

133-3



0001

*Plantation-Office.*

A  
**V I E W**  
O F T H E  
**Penal Laws**

Concerning  
**TRADE and TRAFICK,**  
Alphabetically disposed under proper Heads.

Wherein,  
For that purpose are Collected all the Statutes,  
to the end of the last Sessions 1697. *Viz.*

Relating  
To Brewers, Brokers, Boatmen, Carriers, Cur-  
riers, Coachmen, Coalmongers, Cordwainers, Clothiers,  
&c. Diillers, Fishers, Fowlers, Glass-makers, Gold-smiths,  
Silver-smith, Leather sellers, Tanners, &c. Maulsters,  
Minters, Merchants and Marriners, Pipe-makers, Prifon-  
ers and Debtors, Pedlars and Hawkers, Paper and Parch-  
ment-makers, &c. Salt-makers and Salters, Silkthrowsters,  
Stock-jobbers, &c. Vintners and Wine-Coopers, Wool-  
mongers and Exporters of Wooll, with many others.

A L S O  
Some necessary Additions of Penalties and For-  
feitures, Collected and Published by way of Monition,  
as well to Offenders as Informers.

To which is added a TABLE of such Offences, &c. as  
are Punishable in the *Crown-Office.*

Useful for all Merchants, Tradesmen, Artificers, &c.

LONDON, Printed by the Assigns of Rich. and Edw. At-  
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dle Temple Cloysters, 1697.

W. H. H. H.  
S. H. H. H.  
T. A. B. L. E.

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T O

TO THE READER.

Courteous Reader,

**H**AVING received a Copy of these Collections from a friend, I shewed them to several others more knowing therein than my self, who well approved the Matter and Method of them, and thereupon urged me to make them Publick; and especially, because the greatest part was of late Time, and the whole Contracted into a few Sheets, which they said could not

To the Reader.

not but be acceptable, as of publick Use. To the end therefore, That I might not prevent any thing which may tend to the Common Advantage, I yielded to their Request, and have Published this as a necessary Collection for the Common Interest; which that it may take effect, is the Hearty desire, as well of the Publisher as Collector.

A  
**V I E W**  
 O F T H E  
**Penal Laws**  
 Concerning  
**TRADESMEN.**

*A Dialogue, &c.*

Informer, **M**ethinks, Landlord, of late you look something strange upon me, I wonder what is the matter, and would willingly know the reason.

*Landlord,* Truly, Sir, tho' you have hitherto carried your self pretty Civilly amongst us, yet I must desire you to provide your self other Quarters; for since your coming to my House I have lost many of my Customers, and that because you are reported to be a Publick Informer, and especially to have said in your Discourses,  
 B — That

A

### A View of the Penal Laws

— That if any Inn-keeper, Victualer or Alehouse-keeper shall suffer any person, dwelling in the Town, Village or Hamlet where such Inn or Alehouse is, to remain or continue drinking there (other than for urgent occasions, allowed by two Justices of the Peace) he shall forfeit to the Poor there for every such Offence proved by two Witnesses upon Oath, or seen by a Justice of Peace of that Limit, the penalty of Ten shillings.— These things being directly against my Interest, I must therefore desire your absence.

*Inform.* Sir, What I have formerly said concerning Inns or Alehouses, is true; and is provided for by the Laws of this Land, particularly by a Statute in the first year of King James the First, Chap. 9. But nevertheless, the Statute is not so severe as you would suppose it, neither did I so make mention; for it allows, That such persons as are invited by Travellers to their Inns or Quarters, may accompany them during their necessary abode there: Also Labouring-men and Handicrafts-men (tho' not Lodgers) are allowed an Hour at Dinner time in such Houses; and such Labourers and Workmen, which for following their Work, lodge and victual in those Houses, are excepted. Thus you may perceive my words have been taken in the severest sense, and so are my actings too; for I never yet took any advantage against such as were reasonable in

1 Jac. I.  
cap. 9.  
confirm  
1 Car. I.  
cap. 4.

### concerning Gradelines.

their doings, but only against notorious Offenders, such as continue drunkening at late and unseasonable Hours, or in time of Divine Service, prophane Cursers and Swearers, and the like, many of which have good cause to thank me: For I believe it was a means to save them from ruin and destruction.

And we find by sad Experience, that most who come to a bad or untimely End, confess that their ruin sprung from such evil Practices; and it is so reported of one to whom you were near related.

Besides, these Penalties and Forfeitures are founded upon Laws made by the great Wisdom of the Nation, who well knew the want of them; and as for your Objection against Informers, you may as well object against the Laws themselves, which have given them Authority; nay more, have encouraged and rewarded them as Men well deserving of their Country, so long as they observe such Rules and Precepts as the Law prescribes, and do nothing out of base designed Ends; and if any such there be, Remedies and Punishments are also provided against them too.

Also you know, That no man will accuse himself, neither is any Man obliged thereto; therefore Informers are absolutely necessary, that such notorious Transgressors may be brought to condign punishment, without which there would be no living.



## A View of the Penal Law

Yet as for these Matters of Tipling, with which you charge Informers, I must tell you they are seldom by them taken notice of; because the Law has provided, That all Constables, Churchwardens, Headboroughs, Tithingmen, Ale-Conners and Side-men, shall be charged on their Oaths, to present at the Quarter-Sessions in Corporate Towns, and in Leets, the Offences committed against 1 Jac. 9. and 4 Jac. 5. and thereby one Witness, or the parties own Confession, shall be sufficient to prove the breach of 1 Jac. 9. and 4 Jac. 5. and the Oath of the party Confessing, shall be sufficient to convince any other.

4 Jac. 5.  
21 Jac. 7.

*Landl.* I must confess, that upon serious Consideration, what you have said concerning the care and encouragement of the Law seems very good and reasonable; and 'tis true, I had a near Relation (as you hinted before) that came to an untimely End by following such evil Courses as those you named. Pray, what Punishment is there provided against the Tiplers and Drunkards that come into our Houses, many of which think it a great Affront, when we tell them they stay too long?

*Inform.* Why truly, by the Statute of 4 Jac. 1. cap. 5. A Town-dweller, who is Convict to sit Tipling in any Inn, Victualling-house or Ale-house, by the view of one Justice, or the proof of two Witnesses, shall forfeit Ten Groats, to be levied by distress

## concerning Tradesmen.

distress and sale for the Poor; and if he be not found able to pay it, he shall be put in the Stocks for Four Hours:

Also if one be convicted of Drunkenness in Court, or before a Judge or Justices in their several Limits, he shall forfeit 5 s. to the Poor, to be levied as aforesaid; and in case he be not able to pay it, he shall be put in the Stocks for Six Hours. But these Offenders are to be prosecuted within six Months.

And by the Statute of 21 Jac. 1. cap. 7. one Witness, or the parties own Confession, or view of one Justice, shall be sufficient Conviction.

And for the second time, being so Convicted, he shall be bound in 10 l. with two Sureties to the Good-Behaviour.

But none shall be twice punished for the same Offence.

*Landl.* I see, Sir, you have both Reason and Law on your side, and that it is either Ignorance, or Self-Interest, that makes men prejudiced against you; and withal, I perceive that it is good for every man to know the Laws, at least so much thereof as relates to his own Employment, Trade or Office; and therefore desire you will be pleased to give a further Account of what the Law has provided as to Alehouse-keepers, Innkeepers and Victualers.

*Inform.* Well then, since you are willing to be advised, I shall tell you in short,

## A View of the Penal Laws

That a man is liable to Imprisonment for  
 6 Ed. 6. 25. Three days without Bail, if he keep Open-  
 house and sell Ale without Licence, and to  
 3 Car. 3. be fined 20 s. for every such Offence, and  
 to find two Sureties, not to do the like again,  
 1 Jac. 9. or else to be openly Whipt if he can't pay  
 the Fine; also, he may be disabled for  
 7 Jac. 10. 3 years; if he shall continue tipling in the  
 Town at any other Alehouse than his own.

And by the Statute of 1 Car. 1. cap. 4.  
 1 Car. 1. 4. Vintners, which do also keep Inns or Vi-  
 ctualing-houses, shall be taken to be within  
 the Act for Tipling, as also within the Sta-  
 tute of 1 Jac. 2. cap. 9. & 4 Jac. 2. cap. 5.  
 But in many of these Points, few of you  
 have cause to complain of rigor or severity.

So Landlord you see, That there are  
 many Statute-Laws made against such as  
 keep unlawful and disorderly Ale-houses,  
 Inns or Taverns, and not without great  
 Reason; such disorderly Houses being  
 the Nurseries of all manner of Vice  
 and Wickedness; for from thence proceed  
 Liars, Cursers, Swearers, Prophaners, and  
 many times Plotters, and what not; but  
 against the Regular and Orderly there is  
 no Law, Pain or Penalty: And therefore  
 you need not to fear that I, or any other,  
 will or can do you any prejudice, so long as  
 you continue such. You also are sensible  
 what care hath of late been taken by the  
 Government for the Reformation of Man-  
 ners, and particularly that of Drunkenness  
 and

## concerning Tradesmen.

and prophane Cursing and Swearing; and  
 we find by woful Experience, that little  
 will avail all the Endeavours of the Re-  
 formers, without the aid and assistance of  
 well-minded and unprejudiced Informers.

And now Landlord, I hope you and all  
 others will for the future have a better  
 Opinion of such sort of Men, who out of  
 a Principle of serving their Country, en-  
 deavour to put the Laws in execution; for  
 to censure or condemn the Informers, is to  
 abuse the Law-makers, which none but the  
 guilty or evil-minded will ever do. And  
 if you object, That they make a livelyhood  
 of it: I must answer, That *the Labourer*  
*is worthy of his Hire*; and they are en-  
 couraged thereto by the best of the Nation,  
 and their Accusers are generally the Tres-  
 passers, and therefore not to be regarded.

But that you, Landlord, may not think  
 this Discourse is only levell'd against Men of  
 your Employment; I may tell you, That  
 the Law has ever had a strict Eye over most  
 Mechanicks and men of Trade; as well  
 over the Merchant and Goldsmith, as the  
 Spinner and Weaver: But not to make  
 Comparisons, I say, you are not by your  
 selves, there are many others who are liable  
 to Penalties and Punishments, which I could  
 instance, were it convenient.

*Landl.* I should be glad, Sir, (if your  
 time will permit) to hear you speak some-  
 thing concerning other Trades and Employ-  
 ments;

### A View of the Penal Laws

ments; I perceive you are well versed in these Matters, and rather than you shall think of loss of time, I will in conclusion present you with a Fee.

*Inform.* Agreed, Landlord, I will therefore give you a brief Alphabetical account of many of them. And first, I will begin with the Letter *A*, which signifies *Artificers* in general; but of them and of *Apprentices* and *Aliens* I shall speak hereafter\*.

See at the end of the Dialogue. *Arrow-head Makers. Archers. Buts.*

The next that come in mind are *Arrow-head Makers*; yet I think their Trade is now of little moment to the Publick, however there is a Penalty on them, and also upon *Bowyers*, and such Towns as keep not their *Buts* in good repair, and against such Persons as provide not Bows for their Sons and Male Servants to shoot with.

*Bow Makers.*

Also against such as use not their Bows according to the Statutes, to which I will refer you: That concerning *Arrow-heads* is *7 H. 4. cap. 7.* Those concerning *Bowyers*, and the making and keeping of *Bows*, are *12 Ed. 4. cap. 2.* confirmed by *13 Eliz. cap. 14.* But the *8th* of *Eliz. cap. 10.* more particularly concerns the *Bowyers* of *London.* *38 H. 8. cap. 9.* also concerns them and *Fletchers*, and those that are to exercise Shooting; and of the keeping and repairing of *Buts.*

*Apothecaries.*

There is also a Statute concerning *Apothecaries* faulty Wares, to be destroyed by the President and Elects of the Colledge of

### concerning Tradesmen.

of Physicians in *London*, and Wardens of the *Apothecaries*, who are authorized to Search the same; and such *Apothecary* as resists their Search, by the Statute of *32 H. 8. cap. 40.* forfeits *5 l.* between the King and Prosecutor; and by *1 Mar. Parl. 1. Sess. 2. cap. 9.* the Forfeiture is made *10 l.* to be divided between the King and President of the Colledge.

