and tranquility of the nation, that it did ſhake the foundation, and form of ſtate-government, as that of a collector of a ſubſidy, at Dartford, in Kent, in his days, in requiring but a groat of a taylor, and his wife, grew to ſuch a head of diſcontentment, and not being timely queld, became ſuch a rebellion, that it put the king in great hazard of his life, the burning of the city of London, the nobles, and gentry, with the learned of the law, beheaded, and others, in hazard of their lives, and families overthrown, and the records of law burnt. Wat. Tyler was captain. See Hen. 6. (b). See chap. 37. (a).

QUEEN MARY.

Maria, nata Grenouici, 11. *Febru.* 1505, *inſipit, regnare,* 6. *Juli,* 1553. *Regnavit,* 5 *annos, et* 4 *menſis, obyt, annos nata,* 45, *et* 9 *menſis.*

The town of Gates-head taken from Newcaſtle.

(A) STAT. 1. Mary, chap. 3. So ſoon as biſhop Tunſtall was created biſhop of Durham, laid open to the queen, and parliament, the illegallity of Gates-heads being taken from the county of Durham, and incorporated with Newcaſtle, and how ſurreptitiouſly they got it paſt, by act of parliament, and humbly beſeeched, that the town, and liberties of Gates-head, might be reſtored to the county of Durham again, which could not well be done, without that ſtatute of the 7. Edw. 6. 10. were repealed. After a great debate in parliament, it was found onely a covetous diſpoſition, in the corporation of Newcaſtle, to require that from king Edward the ſixth, and in no wayes for the good of any, in any particular ſenſe, who enacted, that the ſtatute of the ſeventh of Edward the ſixth, chapter the tenth, ſhould be repealed, and of no force, to all intents, and purpoſes, and the town of Gates-head ſhould be free, from the corporation of Newcaſtle, &c. See chap. 7. and chap. 8.

SWEET QUEEN.

QUEEN

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Engraved by W. Bailey, from a picture in the possession of the Earl of Oxford.

MARY I.

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ELIZABETH.

QUEEN ELIZABETH.

The moſt excellent princes Elizabeth, queene of Englande, France, and Ireland, defendor of the faith, &c. She raigned 44 yeares, died, the 24. of March, 1602, aged 69, 6 monthes, and lieth buried, at Weſtminſter.

How long apprentices ſhould ſerve.

(A) STAT. 5. Eliz. 4. Be it enacted, that all apprentices, in every corporate town, through England, ſhall ſerve, after the cuſtome, and order of London, the full term of ſeven years, at leaſt, ſo as the terme, and years of ſuch apprentices, do not expire, or determine, before ſuch apprentices be of the age of four and twenty years, at leaſt; and if an apprentice be miſ-uſed, by the non-conformity of the maſter, then, the next officer, upon complaint, ſhall bind the maſter to anſwer the ſeſſions, and the cauſe appearing, the bench may diſcharge the apprentice from his maſter. See chap. 55. (C).

The puniſhment of perjury, &c.

(B) Stat. 5. Eliz. 9. Be it enacted, that if any perſon, or perſons, at any time, ſhall unlawfully, and corruptly, procure any witneſſe, or witneſſes, by letters, rewards, or any other promiſes, to commit any wilful, and corrupt perjury, in any matter, or cauſe whatſoever, now depending, or which hereafter ſhall depend, in ſuit, or variance, by any writ, action, bill, complaint, or information, upon any matter, or cauſe whatever, and being thereof convicted, ſhall forfeit forty pound; and if he have not ſo much, then to be impriſoned for half a yeer, without bail, or mainprize, and to ſtand in the pillory, one hour, in a market day, in the open market, and never to

be received as a witneſſe, in any courts of record; and if judgement be given, upon his teſtimony, it ſhall be void, and the party grieved have his damages.

And if any perſon ſhall wilfully perjure himſelf, by committing wilful perjury, by his depoſition in any courts, or being examined, *Ad perpetuam rei memoriam*, for which offence, he ſhall forfeit twenty pound, and impriſonment for ſix months, without bail, or mainprize, and never to be as a witneſſe in any court, and that the oath ſhall be void, and party grieved to recover his damages; and if he be not able to pay his fine, then to be ſet in the pillory, having both his ears nayled thereunto, and never to be credited again in any court; the one half of the fine to the queen, and the other to the party grieved, that will ſue for the ſame, by bill of indictment, &c. wherein there ſhall be no wager of law, &c.

And all witneſſes are required, upon ſummons, to appear, to give evidence, reaſonable charges allowed; and upon default, to forfeit ten pound, and all the damages ſuſtained, to be recovered in any court of record, by action, bill, &c. No wager of law, &c. See ſtat. 21. k. James, 28. made perpetual. See chap. 31. (A), 34. (A.B), 42. (A).

Fore-ſtallers of corn, &c.

(C) Stat. 5. Eliz. 12. Be it enacted, that no perſon, or perſons, ſhall buy any corn, out of open fair, or market, to ſell again, unleſſe ſuch perſons ſhall have ſpecial, and expreſs words in a licence, that he, or they, may ſo do, upon pain of the forfeiture of five pounds, for ſo doing, which forfeiture to come to the queen, the one half, and the other half to the party that will ſue for the ſame, by bill, &c. See ſtat. 5. 6. Ed. 6. 14. See chap. 50. (A), 51. (C).

Arreſtings

Arreſtings in other mens names, and delays, &c.

(D) Stat. 8. Eliz. 2. Be it enacted, by this preſent parliament, that if any perſon, or perſons, ſhall by any means cauſe, or procure, any other perſon to be arreſted, or attached, at the ſuit, or in the name of any perſon, where indeed no ſuch perſon is known, or without the aſſent, conſent, or agreement of ſuch perſons, at whoſe ſuit, or in whoſe name, ſuch arreſt, or attachment is, or ſhall be ſo had, and procured, that then, every ſuch perſon, and perſons, that ſhall ſo cauſe, or procure any ſuch arreſt, or attachment of any other perſon, to be had, or made for vexation, or trouble, and ſhall thereof be convicted, or lawfully accuſed, by indictment, preſentment, or by the teſtimony of two ſufficient witneſſes, or more, or other due proof, ſhall, for every ſuch offence, by him, or them committed, done, or procured, have, and ſuffer impriſonment of his, or their body, ſix months, without bail, or mainprize, and before a deliverance out of priſon, ſhall pay unto the party, ſo arreſted, or attached, treble the coſts, and charges, damages, and expences, that he, or they ſhall be put unto, by reaſon, or occaſion of ſuch arreſt, or attachment ſo had, and ſhall alſo forfeit, and pay unto ſuch perſon, or perſons, in whoſe name, or at whoſe ſuit, he, or they, ſhall ſo procure ſuch arreſt, or attachment to be had, or made, if then there be any ſuch perſon known, the ſumme of ten pounds, for every ſuch offence; and that all ſuch perſons, damnified thereby, ſhall have their remedy in any court of record, by bill, plaint, or action of debt, for all damages, &c. wherein there ſhall not be any eſſoyn, protection, or wager of law, allowed the defendant. See ſtat. 13. Ed. 1. 36.

The

The penalty of cutting of purſes.

(E) Stat. 8. Eliz. 4. Whereas there are a certain people, of a fraternity, or brother-hood, that puts in practice that art, or myſtery, of cutting of purſes, and that do combine ſecretly, to ſpoyl the true ſubjects of this realm, be it therefore enacted, that whoſoever be found guilty of taking away monies, &c. in ſuch ſort, from any perſon, or perſons, ſhall not have the benefit of clergy. See chap. 12. (5), 39. (A).

Sheriffs fees for executing executions, &c.

(F) Stat. 29. Eliz. 4. Be it enacted by, this preſent parliament, that it ſhall not be lawful for any ſheriff, or bayliff of franchizes, or liberties, or any of the officers, or deputies, nor any of them, by colour, or reaſon of their, or either of their office, or offices, to have, receive, or take of any perſon whatever, directly, or indirectly, for the ſerving, and executing of any extent, or execution, upon the body, lands, goods, or chattels of any perſon, or perſons whatſoever, more, or other conſideration, or recompence, than as in this preſent act ſhall be limited, and appointed, which ſhall be lawful to be had, received, and taken, that is to ſay, twelve pence, of, and for every twenty ſhillings, where the ſumme exceedeth not one hundred pounds, and ſix pence, of, and for every twenty ſhillings, being over and above the ſaid ſumme of one hundred pounds, that he, or they ſhall levie, or extend, and deliver in execution, or take the bodie in execution for, by vertue, and force of ſuch extent, or execution whatſoever, upon pain, and penalty, that all, and every ſheriff, &c. that do the contrary, ſhall loſe, and forfeit to the party grieved, his treble damages, and ſhall forfeit forty pound, for every time ſo offending, the half thereof to the queen, and the other to the party ſuing, by bill, plaint, action, or information, wherein no eſſoyn, wager,

wager of law, or protection, ſhall be allowed. This ſtatute not to extend to any city, or town corporate.

The poor to be ſet on work.

(G) Stat. 43. Eliz. 2. Be it enacted, by this preſent parliament, and the authority thereof, that all poor be ſet on work, by the church-wardens, or overſeers, and ſuch as will not work, being able, ſhall be ſent to the houſe of correction. See chap. 38. (A.C).

Sheriffes puniſhable for falſe arreſts, &c.

(H) Stat. 43. Eliz. 6. For the avoyding many ſuits commenced, according to the due courſe of the laws of this realm, to the intollerable vexation, and charge of her highneſſe ſubjects, be it enacted, by authority of this parliament, if any ſheriff, or other perſon, having authority, or taking upon him to break writs, or make any warrant, for the ſummoning of any perſon, upon any writ, proceſſe, ſuit, or for arreſt, or attaching of any perſon, or perſons, by his, or their body, or goods, to appear in any of her majeſties courts, at Weſtminſter, or elſewhere, not having before, that originall writ, or proceſſes, warranting the ſame, that then, upon complaint made to the juſtices of aſſize, of the county, where the ſame offence ſhall be committed, or to the judges of the court, out of which the proceſs iſſued, not only the party that made ſuch warrant, but all thoſe that were the procurers thereof, ſhall be ſent for, before the ſaid judges, or juſtices, by attachment, or otherwiſe, as the ſame judges, or juſtices, ſhall think good, and allow of, and be examined thereof, upon their oaths; and if the ſame offence be confeſſed, by the ſame offenders, or proved, by ſufficient witneſſes, to the ſatisfaction of the ſame judges, or juſtices, that then the ſame judges, or juſtices,

juſtices, that ſhall ſo examine the ſame, ſhall forthwith, by force of this act, commit every of the ſame to the gaole, and there ſhall remain, without bayl, or mainprize, untill ſuch time as they, amongſt them, have fully ſatisfied, and paid unto the party grieved, by ſuch warrant, not onely the ſumme of ten pounds, but alſo all coſts, and damages, as the ſame judges, or juſtices ſhall ſet down, that the ſame party hath ſuſtained thereby, and withall, twenty pound a peece, for their offence to her majeſty. 21. king James, chap. 16. 3. king Charles, chap. 4. Dyer, fo. 244.

KING JAMES.

(A) UPON the ſeventh day of May, in the firſt year of k. James, a proclamation was proclaimed, throughout London, for to ceaſe all exactions, all monopolies, and all protections whatever, that was againſt the common good, and that hindered mens ſuits at law, alſo forbidding oppreſſion.

Stabbing or thruſting.

(B) Stat. 1. king James, 8. It is enacted, that if any perſon, or perſons, ſhall ſtab, or thruſt any perſon, or perſons, that hath not then any weapon drawn, or that hath not then firſt ſtricken the party, which ſhall ſo ſtab, or thruſt, ſo as the perſon, or perſons, ſo ſtabbed, or thruſt, ſhall thereof dye, within the ſpace of ſix months, then next following, although it cannot be proved that the ſame was done of malice fore-thought, yet the party, ſo offending, and being thereof convict, by the verdict of twelve men, confeſſion, or otherwiſe, according to the laws of

of this realm, ſhall be excluded from the benefit of his, or their clergy, and ſhall ſuffer death, as in caſe of wilfull murder. Stat. Homicide (24).

Attornies abuſes remedied, &c.

(C) Stat. 3. king James, chap. 7. Be it enacted, for redreſſe of ſundry abuſes, committed by attornies, and ſolicitors, by charging their clients with exceſſive fees, and other unneceſſary demands, to the great prejudice of the ſergeant, and councellor at law, who is greatly ſlandered, and to work the private gain of ſuch attornies, and ſolicitors, the client is often extraordinarily delayed, be it enacted, that for the future, that no attorney, ſolicitor, or ſervant to any, ſhall be allowed from his client, or maſter, of, or for any fee, given to any ſergeant, or councellor at law, or of, or for any ſumme, or ſummes of mony given for copies, to any clerk, or clerks, or officers, in any court of record, at Weſtminſter, unleſſe he have a ticket ſubſcribed, with the hand, and name of the ſame ſerjeant, councellor, clerk, or clerks, or officers aforeſaid, teſtifying how much he hath received for his fee, or paid, or given for copies, and at what time, and how often; and that all attornies, and ſolicitors, ſhall give a true bill unto their maſters, or clyents, or their aſſigns, of all other charges concerning their ſuits, which they have for them, ſubſcribed with their own hand, and name, before ſuch time, as they, or any of them ſhall charge their clyents, with any of the ſame fees, or charges; and that if any attorney, or ſolicitor do, or ſhall willingly delay his clyents ſuits, to work his own gain, or demand, by his bill, any other ſumme of mony, or allowance, upon his account, of any monies which he hath not laid out, or diſburſed, that in every ſuch caſe the party grieved ſhall have his action, againſt ſuch attorney, or ſolicitor, and ſhall recover therein coſts, and treble damage, and

the ſaid attorney, or ſolicitor, ſhall be diſcharged from thenceforth, from being an attorney, or ſolicitor any more. See chap. 58. (A).