Having spoken of *Ale-men* and *Ale-houses* before, I have little now to do with the Letter *A.* Such other Matters as concern Inns and Ale-houses, that Brew and sell *Viſtuals*, I will speak of when I mention *Brewers* and *Viſtualers.*

*Vide* *Brewers* and *Viſtualers.*

By the Statute of *5. Eliz. cap. 12.* None but a Married man and Houſholder of the Age of *30* years (at the least) shall take upon him to be a *Badger, Lader, Kidder, Carryer, Buyer* or *Transporter* of Corn or Grain, Butter and Cheese; neither he, without Licence in open Sessions of the County where he hath dwelt by the space of Three years before, under the Hands and Seals of (at least) three Justices, one to be of the *Quorum*, in pain of *5 l.* which Licence shall remain in force for one year only from the Date thereof, and all Licenses otherwise granted shall be void.

*Badger, Lader, Kidder, &c.*

*Note,* The Licence also must have the day and place of the Sessions.

A View of the Penal Laws

This shall not give liberty to any *Badger, &c.* to buy Grain out of open Fair or Market (to Sell again) unless there be Special Words in his Licence to warrant the same, in pain to forfeit every time so offending 5 l. Tho Forfeitures are to be divided betwixt the King and the Prosecutor. See 13 Eliz.cap.25.

But by 13 Eliz.c.13. for the Increase of Tillage,&c. other provision is made for the Transportation of Corn. So by 15 Car. 2. cap.7. and by 22 Car.2.cap.13. and by 1 W. & M. Sess.1.cap.12.

Next I will speak of *Bakers, Brewers, Butchers, &c.* And of them the Law says thus:

Baker.  
Brewer.

That if any Common *Baker, Brewer or Tipler* have broken the Assize of Bread, Beer or Ale, he shall be fined by the discretion of the Justices, &c.

§1 H.3.  
13 R.2.c.8.

And if any Steward in Leet, or Officer in Market Town, shall take any Fine for such breach of the Assize, where Corporal Punishment is appointed, he shall be grievously Fined.

§1. H. 3.

If a *Baker* or *Brewer* shall break the Assize the first, second or third time, he shall be amerced according to his Offence, except it be great: But if it be great, and he doth offend a fourth time, or oftner, then the *Baker* offending shall be set on the Pillory, and the *Brewer* punished by the Tumbrel,

concerning Tradesmen.

brel, which shall not be pardoned for Gold nor Silver, says the Statute.

If any *Butchers, Brewers, Bakers, Poulterers, Cooks, Costermongers or Fruiterers*, shall conspire, covenant, promise or take any Oaths, That they shall not nor will not sell their Victuals but at certain prices; every one of them so offending, being lawfully convicted thereof, shall forfeit for the first Offence 10 l. to the King; and if he do not pay the same within six days after Conviction, he shall be Imprisoned twenty days, and have only Bread and Water for his Sustenance; and for the second Offence 20 l. and that not paid within six days, he shall suffer the punishment of the Pillory; and for the third Offence 40 l. and if not paid within six days, shall suffer the Pillory and lose one of his Ears, and never be credited in Matters of Judgment.

2 & 3 Ed. 6. c.15.

And if such Conspiracy be acted by the Major part of the Company of such Victualers, their Corporation shall be thereupon dissolved.

Also, No *Brewer* shall be a *Cooper*, nor shall by himself, or others to his use, occupy the Mystery of a *Cooper*, or make Barrels, &c. or other Vessels of Wood, wherein to put his Beer or Ale to Sale; if he do, he shall forfeit for every Vessel made 3 s. 4 d. to the King and the Informer: But this shall not hinder him from keeping a Servant or Cooper in his House, to mend his Vessels.

He

A View of the Penal Laws

He shall sell his Drink at no higher Prices than shall be appointed by the Justices of Peace in the Shire; or by the Mayor, Sheriff or Head Officer of the City, Borough or Town Corporate, where he doth dwell, who have Power by their Discretions, to Sess and Tax the Prices of a Barrel, Kilderkin or Firkin of Ale or Beer.

The Brewer must also take care, That he doth neither directly nor indirectly sell Drink to an Unlicensed Alehouse-keeper, save only for the expence of his Household, in pain of Forfeiting 6s. 8d. a Barrel. This Offence to be prosecuted in the Quarter-Sessions, and the Forfeiture to be equally divided betwixt the Prosecutor and the Poor of the Parish.

No Brewer shall sell, or put to sale in London, the Suburbs, or within two Miles compass of the Suburbs, any Beer or Ale in Butts, Pipes, Punchions, Hogsheds, Tierces, or such other Vessel brought from beyond Sea, and never lawfully gauged within this Realm; before the same be lawfully gauged, and the true Content set down thereupon (by the Gallon appointed for Beer and Ale, according to the Standard, by the Master and Warden of the Coopers of the City of London, or their Deputies :) Neither shall any Brewer sell, or put to sale, any Beer or Ale in such Vessel elsewhere in England or Wales, before the same be lawfully gauged, and the true Content thereof set thereupon,

concerning Tradesmen.

thereupon by such as by the Statute of 23 Hen. 8. 4. (which see in Coopers) are to have the Gauging of Barrels, Kilderkins and Ferkins elsewhere in England and Wales, in pain to forfeit every such Vessel, and also the Beer and Ale therein, to him that will Seise the same, and besides 10s. for every such Vessel, all which Forfeitures are to be divided between the King and the Prosecutor.

This Act shall not extend to punish the Brewer, that shall fill Vessels that are imported, and after they are so filled, are immediately to be exported to be sent elsewhere out of this Realm.

And Note, That they who shall cause any Beer, Ale or Mum, Shipt off in the presence of a Sworn Gauger or Officer to be exported, to be unladen, or put into any other Vessel in England, Wales, or Town of Berwick, shall forfeit the same, and 100 l. for every Cask, the one Moiety to the King, the other to the Prosecutor.

The Brewer that buys Hops deceitfully, mixt with any Soyl whatsoever (brought into this Realm, or growing within the same) and employ them in Brewing shall forfeit the value thereof, betwixt the King and the Prosecutor.

By 12 Car. 2. 23. Common Brewers that once a Month make not true Entries at the Excise Office, forfeit 10 l. Inkeepers 5 l. other Retailers 20 s. besides their allowance.

## A View of the Penal Laws

lowance of Leakage for a Month; Common *Brewers* not clearing within a Week, and Retailers within a Month after they make, or ought to make Entries, shall pay double the Duty; but none living in a Market Town, shall be compelled to Travel out, nor living out of one, to Travel to any other place, than the next Market Town in the same County, on the Market Day, to make such Entries and Payments: also such *Brewers* as will not permit Gaugers to enter in the day, or in the presence of a Constable, or other Officer by night, to take an account of their Liquors, shall be forbidden to Sell such Liquors; and if they Sell after warning, or deliver out any of the Liquors, not having cleared the Duty, they shall lose 5 *l.* besides the double value: And by this Statute 36 Gallons of Beer go to a Barrel, and 3 2 Gallons of Ale.

Offences against this Act, within the Limits of the Office in *London*, to be determined by the Chief Commissioners, or by the Commissioners for Appeals; and Offences committed elsewhere, by 2 or more Justices of the Peace near the place, or in neglect or refusal by 14 Days, then (upon Notice given to the Offender) by the Subcommissioners; but in such case of Subcommissioners, the party grieved may appeal to the Quarter-Sessions, whose Judgment shall be final. Sentence may be given in these Cases, upon proof, by Confession or Oath of one  
Witness

## concerning Tradesmen.

Witness, to be levied by Distress and Sale of Goods, if not redeemed within 14 Days, and for want of Distress, Imprisonment till satisfaction; the Forfeiture may be lessened, but not to less than double the Excise due, besides Costs and Charges; three fourths to the King, the other fourth to the Informer.

The same Penalties are provided by 12 *Car. 2. cap. 24.* confirmed by 13 *Car. 2. cap. 13.*

And by 15 *Car. 2. cap. 11.* No Brewer or Retailer of Beer or Ale, without giving Notice at the next Office of Excise, or to one of the Commissioners, Farmers or Subcommissioners within the Limits of whose Office he Inhabits, shall fit up, alter or enlarge, any Tun, Fat, Back, Cooler or Copper, and use them for making Beer or Ale, or Worts, or keep any private Storehouse for laying such Liquors in Cask, on pain to forfeit 50 *l.* for every Tun, &c. and they in whose Occupation any House, &c. is, in which such concealed Tun, &c. shall be discovered, shall forfeit 50 *l.* and such concealed Tun so discovered or altered, with all Beer, Ale or Worts therein may be seized, and delivered to the Overseers of the Poor to be sold for the Poors use, or to be distributed amongst them.

The Gauger must deliver to the Brewer a Copy of the Returns he made to the Commissioners, on penalty of 40 *s.* and the  
Brewer

### A View of the Penal Laws

Brewer may discharge himself, accordingly within a Week after.

If such as are appointed to attend and hold Office in Market Towns, shall neglect to attend from 9 in the Morning till 12 at Noon, and from 2 till 5 in the Afternoon, they forfeit 10 *l.* half to the King, half to the Prosecutor. And a Tender to make a Payment, or Entry, proved by one Witness, shall prevent a Forfeiture.

No Brewer shall deliver or carry out Beer, or Ale to his Customers in any City, Town Corporate, or Market Town, before Notice given to an Officer of Excise, but between 3 a Clock in the Morning and 9 in the Evening, from the 25<sup>th</sup> of *March* to the 29<sup>th</sup> of *September*, and between 5 in the Morning and 7 in the Evening, from the 29<sup>th</sup> of *September* to the 25<sup>th</sup> of *March*, on pain to Forfeit 20 *s.* for every Barrel so carried out.

And if any Brewer or Retailer, after Account taken by the Gauger of his Beer and Ale, &c. convert small Beer, or small Worts into strong Beer or Ale, and deliver out the same without giving Notice to the Gauger, or conceal any Beer, Ale or Worts from view of the Gauger, he shall Forfeit for every Barrel 20 *s.*

Such Brewer as compounds for his Excise shall not Brew, or suffer to be Brewed within his Brew-house, for any other Brewer, any Beer or Ale, without giving notice thereof.

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thereof to the Commissioners, Farmers or Subcommissioners, and paying the Excise, on pain that both he that Brews, and he for whom tis Brewed, shall Forfeit for every Barrel 5 *l.* Half to the King and half to the Informer.

If he bribes any Gauger or other Officer he Forfeits 10 *l.* which Offences shall be proved by 2 Witnesses, before 2 Justices of Peace, or chief Magistrate of the place where committed; the Penalties to be levied by Distress and Sale of Goods, by Warrant under their Hands and Seals, and for want of such Distress, the Offender to be committed 3 Months.

One third part of all Forfeitures not herein otherwise disposed, shall be to the King, another third to the Poor of the Parish where the Offence shall be committed, the other third to the Informer: And all Fines and Forfeitures, for which no remedy is ordained for the recovery thereof by this Act, shall be recovered by Action of Debt, Bill, &c. in any Court of Record, as by the former Act is directed.

By 1 *W. & M. Sess. 1. cap. 24.* 34 Gallons of Beer or Ale, shall be reckoned a Barrel of Beer or Ale. Leakage allowed shall be 2 Barrels and a half upon every 23 Barrels within the Weekly Bills of Mortality.

The

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The said Act also provides, That whereas 15, *Car. 2.* Enacts, That no Common Brewer shall be prosecuted for any Misentry, if within one Week after the delivery of the Copy of the Gauger's Return, he certifie his Entry made for the Week for which such Copy is delivered according to such Return, or otherwise discharge himself; yet no Brewer shall have any benefit of that Proviso, upon any Information, if it shall appear upon Evidence, that he did not *bona fide* shew to the Gauger all the Beer, Ale and Worts of every Guile for such time, for which such Copy of the Return was given, or if any apparent Fraud was acted, to defraud their Majesties of their Duty.

Common Brewers and Retailers of Beer and Ale, who contrary to the said Act made in the 15th year of King Charles the Second, shall use any private Cellar, &c. shall forfeit 50 *l.* for every such offence; and for mixing, concealing or conveying away Worts contrary to the said Act, shall forfeit 20 *l.* a Barrel.

The Gauger must leave true Notes of the last Gages taken with all Brewers, &c. containing the quantity and quality of the Liquors gaged, on pain to forfeit 40 *s.* for every neglect.

No Information for any Misentry, but within three Months after the offence committed, and Notice thereof shall be given

to

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to the Defendants in Writing, or else left at their dwelling Houses within a Week after the Information entred.