All monopolies, and diſpenſations, with penal laws, ſhall be void.

(D) Stat. 21. k. James, chap. 3. For as much as your moſt excellent majeſtie, in your royal judgement, and of your bleſſed diſpoſition, to the weal, and quiet of your ſubjects, did, in the year of our Lord God, 1610, publiſh in print, to the whole realm, and to all poſterity, that all grants, and monopolies, and of the benefit of any penal laws, or of power to diſpenſe with the law, or to compound for the forfeiture, are contrary to your majeſties laws, with your majeſties declaration, which is truly conſonant, and agreeable, to the ancient, and fundamental laws of this your realm; and whereas your majeſty was further gratiouſly pleaſed, expreſly to command, that no ſuitor ſhould preſume to move your majeſtie, for matters of that nature, yet nevertheleſſe upon mis-information, and untrue pretences of publick good, many ſuch grants have been unduly obtained, and unlawfully put in execution, to the great grievance, and inconvenience of your majeſties ſubjects, contrary to the laws, of this your realm, and contrary to your majeſties royal, and bleſſed intention, ſo publiſhed as aforeſaid; for avoiding whereof, and preventing the like, for the time to come, may it pleaſe your moſt excellent majeſtie, at the humble ſuit of the lords ſpiritual, and temporal, and the commons, in this preſent parliament aſſembled, that it may be declared, and enacted, and be it declared, and enacted, by authority of this preſent parliament, that all monopolies, and all commiſſions, grants, licences, charters, and letters pattents heretofore made, or granted to any perſon, or perſons, bodies politick, or corporate, whatſoever,

whatſoever, of, or for the ſole buying, ſelling, making, working, or uſing of any thing, within this realm, or of any other monopolies, or of power, liberty, or faculty, to diſpence with any other, to give licence, or toleration to do, uſe, or exerciſe any thing againſt the tenure, or purport of any law, or ſtatute, or to give, or make any warrant, for any ſuch diſpenſation, licence, or toleration to be had, or made, &c. and all proclamations, inhibitions, reſtraints, warrants of aſſiſtance, and all other matters, or things whatſoever, any way tending to the inſtituting, erecting, ſtrengthning, furthering, or countenancing of the ſame, or any of them, are contrary to the laws of this realm, and ſo are, and ſhall be utterly void, and of none effect, and in no wayes to be put in uſe, or execution, &c.

Be it further enacted, &c. that all perſon, and perſons, bodies politick, and corporate whatſoever, which now are, or hereafter ſhall be, ſhall ſtand, and be diſ-abled, and uncapable to have, uſe, exerciſe, or put in eure, any monopoly, or any ſuch commiſſion, grant, licence, charter, letters pattents, proclamations, inhibition, reſtraint, warrant of aſſiſtance, or other matter, or thing, tending as aforeſaid, or any liberty, power, or faculty grounded, or pretended to be grounded, upon them, or any of them.

The party grieved, by pretext of any monopoly, &c. ſhall recover his, or their treble damages, and double coſts, &c. and he that delayeth an action, grounded upon ſtatute, incurs a premunire, which is expreſt in the 16. Rich. 2. 5. ſhall be put out of the kings protection, and their lands, and tenements, goods, and chattles, forfeit to our lord the king and their bodies to be attached, to anſwer the king, &c. (Charters, granted to corporations, ſaved). (Letters pattents, to uſe new manufactures ſaved). (Grants, confirmed by acts of parliament, ſaved). (Warrants, granted to juſtices, ſaved). (Letters pattents, that concern printing, ſalt-peter, gun-powder, great ord-

nance ſhot, or offices, ſaved). Nor ſhall this ſtatute extend, to void commiſſions, for allum mines, nor to the licenſes of keeping taverns, making glaſſe, tranſportation of calves ſkins, nor for making ſmalt, nor for melting iron evre, with ſea-coal, &c. provided alſo, and be it enacted, that this act, or any declaration, proviſo, penalty, forfeiture, or other thing before mentioned, ſhall not extend, or be prejudicial to any uſe, cuſtome, preſcription, franchize, freedome, juriſdiction, immunity, liberty, or priviledge, heretofore claimed, uſed, or enjoyed, by the governours, and ſtewards, and brethren of the fellowſhip of the hoaſt-men, of the town of Newcaſtle upon Tyne, or by the ancient fellowſhip, guild, or fraternity, commonly called hoaſt-men, for, or concerning the ſelling, carrying, lading, diſpoſing, ſhipping, venting, or trading of, or for any ſea-coals, ſtone-coals, or pit-coals, forth, or out of the haven, and river of Tyne, or to a grant, made by the ſaid governor, and ſtewards, and brethren of the fellowſhip of the ſaid hoaſtmen, to the late queen Elizabeth,* of any duty, or ſummes of money, to be paid for, or in reſpect of any ſuch coals, as aforeſaid. Here the reader may ſee, that all theſe excepted, except to the juſtices, are allowed to be monopolies, and this laſt, the greateſt that ever was. See chap. 11. chap. 8. (A), chap. 21. (A), parliament 1640.

This is the grant of 1s. per chaldron, that they make the nation pay, &c.

Informations upon penal ſtatutes ſhall be proſecuted, in the counties, where the offences are committed.

(E) Stat. 21. k. James, chap. 3. Be it enacted, that all informations, upon penal ſtatutes, ſhall be proſecuted, in the counties, where the offences were committed, &c. upon default of proving that the offence was committed, in the ſame county, the defendant ſhall be found not guilty, &c. the informer ſhall make oath, that the offence was committed, in the ſame county, where the ſuit is commenced, &c. The

The defendant, in an information, upon a penal ſtatute, may plead the general iſſue, that they are not guilty, &c. Certain offences there be excepted, but may be tried elſewhere, &c.

This ſtatute was made in favour, and eaſe of the people from coming to London, but it is the worſt ſtatute that ever was made, and much in favour of the offender, for the offender, in corporations, and ſheriffs, are judges, and jurors, in their own caſes, and the informer caſt into priſon, when the judges are coming to aſſizes, &c. ſo the judges cannot come to the knowledge of ſuch offences, and the offenders not puniſhed.

If that clauſe of the ſtatute were repealed, which tyes all informations to be tryed only, and to be proſecuted in the ſame county, and this put in, that any may as well proſecute at Weſtminſter, as elſewhere, would bring into the publick revenew, above a hundred thouſand pound per annum.

Limitations of certain actions, for avoiding ſuits in law.

(F) Stat. 21. k. James, chap. 16. Be it enacted, that all actions upon the caſe (other then for ſlander) actions for account, actions for treſpaſs, debt, detriment, and replevi for goods, or chattel, and the ſaid action of treſpaſs, *quare clauſum fregit*, within ſix years next, after the cauſe of ſuch action, and not after.

Action of treſpaſs, of aſſault, battery, wounding, impriſonment, or any of them, within four years next, after the cauſe of ſuch action, or ſuit, and not after.

And actions upon the caſe, for words, within two years next, after the words ſpoken, and not after.

That no perſon do enter into any lands, but within twenty years next, after his right, or title, which ſhall hereafter firſt deſcend, or accrue to the ſame, and in default thereof, ſuch perſons, ſo not entring

entring, and their heirs, ſhall be utterly excluded, and diſ-abled, from ſuch entry, after to be made, &c.

Provided, that if any perſon, or perſons, be at the time of ſuch cauſe of action, given, or accrued, fallen, or come within the age of one and twenty yeers, *feme covert*, *non compos mentis*, impriſoned, or be beyond the ſeas, that then ſuch perſon, or perſons, ſhall be at liberty to bring the ſame actions, ſo as they take the ſame within ſuch time, as are before limited, after their coming to, or being of full age, diſcovert, of found memory, at large, and returned from beyond the ſea, as other perſons, having no ſuch impediments, ſhould be done. Stat. 20. Hen. 3. 8. 3. Ed. 1. 38. 32. Hen 8. 2. 1. M. 5.

The puniſhment of drunkards.

(G) Stat. 21. k. James, 7. &c. For preventing of that loathſome ſin of drunkenneſſe, enacted, that for every time any was drunk, ſhould, within one week, after conviction, by the oath of one witneſſe, pay five ſhillings to the church-wardens of the pariſh, for the uſe of the poor, and for want thereof in monies, to be ſet in the ſtocks ſix hours; and for the ſecond offence, to be bound to the good behaviour. (See chap. 55. (B).

The ale-houſe keeper, which doth not ſell by a full meaſure of a quart, ſhall, &c. and that ſhall keep any perſon, tipling, above one hour, ſhall forfeit ten ſhillings; and all brewers that ſhall deliver beer, to houſes unlicenced, ſhall pay ſix ſhillings eight pence, for every barrel, &c.

KING

KING CHARLES.

The petition of right.

(A) STAT. 3. year of k. Charles, upon the ſecond day of March, 1627. The lords ſpiritual, and temporal, and the commons, aſſembled in parliament, read the petition unto the king, the effect thereof was, that his majeſty would declare, and grant, in open parliament, that none might be compelled, to make, or yeeld any gift, loan, or benevolence, tax, or ſuch like charge, without common conſent, by act of parliament.

That none be compelled to make anſwer, or take ſuch oath, or to give attendance, or be confined, moleſted, or diſquieted, for refuſal of that.

Nor free-men be impriſoned, or detained, it being the right, and liberty of the ſubject, according to the laws, and ſtatutes of England, and to declare your royal will, and pleaſure, which the king did, in theſe words, (*Soit droit fait come eſt deſiré*) Let right be done as is deſired). See 28. chap. 30. (B), 38. (C), 41. (A), 51. (C), 43. (D).

The ſtar-chamber, and high-commiſſion courts, voted down.

(B) Act 17. king Charles. The parliament diſſolved the high-commiſſion, and ſtar-chamber courts, with the preſident, and councel of the north, to the end, to abandon all arbitrary preſſures, conceiving them to be the greateſt of evils. The proceedings, cenſures, and decreaſe of thoſe courts, have, by experience, been found to be an intolerable burden to the people, and the means to introduce an arbitrary power, and government, being contrary to the laws, and liberties of the land, &c. all which courts, and proceedings, ſhall ceaſe, after the firſt of Auguſt,

Auguſt, 1641 being, abſolutely diſſolved, and taken away, &c. Be it further enacted, and declared, that neither his majeſty, nor councel have, nor ought to have any juriſdiction, power, or authority, by Engliſh bill, petition, articles, libel, or any other arbitrary way whatſoever, to examine, or draw into queſtion, determine, or diſpoſe of the lands, tenements, hereditaments, goods, or chattels, of any of the ſubjects of this kingdome, but that the ſame ought to be tried, and determined, in the ordinary courts of juſtice, and by the ordinary courſe of the law, &c. and that from henceforth, no court, councel, or place of judicature, ſhall be erected, ordained, conſtituted, or appointed, within this realm of England, &c. which ſhall have, uſe, or exerciſe the ſame, or the like* juriſdiction, as is, or hath been uſed, practiſed in the ſaid court of ſtar-chamber; and be it enacted, that if any, whoever they be, ſhall put in practice, any of the courts above named practices, ſhall, for ſuch offence, forfeit five hundred pound, for the firſt offence, to the party grieved, one thouſand, for the ſecond offence, and for the third offence, ſhall be from thenceforth incapable, *Ipſo facto*, to bear office, and diſabled, to make any gift, grant, conveyance, &c. of any of his lands, &c. nor to have any benefit of them, &c. and ſhall pay to the party grieved, treble damages, to be recovered, &c. in any court of record, at Weſtminſter, by action of debt, bill, plaint, or information, wherein no eſſoyn, protection, wager of law, ayd, prayer, priviledge, injunction, or order of reſtraint, ſhall be in any wiſe prayed, granted, or allowed, nor any more then one imparlence, &c.

It will do the maſters of ſhips no harm, to get five hundred pounds, for every oath they are forced to ſwear againſt themſelves, to cut purſes, to be impriſoned, without judgement of the law, arbitrarily fined, &c. all being done by the magiſtrates of Newcaſtle, &c. See chap. 29. chap. 26.

THE

THE PARLIAMENT.

Monopolies voted down, &c.

(A) 1640. The parliament were then ſo zealous, for the nations weal, that ſeeing what heavy yokes of bondage the people ſat under, by monopolies, they fell to work on them, and voted down the pattents of tyn, ſoap, leather, ſalt, &c. as being infringers of the common right of the free-born; and the pre-emption of coals would have been the like, if any publick ſpirit had appeared, and preſented that grand grievance, which more concerns the life of man, then any of the other, but I hope God will do it in due time. See ſtat. 21. king James 3. See chap. 44. (E).

All trade prohibited to Newcaſtle upon Tyne, &c.

(B) 9. Jan. 1642. Ordained, that all trade to Newcaſtle, upon Tyne, for coals, ſalt, &c. be prohibited, upon pain of forfeiture, and confiſcation of ſhip, and goods, by reaſon that town is conceived to be the principal inlet, of all foreign aid, and forces, for ſtrengthening themſelves againſt the parliament, tending to the deſtruction of the laws, and liberties of England.

An ordinance for a low price of coals, &c.