By the said last Statute, No Brewer or Retailer of Beer or Ale, shall use in working any Beer or Ale any Moloffus, course Sugar, Honey or Composition, or Extract of Sugar, on pain to forfeit all such Liquors, and the Sum of 100 *l.* one Moiety to their Majesties, and the other to the Informer; so as the Suit be commenced within six Months after the Forfeiture incurred.

And by Stat. 2 *W. & M. Sess. 1. cap. 3.* It is Enacted, That the several Rates, Duties and Impositions upon Beer, Ale or Cyder, and other Liquors mentioned in an Act of Parliament, made in the 12th Year of the Reign of King Charles the Second, Entituled, *A Grant of certain Impositions upon Beer, Ale and other Liquors, for the increase of his Majesties Revenue during his Life,* (except such of them concerning, which it is otherwise provided by any Act of the last Parliament) shall be paid to their Majesties during their Lives, and the Life of the longer liver of them; in such manner and by such Rules, and under such Penalties, as are directed by the said Act. And by another Act in the 15th Year of the said late Kings Reign, Entituled, *An Additional Act, for the better ordering and Collecting the Duty of Excise, and preventing abuses therein,* or any other Law now in force relating to the Excise. By



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By a late Statute made in the 8<sup>th</sup> & 9<sup>th</sup> of his present Majesty, It is Enacted, That every Common *Brewer* shall declare to the Gaugers appointed to take account, how much strong Beer or strong Ale, he intends to make of a Guile, and how much small, before any part of such Guile is cleansed, or removed out of the Tuns. And in case any such *Brewer* or his Servant brewing, or making such Guile shall refuse to make such Declaration, the Gauger shall Return the whole Guile to be strong, and the *Brewer* shall pay accordingly, and also forfeit 20 s. for every Barrel contained in such Guile.

If the *Brewer* or his Servants after such Declaration, make increase of the strong Beer or Ale, or the Gaugers shall find any more Beer, Ale or Worts of the same Guile laid off; the *Brewer* shall forfeit 5 l. per Barrel so increased, or found laid off, and the Servant or Servants so assisting shall also forfeit 20 s. per Barrel, and in default of payment three Months Imprisonment.

But if upon Information it appear by the *Brewers* Evidence, that the increase was made by adding Beer or Ale left in the Brewhouse of a former Guile, the *Brewer* shall incur all the Penalties, except it be proved by Oath of one or more Witnesses, that the Beer or Ale so added, was added in the sight of the Gauger.

If

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If it appear any *Brewer* mixes new small Beer, or old returned Drink to the strong Beer or Ale remaining of a former Guile, and then add it to the next Guile, the Gauger may Return all so altered and added, as if never charged before.

Every Common *Brewer* having any Pipe, or Stop-cock under Ground, or other private Pipe or Conveyance, by which his Beer or Ale, or Worts may be conveyed from one Tun or brewing Vessel to another, or out of such Tun or Vessel into any other place, or keeping any hole in any such Tun, Batch or Float by which any Beer or Ale, or Worts may be conveyed into, or out of such Tun, Batch or Float, or any of them, forfeits for every Offence the sum of 100 l.

For discovery of such Pipes and Stop-cocks, and other private Conveyances, the Gaugers and Officers of Excise may with a Constable, &c. in the day time, upon request made, break up the Ground; make search, and upon finding follow the Conveyance, cut the Pipe, and turn any Cocks to examin the matter; and if no Conveyance found, shall make good the Ground and satisfaction to the Owners. Also the *Brewer*, or person resisting, shall forfeit for every offence 50 l.

Not-

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Notwithstanding such Conveyances may be kept publickly above ground in open view.

The Common Brewer that shall set up private Backs and Tuns, Batch, Float, Cooler or Copper, or alter or enlarge any such, without notice first given at the next Office of Excise, and keep such concealed, forfeits for each the sum of 200 l.

Every Common Brewer of Ale, or maker of Cyder, &c. who delivers to any Distiller or Vinegar maker any wash, Tilts, Ale, Beer Vinegar, Beer or Cyder, without first giving notice to the Gauger of the Division or District of the quantity intended, and when, and to whom, shall forfeit for every Barrel 20 s.

*Vide* after in Distillers.

All Fines, Penalties and Forfeitures by this Act imposed, shall be sued for, recovered and levied by such ways, means and methods, as any Fines, Penalty or Forfeiture, is or may be recovered by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint or Information, in any of his Majesties Courts of Record at Westminster, one Moiety to his Majesty, the other to him that shall Discover, Inform or Sue for the same.

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If after the 25th of March, any Common Brewer, Innkeeper or Victualler shall cleanse, carry out, or remove out of his Brewhouse, any part of his Guile or Brewing of Beer, Ale or Worts, before the whole is brewed off, and be in his Tuns, Backs or Coolers, and until the Gauger shall or might have taken an Account of the same, without giving notice to the Supervisor or Gauger of the Division, he shall forfeit for every Barrel of Beer, Ale or Wort so carried out or removed 40 s.

If any Brewer, Innkeeper or Victualler after the said 25th of March, shall refuse to permit any Gauger in the day time, or with a Constable in the night, to enter his House, Brewhouse or other places used by such Brewers; or being lawfully entred, to stay and continue there while his Guile is Brewing, and take an Account of his several Worts as they are Brewed off, and see the strong and small drink cleansed, and Gauge the Tun, or take an account of the Malt, from which such Worts are drawn; such Brewer for every such Offence shall forfeit 20 l. and the Informer shall not be obliged to prove such Brewer did carry, or deliver any part of such Guile of Beer or Ale, before he paid or cleared the Duties for the same.

Stat. 7 &  
8 W. & M.  
cap. 30.

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If any Common Brewer or Innkeeper after the time aforesaid, shall at or after the carrying out of his Drink, Start or mix any small Beer or small Worts with any strong Beer or Ale, upon his Dray or elsewhere, he shall forfeit 5 *l.* for every such Offence; and the Gauger may taste the Drink upon any such Brewers Dray, wheresoever he shall meet the same, and upon request enter into the Cellar of any Innkeeper or Victualler, and taste the Drink in the same; and if they refuse to permit him so to do, the Innkeeper or Victualler for every such Offence shall forfeit 5 *l.*

The Commissioners of Excise and Justices of Peace, respectively upon Information for any Offence against the Laws of Excise, may Summons any person or persons (other than the party accused) to appear before them to give Evidence, and for neglect or refusal so to do, every such person so making default, shall forfeit the Sum of 10 *l.*

All Fines, Penalties and Forfeitures by this Act imposed, shall be recovered and levied as any Fine, Penalty and Forfeitures may be by any Law of Excise, or by Action of Debt, &c. in any of the Kings Courts at *Westminster*; one Moiety to the King, the other to him that shall discover and Sue for the same.

First,

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First, By the Stat. 3 & 4 Ed. 6. cap. 19. No Butcher shall Buy any Cattle, and *Butchers.* Sell the same again alive, in pain to forfeit them, one Moiety to the King, the other to the Informer.

If he Sells Swines Flesh mezled or dead of the Murrain, for the first Offence he shall be amerced, for the second have the Pillory, for the third be Imprisoned, for the fourth abjure the Town.

If a Butcher or other shall gash, or hurt <sup>31 Ed. 1.</sup> any Hide of Ox, Bull, Steer or Cow, he shall <sup>cap. 7.</sup> forfeit for every Hide 1 *s.* 8 *d.* <sup>51 H. 3.</sup>

Or if he shall water any Hide except in <sup>1 Jac. 22.</sup> in *June, July or August*, or shall put to sale any that is putrified, he shall forfeit 3 *s.* 4 *d.* to be divided betwixt the King and <sup>1 Jac. 22.</sup> Prosecutor.

He shall not be both Tanner and Butcher under forfeiture of 6 *s.* 8 *d.* per day, for every day he continues both Professions.

He shall not Kill any Flesh in his Scalding house, or within the Walls of *London* under forfeiture of 12 *d.* for an Ox, and 8 *d.* for every other Beast, to be divided betwixt the King and the Prosecutor; This Law extends to all walled Towns, (*Carlisle and Barwick* only excepted,) and <sup>4 H. 7. 5.</sup> lastly, for a Conclusion to the Butcher you must know, That by a Statute 15 Car. 2. cap. 8. & 22 & 23 Car. 2. cap. 19. It is provided, That such Butcher as shall  
C Sell,

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Sell, or expose to Sale by himself or his Servant, any Fat Oxen, Steers, Runts, Kine, Heifers, Calves, Sheep or Lambs alive, forfeits the double value between the King and the Prosecutor: And this last Statute is no more in substance, than what had been formerly provided by other Statutes, as 3 & 4. Ed. 6. 19. 1 Jac. 1. 25. But then the Forfeiture was only of the Cattel.

See 1 Jac. 2. cap. 17. where the former Act was continued for 7 years, from 24th of June 1685. And by 4 & 5 W. & M. the same Act of King James is revived and continued from the 13th of February for 7 years, and from thence to the end of the next Session of Parliament.

And by the aforesaid Statute of 22 & 23 Car. 2. cap. 19. It is provided, That no Jobber, Salesman or other Broker, or Factor, who Sell Cattle for others, shall be allowed, or employed for buying or selling other Fat Cattle, than Swine or Calves, within Eighty miles of London and Westminster, on pain to forfeit the value of the Cattle so bought or sold, to be paid by the Owner, and on this farther pain, That the Jobber, &c. shall forfeit the value of all such Cattle so bought or sold, or exposed to Sale; but the Statute of 1 Jac. 2. that revives this Statute, provides, That it shall not extend to Salesmen or

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or Factors, imployed by Farmers or Feeders.

Note, That none are to be prosecuted upon this Act, but within six Months after the Offence committed; And the Justices of Peace at their Quarter Sessions shall hear, and determin all Offences in buying, or selling Cattle contrary to this Act, or any other in force; by Inquisition, Presentment, Bill or Information, and make Extracts of one Moiety of the Forfeitures to be levied to the Kings use, and award Execution of the other Moiety to the Prosecutor, by Fieri facias or Capias; and the Justices shall proceed, any Writ or Writs of Certiorari notwithstanding.

And yet, if it shall appear to the Justices, that such Prosecution was only for Vexation, they may award the party prosecuted treble Costs.

And Note, That if upon any such Prosecution, a Question shall arise concerning distance of time or place, between the buying and selling the Cattle, the proof shall be incumbent on the party accused; and if the party accused plead, that the Cattle were his own, it shall be incumbent upon him to prove his property.

I will next speak of Barbers and Chirurgeons, then of Brasiers, next of Brokers, Boatmen, Booksellers, Button Sellers, &c.

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**32 H.8.44.** The *Barbers* and *Chirurgeons* of *London* are made one Company. But no *Barber* in *London*, or within a Miles compass thereof shall use *Chirurgery*, neither shall any *Chirurgeon* there use *Barbery* or *Shaving*, and every *Chirurgeon* in *London* shall have a Sign at his Door; and none shall be a *Barber* in *London* but a Free-man of that Company; the *Barber* or *Chirurgeon* offending, for every Month shall forfeit 5 *l.* to be divided between the King and the Prosecutor.

The same Statute.

See after *Tit. Physicians.*

**19 H.6,7.** *Braiser* and *Pewterer.* After the *Barber* shall follow the *Braiser*, and to him I will joyn the *Pewterer.* And concerning them the Law is thus:

**4 H. 7, 8.** That if any *Pewterer* or *Braiser* shall Sell, or Exchange any *Brass* or *Pewter*, but only in open Fair or Market, or in his House, (unless he be desired by the Buyer) he shall lose 10 *l.* Or if he work any hollow Wares of Lay Metal, which is not according to the affize of Lay Metal wrought in *London*, or set not his Seal or Mark upon the said Ware, he shall forfeit the one Moiety thereof to the King, and the other to the Finder.

Again, If any Man (in the Selling of *Brass* or *Pewter*) use any false Weights or Beams, he forfeits 20 *s.* to be divided as above, and in case he be not able to pay it, he shall be by the head Officer committed

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to the Stocks till the next Market day, and then stand upon the Pillory.

By the Statute of 25 H. 8. 9. None shall Buy or take by way of Exchange, any Wares made of *Tin* or *Pewter* out of the Realm, in pain to forfeit them, and also the value thereof in Money. And Officers may Search and Seize Wares brought into this Realm contrary to this Act.