(C) Feb. and June, 42. and 43. Two ordinances were made, for ſetting a rate upon coals, at London; being ſo ſcarce, and enhanſed to ſuch a great rate, that all the poor were in a very ſad condition.

Propoſitions to reduce Newcaſtle, &c.

(D) 5. June, 1643. An ordinance for reducing Newcaſtle, to the obedience of the parliament; being

garriſoned, and kept by papiſts, and other ill-affected perſons, whereby the whole land ſuffers, for want of coals, ſo abſolutely neceſſary to the maintenance, and ſupport of life, which falls heavy upon the meaner ſort.

Upon the 20. of June, the lord mayor, and court of aldermen, and common councel, of the city of London, met at Guild-hall, and undertook the reducing of that town of Newcaſtle, from their malignancy, upon the propoſitions of parliament, whereby they were to be repaid, both principle, and uſe of all charges, out of the gentlemens eſtates of Northumberland, and county of Durham, (it was *ſumma injuria*, that theſe gentlemen ſhould be deſtroyed, for the offence, and wickedneſſe of that corporation, who never yet ſuffered for the ſame, &c.).

Ordinances of Parliament.

(E) 12. May, 1643. Ordained, that there be a free, and open trade, in the ports of Sunderland, in the county of Durham, and Blithe, in the county of Northumberland, to relieve the poor inhabitants thereabouts, by reaſon of the rapines, and ſpoyls, thoſe enemies of Newcaſtle have brought upon them, in thoſe two counties, they all being in great want, and extremity.

(F) 14. Novem. 1644. Ordained, that a free, and open trade be had to Newcaſtle, for coals, ſalt, &c. that corporation being won by the ſword, with the ſcots, &c. Theſe are breviated in the epiſtle to the reader, &c.

Notwithſtanding all theſe ſad events, which that corporation brought upon the people, in thoſe northern counties, but the mayor, and burgeſſes, moſt of which were the tranſgreſſors, not in the leaſt ſorry, but ſtill doth, with the higheſt hand of arrogancy, and pride, tyrannize over the people, in thoſe counties, not admitting them to improve their eſtates, but caſts

caſts them into priſon, &c. The oppreſſed cries for relief, and could never be heard.

(G) 17. June, 1649. An act of parliament paſſed, for ſail of kings lands, and queens, &c. by vertue whereof was ſurveyed in lands, mils, and tenements, to the value of two thouſand pounds per annum, and returned to Worceſter houſe. I leave the reſt to the examiner, &c. The particulars, I have, &c.

(H) —— 1650. An act of parliament, conſtituting a councel, for regulating of trade, throughout England, &c. and were to ſit at White-hall, where there was a legal tryal had againſt Newcaſtle, and were overthrown, as by the report, which was drawn up, by the ſaid councel, to be reported, to the parliament, as appears, &c.

(I) Anno 1653. The parliament impowred a committee, for regulating of trade, and corporations, through England, &c. when more charge was brought in againſt the evill practice of the ſaid corporation, appears, &c.

All that is deſired, is a free trade in the river of Tyne, according to the purport, and true meaning of that ſtat. 11. Rich. 2. 7. The taking away what is bad, in that corporations charter, the river preſerved, and men from being impriſoned, without judgement of law,

Now to give ſome reaſons againſt this arbitrary power.

AS Sir Walter Raleigh, being to give a character of Henry the eighth, prefaceth his deſcription, with this introduction, *If all the pictures, and patterns of a mercileſs prince, were loſt in the world, they might all again be painted to the life, out of the ſtory of that king.*

So having given the world an account of the moſt unchriſtian, illegal, oppreſſive practices of the magiſtrates of Newcaſtle, upon the people of this nation, whoſe either neighbourhood, or calling, or condition of life, neceſſitate them to an intercourſe with them, either by way of traffique, or any other way, though forced into that port, and harbor, by diſtreſs of weather, tempeſt, or any other accident, incident to thoſe that go down to the ſeas in ſhips, and occupie their buſineſſes in the waters; reflecting on their actions, I may ſafely ſay of them, as that noble knight did, of that king, *If all the pictures, and patterns of a cruel, and mercileſs people, were utterly loſt in the world, they might be all painted to the life, out of this narrative,* ſetting out the illegal oppreſſions, arbitrary exactions, barbarous murthers practiſed, and committed, by the magiſtrates of Newcaſtle, both on their neighbors, and the free people of this nation.

There are two rules, or canons in ſcripture, upon which all the commandements of the ſecond table, (and conſequently, all the duty of man to his neighbor) do depend.

The firſt is, *Quod tibi fieri non vis alteri ne feceris, What thou wouldſt not have another do unto thee, that thou oughteſt not do unto another.* This rule, well obſerved,

ſerved, prevents all injury, and wrong; for while a man frames his own actions, towards his neighbor, according to that pattern, which, in his own breaſt, he ſhapes to his neighbor, to perform unto himſelf, hee will do no injury, becauſe he would receive no injury; and this is the ground of that command, or precept of our Saviour, *Thou ſhalt love thy neighbor as thyſelf.*

The ſecond rule is, *Whatſoever yee would that men ſhould do unto you, even do yee unto them, Mat. 7. 12.* and this rule ſtirs us up to all beneficence, and doing good to our neighbor; for as to prevent injuring another man, a man ſhould aſke himſelf, would I that another man ſhould do to me, as I am about to do unto him? and ſo, love to himſelf, will prevent hatred to another; ſo to confer favors, and to do good unto another, a man ſhould aſke himſelf, would I require this boon, this favor, this good turn from another, if I ſtood in need of it, as my neighbor doth, and I were in his condition? and would the granting, or doing this favor, be moſt acceptable to me, and lay an eternal obligation upon me? Hence, love to a mans ſelf, will kindle his bowels of compaſſion to his brother, and will diſpoſe him willingly to do that good unto another, which, if occaſion ſerved, he would willingly receive from another.

Theſe men of Newcaſtle regulate themſelves, in all their actions here charged upon them, and fully proved, by oath of men, of undoubted integrity, neither by the one rule, nor by the other; for they do not onely do thoſe injuries, and wrongs, which they would not take, but they deny thoſe favors, which they would, if occaſion ſerved, willingly receive; nay, they do not onely deny to do thoſe favors themſelves, which, not onely, by the law of chriſtian charity, but even by the dictate of nature, and common humanity they are bound to perform, but they hinder, and deter thoſe that would do them,

and

and violently profecute, fine, and impriſon thoſe who have relieved them, and without their preſent help, had ſhip-wracked in the very haven, and periſhed, under the expectation of a delayed aſſiſtance.