Also, No Stranger Born shall work any *Pewter* or *Tin* in *England*, in pain to forfeit the same.

Also, No *Pewterer* shall teach his Trade in a Foreign Nation, in pain to lose the Priviledge of an Englishman.

And Liberties and Placards to wandring *Braziers* and *Pewterres* shall be void.

And by this Act the penalty of 10 *l.* mentioned in the 19 H. 6. 7. and those likewise of this present Act, shall be equally divided betwixt the King and the Finder.

By the 33 H. 8. 4. the Statute of 25 H. 8. cap. 9. is made perpetual: And none shall withstand the search of *Brass*, *Tin*, *Pewter*, &c. in pain of 5 *l.* to be divided as in the former Statute.

Also by the Statute of 33 H. 8. 7. there are penalties concerning *Brass*, *Copper* and *Metals*, &c. As—That none shall convey out of this Realm, *Brass*, *Copper Latten*, *Bell-metal*, *Pan-metal*, *Gun-metal* or *Shrooff-metal* clean and mixed (*Tin* and *Lead* only excepted) in pain to forfeit the double va-

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lue, to be divided betwixt the King and th<sup>e</sup> Profecutor, and the Landing thereof in Foreign parts, shall be tried and determin- ed in the County where it was Shipped.

Also, None shall Transport such Metal from one part of the Realm to another, be- fore he hath acquainted the Customer where the Ship is, with the true weight thereof; and also given him Bond to the Kings use, of the double value thereof, with Condi- tion to Land it in some part of the Realm, in pain to forfeit the same in manner and form aforesaid; and shall also within eight Months after, bring from the Customer of the place where he Lands it, a Certificate of the Landing thereof, which Customer shall give him or his Factor such Certifi- cate without delay.

The false Customer, that makes a false Certificate in such case, shall lose his place and the value of the Goods concealed.

If the Goods be diminished by Tempest, Enemies or Pirates, upon due proof there- of made to the Customer by the party, his Executor, &c. his Bond shall be delivered, or otherwise discharged.

By the Statute of 2 & 3 Ed. 6. 37. The penalty of 10 l. for every Thousand weight is added to the Forfeiture of the double value of Metal; Transported contrary to the Statute of 33 H. 8. 7.

Also 10 l. for every Thousand weight shall be added to the double of the Goods, and

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and the total thereof put in the Bond to be made by the Customer according to the Statute of 33 H. 8. 7. which Bond if it want a date, the Customer shall forfeit his place, and the value of the Goods Shipped.

If any Officer of the Ship suffer any such Metal to be Shipped, and not disclose it within three days, he shall forfeit the double value thereof; or if any Customer or Searcher, having notice thereof, do not feize it to the Kings use, he shall lose his Office, and the value of the Metal.

Also, none shall Lade such Metal but where there is a Customer, in pain to for- feit 10 l. and the Metal; the Forfeitures are to be divided betwixt the King and the Profecutor, and the Statute of 33 H. 8. 7. in all Points not altered by this, is confirmed.

Concerning Brokers, Frippers and Pawn- <sup>Brokers and</sup> <sup>Pawn-</sup> <sup>takers, &c.</sup> takers, ( I mean not the antient Sworn Brokers in London) it is said, That Goods wrongfully gotten, and sold to such Bro- kers, Frippers or Pawn-takers, or within two miles of London, shall not alter the property thereof.

Also, If a Broker having received such <sup>1 Jac. cap.</sup> Goods, shall not upon the request of the <sup>21.</sup> true Owner, truly discover them, how, and when he came by them, and to whom they are conveyed, he shall forfeit the double value thereof to the said Owner.

But this Act shall not prejudice the anci- ent

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ent *Brokers* in *London*, between Merchants, being Selected and Sworn for that purpose, It being only intended against *Frippers* and *Pawn-takers*, who for the most part keep open Shop.

Those *Brokers* also, that shall by way of Usury, take above 6*l.* in the 100*l.* for a year, for the Loan of Money, or other Commodities, or above 5*s.* for brokage of a 100*l.* or above 12*d.* for the making of a Bond, or Bill concerning the same, shall forfeit 20*l.* and Imprisonment for half a year, one half to the King, the other to the Prosecutor.

Boatmen  
and Water-  
men.

As to *Boatmen*, it is to be observed, That by a Statute of 2 & 3 P. & M. 16. out of the *Watermen*, betwixt *Gravesend* and *Windsor*, 8 Overseers were to be chosen, to keep good Order amongst the rest.

That two *Watermen* shall not carry any, but where one of them hath exercised that Profession two years before that time, and hath been allowed by the greater part of the said Overseers, under the known Seal; in pain to be committed to one of the *Compters*, by the said Overseers for a Month, or for less time, as the Offence shall deserve.

That no single Man which is no Householder, nor retain'd as an Apprentice, or as a Servant for one year at least, shall exercise that Profession betwixt the places aforesaid, in pain of like Punishment.

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The Lord Mayor and Aldermen of *London*, and the Justices of Peace, within the Counties adjoining to the *River of Thames*, upon Complaint of any two of the Overseers, or of any *Watermans* Master, have power not only to hear and determine any Offences committed against this Act, and to enlarge any *Waterman* unjustly punished by the said Overseers, but likewise to punish the Overseers themselves, in case they unjustly punish any person by colour of this Act.

Also a *Wherry*, that is not Twelve foot and a half long, and Four foot and a half broad in the Midship, and sufficient to carry two persons on one side right, shall be forfeit, and the King shall have one Moiety, and the Informer the other.

Again, That *Waterman* that withdraws himself in time of Pressing (it being proved by two Witnesses before the said Mayor, Aldermen or Justice, and two of the said Overseers) shall suffer a Fortnights Imprisonment, and shall be prohibited to Row any more upon the *Thames*, for a year and a day after.

Also, The Overseers shall not only call the *Watermen* before them, and Direct them, and Register their Names; but likewise examin their Boats before they be Launched, whether they have due proportion and goodness, according to this Act: And if the Overseers refuse or neglect their

C 5. Office;

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Office, they shall forfeit 5 *l.* between the King and Informer.

Also, The Court of Aldermen shall Assess the Fares of *Watermen*, which being subscribed by two of the Privy Council (at least) shall be set up in *Guild-hall, Westminster-Hall, &c.* and the *Waterman* that takes more than according to the Fare so assessed, shall for every such Offence suffer half a years Imprisonment, and forfeit 40 *s.* to be divided as before.

By the 1 *Jac.* 1. 16. No *Waterman* shall retain any Servant or Apprentice, unless he himself hath been an Apprentice to a *Waterman* by the space of five years before; and not an Apprentice under the Age of 18 years. or for less time than 7 years, in pain to forfeit for every such Offence 10 *l.* to be divided betwixt the King and the Prosecutor.

But this Act shall not restrain *Watermens* Sons, of convenient growth and strength, and formerly trained up in Rowing, but that they be allowed to serve as Apprentices, and to carry Passengers from place to place, at the Age of 16 years.

Also, That 8. *Overseers* shall yearly, upon the first day of *March*, and the first day of *September*, cause openly to be Read in the Common-Hall, all their Orders made, or to be made, in pain that every of them, for every such default shall forfeit 20 Nobles, to be divided betwixt the King and the Prosecutor.

Cont

## concerning Tradesmen.

Concerning *Books, Booksellers and Printers* <sup>*Booksellers, Printers, &c.*</sup> much might be said. But the Act for preventing abuses in printing Seditious, Treasonable and unlicensed Books and Pamphlets, and for regulating printing and printing Presses: By an Act made 4 & 5 *W. & M. cap. 24.* was only continued for one year, from the 13 of *February* 1692. and from thence to the end of the next Session of Parliament.

As for *Button Sellers*, they or any other <sup>*Button Sellers.*</sup> may not cause to be sold, or offer to Sale any Foreign *Buttons* made of Hair, nor other Foreign *Buttons* whatsoever, on pain to forfeit the *Buttons* so bartered, sold or exchanged and under such farther Penalties as are expressed in an Act made in 14<sup>th</sup> year of King *Charles* the Second, Entituled, *An Act prohibiting the Importation of Foreign Bonelace, Cutwork, Imbroidery, Fringe, Bandstrings, Buttons and Needlework*, one Moiety to the King, the other to the Informer.

Note, The penalty by the aforesaid Act is Forfeiture of 50 *l.* for each Offence, and the whole Goods sold, exposed or offered to Sale; and the Importers of such Goods forfeit 100 *l.* and the Goods imported.

Butter



*Butter and Cheesmongers.*

By Stat. 3 & 4 E. 6. 2. 1. None (except Inn-holders and Victualers in their Houses) shall buy any *Butter* or *Cheese* to sell again, save only by Retail in open Shop, Fair or Market; and so not above a Wey of *Cheese*, or a Barrel of *Butter* at one time, without fraud, in pain to forfeit the double Value, to be divided betwixt the King and the Prosecutor.

By Stat. 21 Jac. 1. 22. the Statute of 3 & 4 E. 6. 2. 1. and so much of the Statute of 5 & 6 E. 6. 14. as concerns the buying and retailing *Butter* and *Cheese*, (which see in *Fore-stallers*) shall not extend to the Retailers of *Cheese* in *London*, *Westminster* or *Southwark*, having served Seven years in that Trade, not uttering above four Wey of *Cheese*, or four Barrels of *Butter*, at one time, without Fraud.

Justices of Peace in Sessions have power to restrain the Retailing of *Butter* and *Cheese*; during which restraint, those that Retail shall be liable to the Penalties of 3 & 4 Ed. 6. 2. 1. and 5 & 6 E. 6. 14.

By Stat. 13 & 14 Car. 2. cap. 26. the Kilderkin of *Butter* shall contain 112 pounds neat, or above, of 16 ounces to the pound; the Firkin 56, the Pot 14, besides Casks and Pots. Old and corrupt *Butter* shall not be packt up with new and sound,

nor

nor *Whey-Butter* with *Butter* made of *Cream*. No *Butter* shall be salted with Great Salt, nor more Salt than will preserve it, on pain to forfeit the value of the *Butter* so false packed, and six times the value of every pound wanting.

Sellers of *Butter* shall deliver in every Kilderkin, &c. the quantities aforesaid, or be liable to make Satisfaction for what is wanting at the price for which the same was sold.

None shall Re-pack *Butter* for Sale, on pain to forfeit double the value.

All Persons packing *Butter* for Sale, shall pack it in Casks of sound, dry, well-seasoned Timber, marked, with the weight of the empty Cask, and the first Letter of their Christian Names and Sur-Names at length, with an Iron Brand, on pain to forfeit 10 s. for every 100 Weight otherwise packed, and so proportionably for greater and lesser quantities.

Potters shall set upon Pots for packing *Butter* the weight thereof, with the first Letters of their Christian-Names and Sur-Names at length, on pain to forfeit 1 s. for every Pot exposed to Sale not so marked. None shall expose to Sale *Butter* in Pots not Marked, on pain to forfeit 2 s. for every Pot.

All the said Offences shall be determined in the Sessions of Peace, or Court of Record of the place where committed, by  
Action

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Action of Debt, Information, Indictment or Presentment; one Moiety of the Forfeitures shall be to the use of the Poor of the Parish where the Offence is committed, the other half to the Informer, besides his double Costs.

Every Suit and Information shall be within four Months after Sale of such *Butter*.

By Stat. 4 & 5 W. & M. cap. 7. After any Factor or Buyer hath bought *Butter* or *Cheese*, and approved the same, the Seller shall not afterwards be chargable with any Penalties in the Act of 14 Car. 2. entitled, *An Act for reforming Abuses in weighing and false packing of Butter*.

Such Factor or Buyer shall set his Seal, or Mark, or Name at length on the Cask in which such *Butter* is; and in case the same be afterwards exchanged or opened, and the Cask changed, or bad *Butter* packt up or mixt with good, or any Fraud be committed by the Seller, the Offender being convicted upon Oath before one or more Justices of Peace, or upon his own Confession, shall forfeit 20 s. for every such Firkin and Offence, to be levied by distress and sale of the Offenders Goods, restoring the overplus, after Charges defrayed: And Constables of Parishes, and Chief Constables of Hundreds, are hereby authorized to levy the same by Warrant under Hand and Seal of such Justice or Justices.