I ſhall not accuſe all incorporations, as eſtabliſhed monopolies, but certainly the corporation of Newcaſtle, as it is managed by thoſe men, is, of all monopolies, the moſt oppreſſive, and conſequently the moſt odious monopolie; rendred ſo by thoſe injurious, deſtructive, illegal priviledges, which, againſt all law of God, and man, they have made, and indulged to themſelves, and accordingly, are rigorouſly practiſed by them. But that their monſtrous practices may more clearly appear, to all the world, what hath been ſcattered, and divided, by neceſſary interweaving of proofs, and depoſitions, ſtatutes, and laws, and other ſupplements, I ſhall here contract, into a narrow compaſs, and preſent them, *Brevi quaſi tabellâ*, unto the view of the world. Their tyranny, and oppreſſion, may be reduced to theſe heads.

would not amiſs for honeſt bur ſes to pro against diſhoneſt, he end, the ocent may e ſuffer for nocent; ir oath is to uphold h actings.

First, *Falſe Impriſonments*, without any tryal of law, or offence committed; (pag. 77. 95. 61. 82. 90. 92. 99. 91. 109. 64. 87. 113. 95.) When the chief prieſt, and elders of the jews, deſired Feſtus, on their information, barely to paſs ſentence upon St. Paul, (though a heathen judge) he returns them this anſwer, *It is not the manner of the Romans, to deliver any man to die, before that he, which is accuſed, have the accuſers face to face, and have licence, to anſwer for himſelf, Act.* 25. 16. On the unjuſtice, and unreaſonableneſs of this courſe, doth Nicodemus oppoſe the chief prieſts, and phariſees, in the behalf of Chriſt, *Doth our law*, (ſaith he) *judge any man, before it hear him, and know what he hath done, John* 7. 51. (p. 166. G). This way of proceeding, in judicatory, is moſt repugnant, both to the law of nature, as you ſee in the Romans law, and, alſo, to the law of God, which poſitively determines, *One witneſs*

neſs ſhall not riſe up againſt a man, for any iniquity, or any ſin, that he ſinneth; at the mouth of two, or three witneſſes, ſhall the matter be eſtabliſhed, Deut. 19. 15. and if God would not have any man, to be condemned, in any judicatory, by the teſtimony of one witneſs, but by the joynt atteſtation of two, or three, at leaſt, as is evident, by this text of ſcripture, and by many concurrent places of divine writ, as *Numb.* 35. 30. *Deut.* 17. 6. *Mat.* 18. 16. *John*, 8. 17. *Heb.* 10. 28. 2. *Cor.* 13. 1. How much leſs would God approve of ſuch tyrannical proceedings, to condemn a man, without any witneſs at all, or ever permitting the perſon accuſed, to take up an apology, or juſt defence for himſelf.

Secondly, *Forcing men to ſwear againſt themſelves*, (pag. 64. 78. 92. 93. 94. 97. 98. 109.) How highly were the hearts of this nation inflamed? what indignation did they conceive againſt the practices both of the ſtar chamber, and high commiſſion, heretofore, (pag. 93.) as laying an unſupportable yoak upon the necks of the people, by the tender of the oath, *ex officio?* Hath all the nation freed themſelves from this bondage, by a good law, ſo that elſewhere no man is compelled to teſtifie againſt himſelfe, or where other witneſſes fail, inforced to accuſe himſelf? and muſt they onely, that come under the juriſdiction of the magiſtrates of Newcaſtle, remain inſlaved under the ſame bondage? Is this tyranny lawfull at Newcaſtle, that is exploded, and caſt off every where elſe?

Nay, that which infinitely heightens their oppreſſion, and wickedneſs, is this, that thoſe reaſons which were alledged, to juſtifie this practice, (pag. 191. 94. 93. 92. 109.) both in the ſtar chamber, and high commiſſion, have no place of pretenſion here. There the zeal of juſtice, to let no ſin go unpuniſhed, and the glory of God, in the ſinners confeſſion, and accuſing of himſelf, as Joſhua abjured Achan, *My ſon, give I pray thee glory to the Lord God of Iſrael, and make*

make confeſſion unto him; and tell me now, what thou haſt done, hide it not from me, Joſh. 7. 19. was alleged as an inſtance, to juſtifie their proceedings, where otherwiſe the offender could not be diſcovered, either by evidence of the fact, or teſtimony of witneſſes; but here, by an oath, they compel men to reveal the ſecrets of their hearts, to riſe up in judgement againſt themſelves, for no other end, but by their own confeſſion, to make them guilty, and then invade their fortunes. Firſt, they make themſelves maſters of their conſciences, (pag. 92. 114. 106.) and by that make themſelves maſters of their eſtates. Covetouſneſs, and not zeal of juſtice, or Gods glory, is the principle from whence they act.

Thirdly, *Impoſing fines arbitrarily*, (p. 25. (F), 34. (R), 47. 48. 64. 90. 91. 92. 95. 97. 98. 99. 124. 26. 116. 117. 17. 18. and then, no wonder if they be exceſſive, exceeding both the merit of the crime pretended, or the ability of the offender. How great a temptation is it to juſtice, to be ſevere, and ridgid in its ſentence, when the puniſhment of the offender is the inriching of them that paſſe the ſentence? (Nay, the judges themſelves are the grand offenders, and goe unpuniſhed), (p. 83. 84. 85.) and ſo it is here at Newcaſtle. (p. 87. (Q), p. 97. (C), p. 96. (H), p. 109. (D), p. 116.) One reaſon that induced ſome ſages of the law to affirme, that the latter kings of England, had diveſted themſelves of their power, to ſit perſonally in their courts of juſtice, and deligated it to, and inveſted the judges of the reſpective benches therewith, was, becauſe, in impoſing of fines, the king was both a judge, and party intereſted, not only as the fountain of juſtice, to be adminiſtered unto the people, but as the perſon into whoſe exchequers, and treaſury, the laws of England paid their fines. But the magiſtrates of Newcaſtle injoy thoſe priviledges, which were thought unbeſeeming the kings of England. They are both judges, and parties.

They

They eſtimate the offence, and receive the fine; and then how frequently covetouſneſſe, and ſelf-intereſt, ſit on the bench, in the place of juſtice, (p. 38.) the world may eaſily judge; as appears in the caſe of Lewis Froſt, and unjuſt judge Bonner, hee having two-pence half-penny of all ballaſt, and the other catchpole Bonner, to arreſt the refuſers.

Fourthly, Obſtructing all indeavours for grant of a market at North Shields, ſix miles from Newcaſtle, and in another county, and 12 miles from any other market, in the ſame county, and then robbing people of their commodities, in their own markets, and ſeizing on goods, carried through their town, alledging forraigne bought, and forraigne ſold. Markets were for conveniences, and not for ingroſſing all proviſions, and peoples lives, (p. 92.) Pag. 75. 106. 107. 109. 111. 112. 113. 159. 168. 169.

Fifthly, For impriſoning poor artificers (p. 90. 91. 86.) for working in their own trades, at the town of Shields, though in another county, and detaining them, untill they enter into bond never to work there again, which is to engage themſelves, to abandon, and renounce that calling wherein they were brought up, to expoſe themſelves, their wives, and children, to want, and beggary, or elſe to turn vagabons, (p. 183.) and deſert the place of their habitations, being by theſe mens tyranny, neceſſitated to leave their callings, or their dwellings. What ſad fate hangs over the poor inhabitants of this town, to be deprived of the common privileges of engliſhmen, ſhall I ſay? nay deſpoyled of the common privileges of mankind, *In the ſweat of their browes to eat their own bread, Geneſis* 3. 19. and to yeild obedience to that precept of St. Paul, *Let him labour, working with his hands the thing that is good, that hee may have to give to him that needeth, Epheſians* 4. 28. Or that of the ſame apoſtle, 1. *Theſ.* 4. 11. and 2. *Theſ.* 3. 10. 11. 12. The character of Newcaſtle, or rather indeed the uſurped power of the magiſtrates there, ſupercedes the commandments of

 God,

God. *Let every man*, ſaith St. Paul, *abide in the ſame calling wherein hee is called*, 1. *Cor.* 7. 20. If hee doth, ſay the magiſtrates of Newcaſtle, he ſhall not abide in Shields, nor in the neighbourhood of our corporation; as if they were a limbe of the beaſt; ſo that no man may work, (p. 77. 78. 168.) or buy, or ſell, ſave he that hath their mark, *Revel.* 13. 17. That is, unleſſe hee be a member of that freedome, which ingroſſeth ſo much freedome to themſelves, that they leave no freedome at all to their poor neighbours. (p. 111.)

Sixthly, p. 74. 75. 82. (A), 90. 91. 79.) Impriſoning all that are not free of their corporation, that ſhall indeavour to ſave ſhips in diſtreſſe, from periſhing in the river, and when they are ſunk, for want of help, ſeizing the goods of the maſters, and alſo impriſoning their perſons (78) many months. Let the world whereſoever it is moſt ſavage, moſt barbarous, ſhew ſuch an inſtance of ſuch an aggregation of injuſtice, oppreſſion, and cruelty as this; and (as wee ſay, let them carry their coals) *If not to ſave life bee to kill, and if not to doe good, when an opportunity is offered unto us, is to doe evill*, as, in our Saviours doctrine, certainly it is, *Mark* 3. 4. then not to ſave a ſhip, (p. 70.) I, and perhaps the mariners, and paſſengers lives too, (77. 78.) when they have an opportunity, nay, when they are earneſtly intreated, and their help implored, is in Gods accompt all one, as if they had ſunk the ſhip, and drowned the men, (p. 86). Hee that doeth not prevent a miſchief, when it is in his power to doe it, is, in Gods accompt, the contriver, and the author of it; but that which is the great aggravation of their oppreſſion, in this kind, and heighteneth it beyond any parallell is, they deny all help to ſhips in diſtreſſe (p. 76. 77.) that ſo making ſhip wrack, (p. 19. 20. 74. 75. 76. 77. 78. 87. 79. 81. 90. 91.) That which in this is uſually alleged to take off from the horridneſſe of their tyranny is, viz. that they muſt ſend for

for help from Newcaſtle, ſignifies nothing; Newcaſtle being ſeven miles from that harbour of Shields. *Whilſt the graſſe grows, the ſteed ſtarves*, as the proverb tells us; and while help is expected, the ſhip is loſt.

If theſe men could command the wind, and ſeas, not to rage, and ſwell, but be huſhed into a calme, and the river kept from friezing (p. 63. 84. 85. 109. 112. 77. 78. 79. 80. 81. 82. 83.) untill they ſent down help from Newcaſtle, their reply might be admitted; but ſince the wind, ſea, and ice, are not controllable by their charter, what abominable tyranny, what ſavage inhumanity, is it to deny ſhips in diſtreſſe, ſuch help as is at hand, to preſerve themſelves; caſes of neceſſity make voyd proprieties, that which without the caſe of neceſſity is theft, in the caſe of neceſſity is not theft.

Men doe not deſpiſe a thief, if hee ſteale to ſatisfy his ſoul when hee is hungry, *Proverb.* 6. 30. and the law ſaith, *when thou comeſt into thy neighbours vineyard, thou maiſt eat grapes thy fill, at thine own pleaſure*, *Deut.* 23. 24. In caſe of extreame neceſſity, that all things are common, is the joynt opinion of all divines. This is the law of nature, and therefore not to be over-ruled, by any poſitive law, of any kingdome, or common-wealth; for in theſe caſes of extream neceſſity, the perſon in this condition, taking that which is anothers, is not guilty of theft, for *Jure ſuo utitur*, as the caſuiſts determine, hee doth but make uſe of his own right; nor doth it come under the definition of theft, which is, *taking away that which is another mans, without his conſent;* for as neceſſity alters the property, and makes it his own, ſo while he makes uſe of his own right, the other *tenetur conſentire*, is bound to give his conſent, and to acquieſce in the others injoyment of it. And therefore, in all poſitive laws, whereby property is diſtinguiſhed, there is none of them, which hold in caſe of extream neceſſity; and ſhall extream ne-

ceſſity entitle a man to a part of another mans real poſſeſſion, by which there is *Damnum emergens*, ſome damage, or diminution of the goods, and poſſeſſion of the owner, and yet free the invador from all imputation of injuſtice, or uſurpation.

And ſhall not a poor maſter of a ſhip, in caſe of extream neceſſity, (p. 77. 78. 76. 109. 79. 74. 80.) diſpence with the privileges, and charter of Newcaſtle, which at moſt, can be but *lucrum ceſſans*, a ſuſpenſion of their privileges, and gaine, and make uſe of ſuch helps, for his preſervation, as Providence affords, without running the danger of ſending for, and waiting the help from Newcaſtle; without the ruine of thoſe that ſave him? Shall not extream neceſſity, which is an apology for all the world, bee his juſt apology, to plead his excuſe in this caſe, and free him, and his helpers, from the tyranny, and perſecution of the magiſtrates?

3. The prophet *Iſaiah*, tels us of ſome magiſtrates that were *companions of theeves*, *Iſaiah* 1. 23. *Ezekiel* tels us of others, that were *like evening wolves*, *ravening for their prey*, *Ezekiel* 22. 27. and *Zephany*, of others, that were like *roaring lyons*, *Zeph.* 3. 3. If any man doubt, whether theſe characters of oppreſſive magiſtrates, be applicable to theſe of Newcaſtle, I ſhall ſay no more to them, than our Saviour did to Nathaniel in an other caſe, *Come and ſee*, *Joh.* 1. 46.