Warehouse

## concerning Tradesmen.

Warehouse-keepers, Weighers, Searchers or Shippers of *Butter* and *Cheese* in any part within this Kingdom, shall receive all *Butter* and *Cheese* that shall be brought to them for any *Cheesmonger* Free of the City of *London*, or any other making the said Commodities, and take care thereof till the same can be shipped, and shall ship it successively, as it comes to their hand, on the next Vessel that shall come to lade *Butter* and *Cheese* for *London* (except the Owners order the contrary) and shall receive of the Owners 2 s. 6 d. for every Load, and no more, and so proportionably: And if such Person, or their Servant, shall refuse to receive such Goods, or to take due care thereof, or to ship them successively, as aforesaid, they shall forfeit, being convicted in manner aforesaid, for every Firkin of *Butter* 10 s. and for every Wey of *Cheese* 5 s. to be levied as aforesaid.

Warehouse-keepers, Weighers, &c. shall keep Books, and enter therein all *Butter* and *Cheese* that shall be brought to them, as it comes, with the time when received, the quantity, and the Owner's Name; and when the Goods are Shipt off, shall make Entries of the time when shipped, the Masters Name, the Vessels Name, and to whom consigned: Which Book shall be open for all persons to see and search gratis. And if any Warehouse-keeper, &c. shall not keep such Books, or not make Entries as aforesaid,

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aforesaid, or undue Entries, or refuse in the Day-time to produce the Book to be searched; such Offenders being Convicted in manner aforesaid, shall forfeit for every Firkin of *Butter* 2 s. 6 d. and for every Wey of *Cheese* 2 s. 6 d. and for every other the aforesaid Offences 2 s. 6 d. to be levied as aforesaid; and for want of Goods to levy the Penalties, the Justice before whom such Conviction shall be made, may commit the Offender to Gaol till the Penalties be satisfied.

If Masters of Vessels coming to lade *Butter* and *Cheese*, or their Servants, refuse to take on Board any *Butter* and *Cheese* as shall be tendred to be shipped by any such Warehouse-keeper, &c. before their Vessels be loaden, they shall forfeit (being Convicted as aforesaid) for every Firkin of *Butter* so refused 5 s. and for every Wey of *Cheese* 2 s. 6 d. to be levied as aforesaid: One half of the Forfeitures within this Act to go to the Poor of the Parish, and the other half to the Informer.

This Act shall not exclude *Cheesmongers* Free of the City of *London* from sending their own Vessels, or such as they shall hire, for their own Goods.

Nothing in this Act shall extend to the Counties of *Chester* and *Lancaster*, nor to the County of the City of *Chester*.

Persons

### concerning Tradefmen.

Persons aggrieved by the determination of any Justice of Peace, may appeal to the next General Quarter-Sessions, whose determination shall be final; the person appealing first giving to the person accused a Bond of 20 l. Penalty, with one or more Sureties, to the liking of the Justice of Peace, to pay such Costs as shall be allowed in case the Appellant be not relieved; the said Costs to be paid within a Month after the determining of the Appeal.

#### Carriers.

By the Stat. 22 Car. 2. cap. 12. it is Enacted, — That no Carriage with any burthen, (other than such as are employed about Husbandry and in carrying Hay, Straw, Corn unthreshed, Coal, Chalk, Timber for Shipping, Materials for Building, Stones or Ammunition, or Artillery for the King's Service) shall go in any High-way with above five Horses at length; and if any Draw with more Horses or Oxen, they shall Draw all in pairs, except one Horse.

Owners of Carriages or Beasts offending, shall forfeit 40 s. for every Offence; one third to the Surveyors of the Highways in the Town, &c. where committed, for the Repair of them; another third to the Overseers of the Poor of the Parish, where, &c. another third to him that shall discover the same; to be levied (upon Complaint to

## A View of the Penal Laws

to a Justice of Peace by the Oath of one Witness) by the High-Constable or other Officer, by Warrant under Hand and Seal of such Justice.

Persons resisting the Execution, or refusing Goods distrained, shall forfeit 40 s. and if not paid within seven days, may be Committed to the County-Gaol till payment.

Actions for any thing done by means of this Act shall be laid in the proper County, and the Defendants may plead the General Issue; and if there be a Verdict for the Defendant, or the Plaintiff be Non-suit or Discontinue, the Defendant shall have treble Costs. *Vide postea.*

By the Stat. 3 & 4 W. & M. cap. 12. it is Enacted, That the Justices of Peace of every County at their Quarter-Sessions, after *Easter* yearly, shall assess the Prices of all Land-Carriage of Goods to be brought into any place within their Jurisdictions, by any Common Waggoner or Carrier, and shall certify such Rates to the Mayors or other Chief Officers of every Market-Town; and Waggoners or Carriers taking more than what shall be so assessed, shall forfeit for every such Offence 5 l. to be levied by distress and sale of Goods by Warrant of two Justices, to the use of the party grieved.

And

## concerning Tradesmen.

And here upon an Action for executing this Act, the Defendant may plead the General Issue, and recover double Costs.

But none shall be punished for any Offence against this Act, unless he be prosecuted within six Month after the Offence committed; nor shall any Person punished by virtue of this Act, be punished for the same Offence by virtue of any former Law.

By Stat. 7 & 8 W. 3. cap. 29. No Travelling Waggon, Wain or Carriage, where in any Burthens or Goods are carried for hire, (other than such as are employed about Husbandry, and in carrying Hay, Straw, Corn unthreshed, Coals, Stones, Timber, Materials for Building, Ammunition, Artillery, or shall be for the King's Service) shall at one time be drawn in any Common High-way with above 8 Horses, or 8 Oxen and one Horse, or 6 Oxen and two Horses, or two Oxen and 6 Horses, or 4 Oxen and 4 Horses; which said Oxen and Horses shall Draw in pairs, with a Pole between the Wheel-Horses, and the other Horses to draw in a Line with the Wheel-Horses or Oxen, in such manner as they draw in Coaches, upon pain that every Owner of such Waggon, Wain, Cart, Carriage, Horse or Oxen, shall forfeit 40 s. two Third parts to the use of the High-ways, the other to the Informer, to be levied by distress of any one of the said Horses, which after three days may be sold.

The

**A View of the Penal Laws**

The Surveyor, or Deputy-Surveyor compounding, or Supervisor of the Roads compounding or receiving Reward of any *Carrier* or other person, upon the account of drawing with any number of *Horses* or *Oxen* contrary to this Act, or for any other Offence relating to the High-ways, shall forfeit 40 *l.* one Moiety to the Repair of the High-ways, the other to such person as shall sue for the same.

By *Stat. 3 Car. 1. cap. 1.* No *Carrier* with his Horse, *Waggoner* with his Waggon, *Carman* with his Cart, *Wainman* with his Wain, or *Drover* with his Cattle, shall Travel upon the Lord's-Day, in pain to forfeit 20 *s.* for every such Offence:

And no Butcher may kill or sell any Victual upon the same Day, in pain of 6 *s.* 8 *d.* to the use of the Poor, to be levied by Distress, or else to be put in the Stocks three Hours. This Conviction must be upon the Oaths of two Witnesses; and the Forfeitures may also be recovered by a Prosecutor in the Sessions of the County or Corporation where the Offence was committed; and here the Justice or Head-Officer may allow the Prosecutor part of the Forfeitures, but not above a third part.

This Action must be prosecuted within six Months, and the Officer may plead the General Issue.

By

**concerning Tradesmen.**

By *Stat. 29 Car. 2. cap. 7.* No *Drover*, *Horsecourser*, *Waggoner*, *Butcher*, *Higler*, or their Servants, shall Travel on the Lord's Day, on pain to forfeit 20 *s.*

No person shall use or travel on the Lord's Day, with any Boat, Wherry, &c. except on extraordinary occasion, to be allowed by a Justice of the Peace or Head Officer of the place, &c. on pain to forfeit 5 *s.* If Offenders in any of the Premises be committed before a Justice of Peace of the County or Chief Officer, or Justice of Peace of the City, Borough, &c. where, &c. upon his or their View, or by Confession or Oath of one Witness, the said Justice, &c. shall give Warrant to the Constables or Churchwardens, to seize the Goods that are Cryed or put to Sale on the Lord's Day, and to levy the other Penalties by distress and sale of Goods, &c. and in case of Inability to set the Offenders in the Stocks for two Hours: The Penalties are for the use of the Poor; but the Justice or Head Officer may reward Informers with a Third part.

This Act shall not prohibit Dressing of Meat in Families or Inns, Cooks Shops, &c. nor Crying of Milk before Nine a Clock in the Morning, or after Four in the Afternoon.

Prosecutions for any Offence committed in this Act, must be within Ten days after the Offence committed.

And

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And note, That if any person Travelling on the Lord's Day be Robb'd, the Hundred shall not be charged; but the Inhabitants, after Notice or Hue and Cry, shall make pursuit according to 27 *Eliz.* upon Forfeiture to the King as much as might have been recovered if this Law had not been.

No *Bayliffs*, or other Ministers or Officers, shall serve any Process on the Lord's Day, (Except in Cases of Treason, Felony and breach of the Peace;) but such Services shall be void, and the Server shall answer Damages, as if he had done the same without Warrant.

## Coachmen.

By the Statute made 5 & 6 *W. & M.* Sess. 5. cap. 16. Commissioners had power to Licence 700 *Hackney-Coaches* for the Cities of *London* and *Westminster* and the Suburbs of the same, and within the Weekly Bills of Mortality, for 21 years: And that no person shall Drive or let to Hire any *Hackney-Coach* or *Coach-Horses* within the Cities of *London* or *Westminster*, &c. without such Licence, upon pain of 5 *l.* for every Offence.

And that no *Horse*, *Gelding* or *Mare*, shall be used in any *Hackney* or *Stage-Coaches*, under the Size of 14 Hands, according to the Standard; and that every  
Coach

## concerning Tradesmen.

*Coach* so Licenced shall have a Mark of distinction, by Figures, or otherwise; and that no person shall be Licenced to keep more than two *Hackney-Coaches*; and that no person shall put the same Figure or Mark upon his *Coach*, that is appointed for another, nor shall alter or obliterate the Figure or Mark of distinction, upon pain of 5 *l.*

That the Commissioner granting more than 700, forfeits 100 *l.*

That no *Hackney-Coachman* or *Driver*, shall take for his Hire in *London*, or 10 Miles thereof, above 10 *s.* for a Day, and reckoning Twelve Hours to the Day, by the Hour not above 1 *s.* 6 *d.* for the first Hour, and 1 *s.* for every Hour after.

And that no person shall pay from any the Inns of Court, or thereabouts, to any part of *St. James's* or *City of Westminster*, (except beyond *Tuttle-Street*) above 1 *s.* and the same Prices from the same places to the Inns of Court, or thereabouts; and from any of the said Inns of Court, or thereabouts, to the *Royal-Exchange*, 1 *s.* and if to the *Tower of London*, or to *Bishopsgate-Street* or *Aldgate*, or thereabouts 1 *s.* 6 *d.* and so from the said places to the said Inns of Court, as aforesaid, and the like Rates from and to any place at the like distance with the places before-mentioned.

And

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And if any *Coachman* shall refuse to go at, or exact more for Hire than the Rates hereby limited, he shall for every such Offence forfeit 40 s.

The Commissioners may make By-Laws for regulating *Hackney-Coaches* in the Streets, and to annex Penalties.

The Commissioners may also appoint 175. and no more of the *Hackney-Coaches*, to ply, stand or drive on the Lord's Day, within the Bills of Mortality only, so as the whole number of 700 may be employed successively.

And if any *Hackney-Coach* shall ply, stand or drive upon the Lord's Day, other than such as shall be so appointed, as aforesaid, or any where else within the Bills of Mortality, the Owner of such *Coach* shall forfeit 5 l. And the Commissioners are to publish a List of such as shall be so appointed.

All Offences against this Act (other than the Offences of the Commissioners) shall be determined by the Commissioners, or any three of them, upon Oath of one or more credible Witnesses (the party accused being summoned to make his defence,) or upon the Confession of the party offending; and one Moiety shall be to the King, and the other to the Informer.

Coal-

**concerning Tradesmen.**

*Coalmongers and Colliers.*

By Stat. 16 & 17 Car.2. cap.2. it is Enacted, That *Sea-Coals* in the *Thames* should be sold by the Chaldron.

That the Chaldron should contain 36 Bushels heaped up, according to the Sealed Bushel of *Guild-Hall, London*; *Scotch-Coals* after the rate of 112 pound of *Averdupois Weight* to the Hundred, without any fallacy or deceit, upon pain of Forfeiture of all the Coals and the double value thereof, to be recovered by any person or persons that will prosecute for the same in any Court of Record, or by way of Complaint, upon Oath made unto the Lord Mayor of *London* for the time being, and Justices of Peace within the City of *London* and Liberties thereof, or to any two of them, or to the Justices of Peace of the several and respective Counties and Places where such *Coals* shall be exposed to Sale, or any of them, who may levy the Forfeitures by Warrant; one half to the use of the Prosecutor, and the other half to the use of the Poor, or Highways within the Parish, &c.

The Lord Mayor and the Court of Aldermen, and the Justices of the several Counties respectively, or any Three or more of them, whereof one to be of the *Quorum*, may set rates upon *Coals* to be

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## A View of the Penal Laws

fold by Retail, and force Ingrossers or Retailers to sell at the said Rates, allowing them a competent Profit; and upon Refusal, to cause their Wharfs, &c. to be entred, and their Coals sold, rendring them the Money, necessary Charges being deducted.

This Act was revived by the Statute of 2 *W. & M. Sess. 2. cap. 7.* to continue from the first day of *December 1690.* for seven years; and from thence to the end of the next Session of Parliament. And by *Stat. 7 & 8 W. 3. cap. 36.* the Act is made perpetual.

By *Stat. 6 & 7 W. 3. cap. 10.* The Owners of *Keels, Boats, Wains or Carts* for carrying of *Coals* in the Port of *Newcastle upon Tyne, Sunderland,* upon the River *Weare, Culler-Coats, Seaton-Sluce, Blyth-Nook,* and all other places within the Counties of *Northumberland and Durham,* and other Members of the Port of *Newcastle,* are to be measured and marked at 53 Hundred weight to every Chaldron.

The weight of *Coals* carried by every such Wain shall be 17 Hundred weight and an half, by every such Cart 8 Hundred and 3 Quarters; and that three such Wains or 6 Carts shall be reckoned at one Chaldron and no more. The Keel or Boat to carry 10 such Chaldron of *Coals* at one time.

All

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All Keel-Boats, Wains or Carts, that before they be admeasured, &c. shall carry any *Coals,* shall be forfeited, together with the *Coals* laden upon them, one Moiety to the King, the other to him that shall sue for the same.

If after Marking, &c. the Mark shall be removed or altered thereby to frustrate the intent of this Act, the party offending upon Proof by one Witness before a Justice of Peace, shall forfeit 10 *l.* to be levied by Distress and Warrant; and for want of Distress, Commitment for three Months, one Moiety to the King, the other to the Discoverer, and the Keels and Boats to be admeasured and marked anew.

By the *Stat. 6 & 7 W. 3. cap. 18.* All sorts of *Coal and Culm* (except *Charcoal* made of Wood) which shall for five years, from the 29th of *Septemb. 1695.* be Water-born and imported into any part or place of this Kingdom, shall pay a Duty for *Coals* sold by Measure 5 *s. per* Chaldron, reckoning 39 Bushels to the Chaldron; for each Chaldron of *Culm* 1 *s.* and for *Coals* sold by weight 5 *s. per* Tun, reckoning 20 Hundred weight to each Tun; to be paid at the Ports and places of Importation by the Master of the Ship or Vessel, before he breaks Bulk, &c.

Unlading before Duty satisfied, or fraudulent Entry, forfeits the Ship and all Tackle, &c. unless he give in a *post Entry,*

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and



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and pays the whole Duty for the Surplusage within six days after the Delivery of the Ship; one Moiety to the King, the other to him that shall seize, sue or inform for the same.

And for the Encouragement of the *Coal Trade*, there shall be allowed yearly from the 15th of *April* to the first of *January*, Two Men for every hundred Tun Vessel, and one for fifty Tun Press free; and if any Press-Master presume to press such Men, he shall forfeit 10 *l.* for every such Man to the Master or Owner of the Vessel, and be rendered incapable of any Office in the Navy.

#### *Cooks, Coopers, &c.*

Of *Cooks* and *Coopers* something has been said formerly, but one thing more concerning the *Cooper*, who is a man that makes a great Noise in the World, yet notwithstanding he is bound to his good Behaviour; for he is obliged to make his Beer and Ale Vessels of good seasonable Wood, and put his proper Mark thereon; and he must observe his Gauge, which is as follows: *Viz.*

3 H. 8. 4. A Beer Barrel to contain 36 Gallons; a Kilderkin for Beer, 18 Gallons; a Firkin for Beer, 9 Gallons; and a Barrel for Ale, 32 Gallons; a Kilderkin for Ale, 16 Gallons; and a Firkin, 8 Gallons of the Kings Standard.

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Standard. If he make any Vessel more or less, and do not mark how many Gallons it containeth, and that with his own Mark, he shall forfeit 3 *s.* 4 *d.* per Vessel.

And now, when he has observed this method of Measure, he is also tyed up to a rule of Price: And the prices of all Barrels, <sup>8 Eliz. 2.</sup> Kilderkins, Firkins and other Vessels to be sold for Ale and Beer to be uttered therein, made or sold out of any City, Borough or Town Corporate, shall be Taxed by the Justices of the Peace, or the more part of them being present, in their Quarter-Sessions yearly after *Easter*, at such Prices as they shall think fit and reasonable: And if any *Cooper* shall sell any of the same above such Prices assessed, and Proclamation thereof made, he shall forfeit for every Vessel sold at a greater price 3 *s.* 4 *d.* to the King and Informer.

#### *Coverlet Makers.*

There is an Ancient Statute of 34 & 35 H. 8. concerning the *Coverlet Makers* in *Yorkshire*; by which it is Enacted, That none in *Yorkshire* shall make, &c. *Coverlets* or *Coverings*, but they which dwell in *York*, upon pain of forfeiture of every such *Coverlet* or *Covering*, made, wrought and put to sale contrary to the said Statute, or the value thereof.

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And such *Coverlets* were by a former Ordinance appointed to be made in this manner ; the best sort to contain in length three Yards, and in breadth two Yards and a Quarter at the least.

The second sort to contain in length three Yards, and in breadth two Yards.

The third sort to contain in length two Yards and a half, and in breadth one Yard and three Quarters, under pain of forfeiture of the same ; the one half to the Mayor and Commonalty , and the other to the Wardens of the Company.

This Statute enacts, That none dwelling in that City or County shall Hawk-about *Coverlets* or *Coverings* , or put to sale any *Coverlets* in any other places out of the said City or Liberties thereof, but only in the open Markets or Fairs , upon pain of forfeiture of the same, or Value ; the one half of the Forfeitures, if it be in any City, Borough or Town Corporate, to Mayor, &c. or other Ruler, &c. of every such City, &c. authorized to have the same by Grant or Prescription, or otherwise lawfully ; and the other half to such person or persons as shall seize or sue for the same in any Court of Record, &c.

And if the Forfeiture happen to be taken or found out of any the said Cities, &c. having no such Authority, then the one Moiety to the King , and the other to the person that will sue for the same in any of the Kings Courts, &c.

Of

concerning Tradesmen.

Of Cordwainers or Shoe Makers, Carriers and Tanners, &c.

In the next place I will speak of *Cordwainers* , *Carriers* and *Tanners* ; but first of the *Tanner* , because he is the Elder Brother.

And you shall know that none shall be *Tanners*, but such as have served seven years as Apprentices, or Hired Servants in that Trade, or the Widow or Children of a *Tanner*, having a Tan-Fat left them, and having been brought up in that Profession by the space of four years, in pain to forfeit all the Leather they Tan , or the full value thereof.

A *Tanner* shall not use any other Trade of cutting or working Leather at one and the same time , upon pain to forfeit the Hides and Skins, or the value thereof. Nor consequently he that Cuts Leather can be a *Tanner* under the like Penalty.

The *Tanner* that over Limes his Hides, or useth in his Tanning any thing save Ash-bark, Oak-bark , Tap-wort , Mault, Meal, Lime, Culver, Dung, or Hen-dung ; or suffers them to be frozen , or to be parched with Fire or Sun ; or Tans such as are rotten by long lying , or otherwise ; or continues not Outer-sole Leather Twelve Months in the Woozes , and Upper Leathers Nine Months ; or doth negligently

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work

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1 Jac. 22. work his Hides in the Woozes, not renewing and strengthening them, as often as need shall require; or doth work them in any other sort than is by Statute limited, shall forfeit every Hide so tann'd and put to sale, or the full value thereof.

1 Jac. 22. No Tanner shall by Mixtures raise any Hide for Sole-Leather, which shall not be fit for that use, in pain of forfeiting the same.

1 Jac. 22. None shall put to sale any Leather insufficiently tann'd or dryed, in pain to forfeit the whole, or at least so much as shall be so misused.

1 Jac. 22. Whosoever shall put to sale or depart with any Untann'd Leather, red and unwrought, (but only in open Fair or Market, in the place therefore prepared) unless it hath been first lawfully Searched and Sealed according to the Statute, or shall offer to put to Sale any Leather before it be Searched and Sealed, according to the Statute, shall forfeit for every Hide or piece of Leather 6 s. 8 d. and for every Dozen of Calves-Skins or Sheeps-Skins 3 s. 4 d. and the Hides or Skins, or the value of them.

But concerning *Leather*, more hereafter.

1 Jac. 22. The Forfeitures are to be divided in three Parts; whereof the King is to have one, the Prosecutor another, and the City, Corporation or Lord of the Liberty the third.

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And none shall sell Tanned Leather by weight, in pain to forfeit the same, or the value thereof; to be divided between the King and the Prosecutor. 4 Jac. 6.

But by 1 W. & M. Sess. 1. cap. 33. All Persons whatsoever, dealing or working in Leather, may buy all sorts of Red tann'd Leather in any open Fair or Market, Curried or Uncurried, the same being first search'd and seal'd according to Law, and may sell the same again in their Shops, and convert it into other made Ware, (which by the Stat. 13 & 14. Car. 2. cap. 7. he was first obliged to have Curried.)

Also any Persons may buy or sell Leather, Hides or Skins by weight.

And thus much for the *Tanner*.

Next, concerning the *Carrier*; who is bound by the same Statute of 1 Jac. 1. 22. not to Curry any Hide or Skin which is not sufficiently Tann'd and Dried, and that in his own House, situate in some Corporate or Market Town, and not elsewhere: Also if he hurt or spoil any Leather by scalding, shaving or gashing it; in either case (except gashing) he shall lose for each Skin 6 s. 8 d. and for gashing double so much to the party grieved, as the Leather is impaired. 1 Jac. 22.

And Note, That no Artificer within *London*, or three Miles of the same, shall put any Leather to be Curried, save only

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to some person Free of the Company of Curriers in London, in pain to forfeit the same, or the value thereof.

And none within the aforesaid Jurisdiction of London, shall use or put into any made Wares any Curried Leather, before the same be searched and sealed, in pain to forfeit for every Hide or Skin 6 s. 8 d. and also the value of every such Hide or Skin. The Currier must request the Company to search and seal his Leather curried, or he shall forfeit for every Hide not so searched and sealed 6 s. 8 d.

31 Jac. 22. No Currier shall be a Tanner, Cordwainer, Shoemaker, Butcher, or other Artificer for Cutting Leather, both at one time, upon pain to forfeit 6 s. 8 d. for every Skin.

31 Jac. 22. If a Currier shall refuse to Curry within eight Days in Summer and sixteen in Winter, any Leather brought to him by any Cutter of Leather, or his Servant, bringing with him good Stuff for Liquoring the same, after he shall or may take it in hand, he shall forfeit for every Hide or Piece 10 s.

31 Jac. 22. The Lords of Fairs and Markets are to appoint and swear Searchers, Sealers and Tryers of Leather, according to the Statute, upon pain of 5 l.

And if the Tryer, &c. shall not forthwith do their Duty, they shall also forfeit 5 l. for every default.

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concerning Tradesmen.

1 Jac. 22. If a Searcher or Sealer omit his Duty, or take Bribes, he shall forfeit for every Offence, for not Searching or Sealing 40 s. and for every Bribe and exaction of Fees 20 l. and upon Refusal to execute the said Office 10 l.

And if any shall withstand, or deny the Searcher, he shall forfeit for every time 5 l.

And now I'll tell you concerning their Fats.

1 Jac. 22. And to this the Statute says, That whoever shall set his Fats in Tan-Hills, or other places, where the Woozes or Leather put therein shall or may take any unkind heat; or shall take and put any Leather into hot or warm Woozes, shall forfeit for every Offence 10 l. and stand on the Pillory three Market-days.