Seventhly, Prohibiting gentlemen, and others, in the counties, both of Northumberland, and Durham, to ſell their coales to ſhips, to be tranſported to London, compelling all owners of colleries, to ſell their coals to themſelves firſt. If any ſhall preſume to ſell their coals, immediately to the ſhips, without taking them in the way, they ſeize upon ſuch coals, upon pretence that the owners of the coals are not free of their corporation, (pag. 21. 22. 100. 101. 98. 99. 102. 103. 104. 49. 84. 82. 81. 40. 193. 165. (D). And if this be not a monopoly, of as high

high a nature, and producing as ill effects, and thoſe of as large extent, as any, that (to the great content, and ſatisfaction of the nation) hath been aboliſhed, let the * world judge. A welch pedigree, doth not deſcend by more ſteps, and degrees, than the property of their coals is varied, while it is derived from the owner of the collery, unto him that at laſt buyes the commodity, to ſpend it, as well trades as others. The owners of colleries, muſt firſt ſell the coals to the magiſtrates of Newcaſtle, the magiſtrates to the maſters of ſhips, the maſter of ſhips to the woodmongers, or wharfingers, and they to thoſe that ſpend them: Every change of the property adding to, and enhancing the price of the coals, thus nterchangeably bought, and ſold; which courſe, as it picks ſome money out of the purſes of every man, that buys coals, beſides bad * coals being thereby vented, ſo it grinds the faces of the poor, who in theſe latter years, by reaſon, mainly of this monopolizing of them, have found it as hard a matter to fortify themſelves againſt cold, as againſt hunger, (p. 111.) whereas, if the owners of every collery had free liberty, to ſell (p. 124.) his coals to ſhips immediately, Tinmouth haven, would afford two hundred thouſand chaldrons of coals in the year more than now are vented, which would reduce the late exorbitant exceſſive rates of coals, in the city of London (p. 64. 65. 81.) to under twenty ſhillings a chalder, all the year, winter as well as ſummer, and bring into the common treaſury above forty thouſand pounds per annum, (p. 60. 100. 101. 103.) Some owners of coal-pits, will rather let their pits be fired, like thoſe at Benwell, and conſume, than let their coals to the magiſtrates of Newcaſtle. If the coal-owners, in each county, from whence all coals come, ſhould be as refractory to the magiſtrates, in denying their coals, as the magiſtrates are to the maſters, (pag. 104. 99. 100. 98.) few, or none would be brought to London, or any revenue raiſed.

Eighthly,

* Which as the ca ſtands, the city is chea in buying ſtates as we coals. p. 5

Eighthly, Forcing all ſhips, up the river ſix miles, amongſt dangerous ſands, ſhelves, and the bulks of ſunk ſhips, (p. 74. 75. 76. 77. 78. 84. 99. 100.) that ſo they may caſt out their ballaſt, upon their ſhoars, and all for the greedineſs of receiving eightpence, for every tun of ballaſt, which hath occaſioned the ſpoyl, and loſs of many ſhips, to the utter undoing of the maſters, and owners of the ſhips, and the deſtruction of the lives of many poor ſeamen, and mariners, whoſe blood will be required at their hands, who put them on thoſe dangers, in which they periſhed; beſides their choaking up the moſt part of that river, by forcing the ballaſt up their ſandy hils, near the ſaid town of Newcaſtle, many thouſand tuns whereof is blown, and waſhed down into that river, (p. 83. 84). They will neither preſerve the river, nor let doctor Swinbourn, vice admiral for the county of Durham, doe it, who hath fined ſome of the magiſtrates hundreds of pounds, for damages, &c.

Laſtly, Countenancing their officers in their oppreſſions, nay, in their very murthers, as in the caſe of Thomas Rutter, with others, who having forfeited their lives to juſtice, for killing Ann, the wife of Thomas Cliff, of North Shields, was, by their power, and favor, reſcued from that death, which they juſtly deſerved, (p. 86). God would not ſuffer his altar to be a ſanctuary to a wilful murtherer, neither would king John, their patron, (p. 38). *If a man come preſumptuouſly upon his neighbor, to ſlay him, thou ſhalt take him from mine altar, that he may die*, *Exo.* 21. 14. The law of England defines what murther is, (p. 168). *Blood defileth the land, and the land cannot be cleanſed of the blood that is ſhed therein, but by the blood of him that ſhed it*, *Numb.* 35. 33. When therefore God ſhall make inquiſition, they *that ſtaid him, that offered violence to the blood of his neighbor, and ſhould have gone to the pit*, *Prov.* 20. 17. will be found to communicate in this

this murder, and involved in the ſame guilt, with him that committed it, but the good God be merciful to them, that have not approved, or conſented to this wickedneſs; For *though our eyes did ſee this blood yet our hands did not ſhed it*; and therefore let every one that would waſh his hands clean, from that blood, pray, as God preſcribed, *Be merciful, O Lord, unto thy people Iſrael, whom thou haſt redeemed, and lay not innocent blood unto thy people Iſraels charge*, *Deut.* 21. 7. 8.

Thus have I given you a ſhort view of the tyrannical oppreſſive practices of the magiſtrates of Newcaſtle, whoſe ſin receives no ſmall aggravation from their office, and calling, in that they are magiſtrates, whom God hath furniſhed with authority, to that end, that they might prevent, and redreſs injuries, done by others, and *execute wrath upon evill doers*, *Rom.* 13. 4. So that in their oppreſſions, they ſin againſt the very end of their calling, they transform the very image of Gods power, and juſtice, which they ſuſtain, into the image of Gods enemy, Satan, whom herein they reſemble, and become, after a ſort, wickedneſſes in high places, as the devils are; for amongſt them, as much as any where, is that of Solomon verified, *I ſaw under the ſun, the place of judgement, that wickedneſs was there, and the place of righteouſneſs, that iniquity was there*, *Eccleſ.* 3. 16. And although attempts hitherto, and all indeavors, for redreſs of theſe oppreſſive courſes, have proved abortive, and fruitleſs, no man compaſſionating the people with Saul, ſo much as to aſke, *What ayleth this people, that they weep*, 1. *Sam.* 11. 5. No, after many addreſſes, petitions, remonſtrances, and ſutes at law, being ſtifled by the inſtigation of corrupt perſons, then in power, and obſtructed, by the mutability, and changes, we have too juſt reaſon to complain with Solomon, *Behold the tears of ſuch as were oppreſſed, and they had no comforters, and on the ſides of their oppreſſors there was power, but they, the oppreſſed*

oppreſſed, had no comforter, Eccleſ. 4. 1. Yet at this time we are not without good hopes, but that the cries of the poor, and the oppreſſed, will enter into the ears, and hearts of this preſent power, That they will be as a *hiding place from the winde, and a covert from the tempeſt, as rivers of water in a dry place, as the ſhadow of a great rock in a weary land, Iſa.* 32. 2.

But if our hopes now fail us, we muſt ſit down, and ſigh out that of Solomon, *If thou ſeeſt the oppreſſion of the poor, and violent perverting of judgment and juſtice in a province, marvail not at the matter, for Hee that is higher than the higheſt regardeth, and there be higher than they, Eccles.* 5. 8.

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