Note, The Hides or Skins of Ox, Steer, Bull, Cow, Calf, Deer, Goats and Sheep, being tann'd or taw'd, and Salt-Hides, are reputed Leather within the Letter of this Statute.

But by 4. Jac. 1. cap. 6. there shall be no Penalty for housing, buying or selling Sheep-Skins Unsealed.

1 Jac. 22. Justices of Assize, of Gaol-delivery and of Peace, Stewards of Leets, the Mayor of London, and Head Officers within their several Precincts, have power to hear and determine these Offences.

By

### A View of the Penal Laws

By 13 & 14 Car. 2. cap. 7. The Tanner that shaves, cuts and rakes his Upper Leather-Hides all over, and the Necks of his Backs and Buts, shall forfeit all the said Leather, Backs, Buts or Calves Skins, so shaved, cut or raked, or the value thereof; and the Searchers and Sealers may seize the same.

The Forfeitures may be recovered by Action of Debt, Bill or Complaint, &c. in the Courts of Westminster, or in any other Court of Record, nor shall the same be removed thence; one half to the King, the other to the Informer.

*Cordwainer* Next, you shall hear the Charge of the Cordwainer or Shoemaker; which is,

3 Jac. 2. 2. That they shall make their Boots, Shoes, &c. of good and sufficient Stuff, sew them well, and not put them to Sale upon Sundays, in pain to forfeit for every such Default or Offence 3 s. 4 d. and also the full value of all Wares otherwise made or sold.

7 Jac. 2. 2. These Forfeitures of Currier and Shoemaker are to be divided in three Parts, as in the Case of the Tanner.

And Note, That this Statute makes it lawful for all Artificers (save only Shoemakers, between September and the 20th of April) to use dry, curried and frized Leather, being well Tann'd, according to this Act: But this Act shall not extend to Wales.

This

### concerning Tradesmen.

This Act also Prohibits the Transporting of Leather, as does the Statute of 13 & 14 Car. 2. cap. 7. except Boots, Shoes or Slippers:

But the Statute of 20 Car. 2. cap. 5. says, 20 Car. 2. It shall be lawful for any person to Export into Scotland, Ireland, or any Foreign parts all sorts of Leather, Sheep-skins or Calveskins tanned, sawed or dressed, paying, &c.

And by the Statute of 7 & 8 W. & M. cap. 36. This last Act is continued from March 1696. for 7 years, and from thence to the end of the first Session of Parliament next ensuing.

There is an Act about passing concerning Leather, to which I refer you.

### Concerning Clothiers, Drapers, Weavers, &c.

By the Statute of 4 Jac. 1. 2. being the last general Statute for Cloth, It is Enacted, That every coloured Broad-cloth made in Kent, Yorkshire, Reading and elsewhere of like making, (being thorough wet) shall contain in length between 30 and 34 yards (yard and inch) Standard Measure, and 6 quarters and an half throughout. within the Lists, and being well ordered, and dried shall weigh 86 pounds.

The

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The length of white *Worcesters* (being wet,) shall be between 30 and 33 yards, their Breadth 7 quarters, and their weight 78 pounds.

The Length of *Plunkets, Azures, blues* and long whites (being wet) shall be between 29 and 32 yards, their Breadth 6 quarters and an half, and their weight 80 pounds.

Sorting *Cloth* shall contain in Length between 23 and 26 yards, be 6 quarters broad, and weigh 64 pounds.

Fine short *Suffolks*, shall contain in Length between 23 and 26 yards, be 6 quarters and an half broad, and weigh 60 pounds.

*Handywarps*, shall contain in Length between 29 and 32 yards, be 7 quarters broad, and weigh 76 pounds.

Broad *Plunkets*, and other coloured *Cloths*, made in the Counties of *Wilts* and *Somerset*, or elsewhere of like making, shall be betwixt 26 and 28 yards long, 6 quarters and an half broad, and weigh 68 pounds.

Short coloured *Cloths* made in *Yorkshire*, or elsewhere of like making, shall be between 23 and 25 yards long, 6 quarters and an half broad, and weigh 66 pounds; and every half Cloth or Dozen, shall be made according to the same Rate: Broad listed Whites and Reds, called *Sorting Packcloth*, shall contain between 26 and 28 yards in length,

## concerning Tradesmen.

length, be 6 quarters and an half broad, and weigh 64 pounds.

Narrow listed Whites and Reds, shall contain in Length betwixt 26 and 28 yards, be 6 quarters and an half broad, and being White shall weigh 61 pounds, but Red 60 pounds at the least.

Fine *Cloths*, with plain *Cloths*, shall contain in length between 29 and 32 yards, be 6 quarters and an half broad, and weigh 72 pounds.

*Cloths* having *Stopliffs*, shall contain in length between 30 and 33 yards, be 7 quarters broad, and weigh 78 pounds.

*Tauntons, Bridge-waters, Dunsters, &c.* shall contain in length between 12 and 13 yards, be 7 quarters broad, and weigh 30 pounds. And every narrow *Cloth* of like making, shall be between 24 and 25 yards long, one yard broad, and weigh 30 pounds: And the *Half-cloth* of that kind shall contain the same breadth, and the length, and weight rateably. And as touching such broad and narrow *Cloths*, as are made in *Yorkshire* into Whites and Reds, the broad *Cloth* there shall keep the same Measures and Weights; but the narrow is to contain in length between 17 and 18 yards in weight, proportionable as aforesaid.

*Devonshire Kerseys* or *Dozens*, shall contain in length between 12 and 13 yards, and shall weigh 13 pounds; and *Check Kerseys, streats* and plain *Grays*, shall contain in

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in length between 17 and 18 yards, be one yard broad, and 24 pounds.

Ordinary Penystones and Forest-whites, shall contain in length between 12 and 13 yards, be 5 quarters and an half broad, and weigh 21 pounds; and sorting Penystones, shall be between 13 and 14 yards long, 6 quarters and an half broad, and weigh 35 pounds.

All *Cogware, Kendals* and *Carptmeals*, shall be made to please the Buyer, and shall not be searched, sealed or subject to other Penalty, than such as was imposed thereon before 39 *Eliz.* so they shrink not above one yard in 20. *Kerseys* called *Washers* and *Washwhites* (being half thicked,) shall contain in length between 17 and 18 yards, or quarter thicked between 18 and 19 and shall weigh 17 pounds.

None shall raise or row *Woollen Cloth* with Oyl, Grease or the like, or use the same, but upon the edge of the Sheers only, in pain of 13 s. 4 d. and it shall be wrought all alike throughout upon the like pain; and the Wool thereof taken away only by the Sheers, upon the same pain; none shall blow, spout, or bedew *Woollen Cloth* near the Lists thereof with Water or otherwise, in pain of 13 s. 4 d. and if it be done to increase the weight, the penalty is 40 s.

Abate.

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Abatement shall be made fore the Dying, Dressing, Shearing and Rowing of *Cloths*, viz. for short *Cloth* 4 l. for long *Cloth* 5 l. and according to that Rate.

*Flannel, Wadnals, Coverlets* and *Blankets*, may be made as formerly they have been, notwithstanding this Statute.

None shall exceed in length aforesaid, in pain to forfeit for every yard and inch so exceeding 10 s.

If any sell *Woollen Cloth* wanting the weight aforesaid, he shall forfeit for every two pounds so wanting 10 s.

If any *Cloth* want the just Breadth, the Seller thereof shall forfeit for such want through the whole piece 20 s. the half piece 10 s. and for any less part 5 s.

If a *Cloth* be of less length than the Seal thereof doth purport, the Seller shall forfeit to the Buyer 6 s. 8 d. for every yard and inch that so wants, besides the value of so much as so falls short.

Every branch in any former Statute, whereby any other length, breadth or weight of the said *Cloths*, or any other Penalty concerning the same, or any Offence (intended by this Act to be reformed) is limited, or whereby any Penalty for the Offence in this Act mentioned, is given to any other person than in, and by this Statute is limited, shall be repealed.

*Cloth*

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*Cloth* Sealed by the Overseers appointed by the Statute of 39 *Eliz.* 20. and 43 *Eliz.* 10. shall not be searched, tried or watered again, but only by the Buyer thereof.

The Penalties for over-length, or wants of weight found by the Searchers and Overseers, and by them certified, by his or their Seal or Seals, shall be divided betwixt the King and them: But if such defaults shall be found by the Buyer, *Merchant, Draper, &c.* and not found and certified by the Overseers, &c. then shall such Penalties be divided betwixt the King and such Buyer.

If any broad *Woollen Cloth* be longer or shorter than 24 yards and inches, the Duties for the same shall be proportionable according to the length.

Every *Clothier* may make any kind of *Woollen Cloth*, in what place he pleaseth.

The Kings Duties are reserved, as also the Aulnagers Office and Fees, so as *Cloth* once lawfully searched and sealed, shall not be searched and sealed again.

Statute of 7 *Fac.* 17. The *Sorter, Carder, Kember, Spinster* or *Weaver* of *Wooll* or *Yarn*, that shall be found (by his own Confession, or the Testimony of one Witness) to imbezel or detain any part thereof from the true Owner shall incur Whipping, and the Stocks to be inflicted upon them, (in the Country) by any two Justices of Peace,  
and

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and (in a Corporation) by the head Officer, and another joyned with him. And here also the Receiver thereof shall incur the like Punishment, as also those in *Essex*, which use a Reel less than two yards about.

But such imbezeler may redeem his Punishment, by giving such satisfactions to the Owner, as such Justices or head Officer shall think fit.

By the Stat. of 7 *Fac.* 16. Certain course *Cloths* made in the *North*, shall not be searched or sealed, nor any Custom or Aulnage paid for them.

By the Stat. of 21 *Fac.* 1. 18. The Statute of 4 *Fac.* 2. is continued, save what is thereof altered, repealed, discontinued or enlarged by this.

None shall put any *Flocks, Thrums, Hair*, or other deceitful stuff into broad *Woollen Cloth*, in pain of 5 *l.* to be distributed to the Poor, where such deceitful *Cloths* are made.

And the 5 & 6 *Ed.* 6. 6. provides, that none shall put any *Flocks* or *Yarn*, or *Lambs-wooll*, into any of the *Cloths* in that Statute mentioned, in pain to forfeit the same, or the value thereof.

And 1 *R.* 3. 8. says, None shall set, cast or put upon *Cloth*, any *Flocks, Chalk*, or other deceitful thing, in pain of 40 *s.* for every *Cloth* so used. See after.

The



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21 Jac. 1. 18.

The Searchers or Overseers of *Cloth* may enter into, and make Search in any House, or other place to find deceitful *Cloth*.

Any two Justices of Peace, may call before them any person suspected for making deceitful *Cloth*, and if upon Confession of the Party, or Testimony of two Witnesses, they shall find any guilty thereof, and make Certificate accordingly under their Hands and Seals to the Church-wardens and Overseers of the Poor of the Parish, where the Offence is committed, those Officers shall levy the Penalties forfeited, by Distress and Sale of Goods; and for want of Distress, the Offender shall suffer Imprisonment.

21 Jac. 1. 18.

The Officer being sued, shall be allowed to plead the general Issue, &c. and shall recover double Costs if *Cloth* be defective; the Searchers of the Parish where it is made, shall certify it by their Seal, having the word Faulty stamped upon it: And the Searchers that search *Cloth* already searched, shall forfeit 5 l. to the party greived.

All *Woollen Cloths* shall be searched and sealed before they be sold.

No Tenters for broad *Cloths* made in *Yorkshire*, shall have any farther place of liberty under the Bar, than half a quarter of a yard; and the Overseers in those parts, shall upon the Penalties of their Recognizances, make due search for deceitful Tenters,

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Tenters, and if any be found shall deface them. See after.

He that offends the second time in having such a Tenter, shall forfeit 45 s. to the Poor.

Every Overseer of *Cloth* shall upon the Penalties of his Recognizance, set his name upon the Seal of *Cloth*, and *Cloths* otherwise sealed shall not be allowed as sufficiently sealed.

Pressing of *Cloth* between Hot-planks, or by any heat of Fire, or other deceitful means, shall be punished by like Forfeitures, as Pressing with the Hot-press is punishable by any former Statute.

A Third part of all Penalties limited by this and former Statutes, for want of length and breadth and weight, the Searchers that find and certify such defaults shall have; and the rest shall be delivered to the Church-wardens and Overseers for the use of the Poor; for which they shall be accountable, as by the Statute of 43 E. 2. is provided.

No *Clothworker*, or any other person shall use for the cutting, or taking away the Wooll from the backsides of any *Cloths* or *Kerseys*, any Knife or Knives, Rubster or Rubsters, Pumicestone, or any other device whatsoever, but only to shear the same with a pair of Shears, on pain of Forfeiting for every piece, whereupon the same shall be so done 13 s. 4 d.

The

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The Statute of 12 *Car. 2. cap. 22.* concerns making of *Bays* in *Colchester*, and is almost particular to that place.

It also Enacts, That *Bays* bought or carried out of the Town, before they are searched, or offered to be carried out, shall be confiscated, the one Moiety to him that will seize, the other to the Poor of the Parish where seized.

The Statute of 13 & 14 *Car. 2. cap. 5* is for Regulating the making of *Norwich Stuffs*, in *Norwich* and *Norfolk*, most of which Forfeituers are for the use of the Poor of the Trade.

And if any use the said Trade, having not served as Apprentices 7 years, shall forfeit 40 s. for every Month, half to the King, and half to the Prosecutor, to be recovered in any Court of Record.

And 22 & 23 *Car. 2. cap. 8.* concerns the making *Kidderminster Stuffs*.

Note, By the Stat. of 13 *R. 2. 11.* The Workers, Weavers and Fullers shall put their Seals to every *Cloths*, upon a certain pain to be limited by the Justices of Peace.

By the Stat. of 4 *Ed. 4. 1.* The *Clothier* shall pay to his Workfolks their Wages in ready Money, and not in Wares, on Forfeiture to them of treble Damages, and shall deliver them *Wool* according to due weight, in pain of 6 d. for every default.

And

## concerning Tradesmen.

And the Workfolks shall duly perform their Occupation, on Forfeiture of double Damages; and ever Fuller in Fulling, Rowing or Tazing of *Cloth*, shall use Tazels and not Cards, in pain to yeild double Damages to the party grieved.

The 1 *R. 3. 8.* says, None shall set, or draw in length or breadth any *Cloth* fully watered by tentering or otherwise, in pain to forfeit the same.

That no Shearman, or other shall Shear or Cancel any *Cloth* not fully watered, upon pain of 40 s. for every *Cloth*.

And that none shall convey any *Cloth* beyond Sea not fully watered, and after tis so watered, it shall not be set or drawn in length or breadth, in pain of 40 s. for every *Cloth* so conveyed.

And that none shall Retail *Cloth* before it be fully watered, and being so watered, it shall not be set or drawn as aforesaid, in pain that the Seller shall forfeit the said *Cloth*, or the value thereof. See after.

Also, By the said Statute of 1 *R. 3. 8.* None shall keep in his House any Tenter or other Engin, whereby *Cloth* may be drawn in length or breadth, in pain of 20 l. but Tenters shall be set in open places, and used only for the due stretching of *Cloth* after it cometh from the Mill, and before it be Rowen.

And

## A View of the Penal Laws

And the Statute of 5 & 6 Ed. 6. 6. says, None shall use with his Tenter any Wrinch, Rope, Ring or other Engin to strain or stretch *Cloth*, in pain of 20 l.

Also, No *Dyer* shall *Dye* any *Cloth* with *Orchel* or *Cork*, in pain of 40 s. neither shall any put to Sale any so dyed, in pain to forfeit the same; howbeit *Cork* made within this Realm, may be used in dying upon *Woolwards*, so that the *Wool* and *Cloth* be perfectly boyld and maddered; Also, such *English Cork* may be put upon *Cloth*, that is perfectly boyld and maddered.

1 R. 3. 8.

Every *Dyer* shall *Dye* both the *Cloth* and the *List* with one and the same Colour, in pain to forfeit the same.

A none shall put to Sale *Cloth* deceitfully dyed, in pain to forfeit the same, or the value thereof.

Statute of 3 & 4 Ed. 6. 2. says, That none shall *Dye* any *Wool* to be converted into *Cloth*, *Hats* or *Caps*, before it be perfectly woaded, boyld and maddered, in pain to forfeit for every such *Cloth*, or so much *Wool* as makes a *Cloth* 40 s. Neither shall any *Dye* with *Brasil* to make a false Colour in *Cloth*, *Wool*, *Hatts* or *Caps*, in pain of 20 s. See afterwards how the Forfeitures of this Act are to be disposed.

Also, That none shall *Dye* any *Cloth* before it be perfectly boyld, greived or maddered upon the *Woad*, and well shott with good *Cork* or *Orchel*, in pain of 20 s.

Statute

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Statute of 5 & 6 Ed. 6. 6. provides, That none shall boyl *Wool* (to be converted into *Cloth*) with *Galls*, *Rinds*, *Bark* or *Sawdust*, in pain to forfeit the same or value, betwixt the King and Prosecutor.

Not to extend to *Devonshire Tavestocks*.

By 23 Eliz. & 9. nothing of the nature of *Cloth* shall be maddered for a Black, except it be first grounded with *Woad* only, or with *Woad* and *Inde blue*, unless the *Madder* be put in with *Stomash* or *Galls*, upon Forfeiture of the value, between the Queen and Prosecutor, and Imprisonment till payment.

Yet he may *Dye* all manner of *Gall Black*, *Stomack* or plain *Black*, without using *Madder*.

The *Dyer* is also by this Statute obliged, to fix a Seal of *Lead* to the *Cloth* which he dyeth and maddereth, with the letter *M*. to shew that it is maddered and woaded, under pain of 3 s. 4 d. per yard, and the Seller shall make it known if not woaded, under Forfeiture of doublevalue, betwixt the Queen and Prosecutor.

Also, This Statute prohibits *Dyers* from using *Logwood*; but by 13 & 14 Car. 2. cap. 11. That Clause is repealed, and any *Dyer* may use *Logwood* or *Blockwood*.

Faulty *Cloth* shall be brought to the chief Officer of the place where it is seized, and shall be cut in 3 parts, whereof the Seisor shall have one, another shall be by him

1 R. 3. 8.

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## A View of the Penal Laws

carried into the *Exchequer*, and the third, the said Officer shall have for the use of the *Commonalty*.

All other Forfeitures of this Act to be divided betwixt the King and the Prosecutor.

By Statute 6 H. 8. 9. The *Weaver* shall put all the *Yarn*, delivered unto him into the *Web* or restore it, without putting any thing deceitfully thereunto, in pain of 3 s. 4 d.

None shall buy any coloured *Wool* or *Yarn* of any *Carder*, *Spinner* or *Weaver*, but in open Market in pain to forfeit the same.

The *Walker* and *Fuller* shall duely work every *Web*, without *Flocks* or other deceit, and shall not Row or Work it on either side with *Cards*, in pain of 6 s. 8 d. By 3 & 4 Ed. 6. 2. if with *Iron Cards* or *Pickares* 40 s.

Statute of 5 & 6 Ed. 6 8. says, No person shall Weave or make, or put to Weaving or making broad *Woollen Cloth*, unless he hath been 7 years *Apprentice* to that Art.

But 1 M. Parl. 3. 7. says, Any person may make broad *Cloth*, and put them to Weaving, Fulling, Dying and Shearing, without any impediment; so that the *Cloth* be duely made according to the Statute of 5 & 6 Ed. 6. 6. & c.

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However the Statute of 2 & 3 P. & M. 11. says, None shall be a *Weaver*, but he who hath been 7 years an *Apprentice* in that Art, in pain of 20 l. but this Statute not to extend to the Counties of *York*, *Cumberland*, *Northumberland* and *Westmorland*, By 4 & 5 P. & M. 5. such *Weaver* forfeits the *Cloth* or value.

Yet the 5. Eliz. 4. Which is last to that purpose, says, None shall use any *Mistry*, but who hath served as *Apprentice* 7 years, under Forfeiture of 40 s. a Month, in which Statute are other things concerning *Clothworkers*, *Weavers* and *Fullers*, which I will speak to when I Treat of *Appretices* and *Artificers* in General.

Again, The Statute of 2 & 3 P. & M. 11. says, That no *Clothier* in any Corporation or Market Town, shall keep in his House, above one *Loom*, or let any *Loom*, or House and *Loom* together to make Profit thereby, in pain to forfeit every Week he so keepeth or setteth them 20 s. But by 27 Eliz. 18. the *Inhabitants* of *Devon* and *Cornwal* may keep 3 *Looms*.

Also, That a *Weaver* (being no *Cloth-* 2 & 3 P. maker shall not keep any *Tucking Mill*, & M. 11. nor use the Art of a *Tucker*, *Fuller* or *Dyer*, in pain of 20 s. for every Week.

And that none shall make any broad white woollen *Cloths* but in a Corporation, Market Town or other place, where they have been made 10 years before that Act,

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pain of 5 *l.* for every *Cloth* otherwise made, but not to extend to the Counties aforesaid.

By 4 & 5 *P. & M.* and the 5. No Retailers of *Cottons* shall dress it himself, or by any other save only by a proper Dresser thereof, in pain to forfeit for every piece 6 *s.* 8 *d.*

By 8 *Eliz.* 7. He that uses the Trade of buying of *Frizes, Cottons* or *Plains*, shall not exercise the Art of *Frizing* or *Cottoning*, in pain of 6 *s.* 8 *d.* for every piece.

And that those, that use the Trade of buying *Welsh Cloth* or *Linnens*, shall pay to their Workmen ready Money, in pain to lose their Freedom.

By 8 *Eliz.* & 12. He that puts to Sale in *Lancashire*, or carries out of that County any *Cloth, Cotton, Frize* or *Rugg* made there, before the Maker fix his Seal, and the Aulnager the Queens, forfeits such *Cloth* betwixt the Queen and Prosecutor.

None shall put to Sale any *Cloth*, which being wet shall shrink above one yard in length, and one quarter in breadth, for the more part thereof, or *Narrows* or *Streets* after that rate, in pain of 6 *s.* 8 *d.* and to abate the Buyers such defect. But the Statute of 3 & 4 *Ed. 6.* & 2. allows a yard and quarter in length, and a quarter in breadth, and *Streets* and *Kerseys*, a yard in length, and a quarter in breadth, penalty 20 *s.*

None

## concerning Tradesmen.

None after he hath bought *Cloth*, shall draw or strain it in length or breadth with Tenter or Winch, or otherwise in pain of 5 *l.*

Provided, That such Buyer (having for Proof sake fully wet *Cloth*) may draw and strain them for evening them only, so that he exceed not one Yard of the length it had when it was fully Wet: 3 & 4 *Ed. 6.* 2. allows a Yard and half in length, and a Quarter in breadth; Penalty 40 *s.*

But 5 & 6 *Ed. 6.* & 6. says, None shall stretch *Cloth* above a yard in length, and an half quarter in breadth, in pain of 5 *l.* Statute of 39 *Eliz.* gives penalties for *Cloths* made and strained on the North side of *Trent*, and 20 *l.* by him that uses any Engin to that purpose.

None shall put upon *Cloths* any *Flocks*, or other deceit in pain of 20 *s.* 3 & 4 *Ed. 6.* Penalty is 40 *s.*

But 27 *Eliz.* 18. Repeals this Branch which Prohibiteth putting *Hair, Flocks* or *Yarn* made of *Lambs-wool*, into any *Cloth* or *Frize*, having regard unto the *Cloth* called plain white Straits, and printed white Straits; and says, the Inhabitants of *Devon* and *Cornwal* may make the said *Cloths* keep three looms, and use such things therein, and make them as the Merchant shall like; but no piece to weigh above 12 pounds, nor above 14 yards long, or one yard broad,

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in pain of Forfeiture, or value betwixt the King and Profecutor.

6 H. 8. 9. The Buyer and Seller of Cloths, shall measure them by Yard and inch of the Rule, and not otherwise, in pain of 5 l.

By 3 & 4 Ed. 6. 2. the Penalty is 6 s. 8 d. for every Yard measured otherwise.

The Forfeitures aforesaid shall be divided betwixt the King and the Profecutor.

6 H. 8. 9. This Act shall not extend to Kendals, Carpnel Whites, Tostocks, made in Devon; Cloths made in Cornwall; Cottons or Frize made in Wales, Lancashire or Cheshire.

By Stat. 3 & 4 Ed. 6. 2. None shall put to Sale within this Realm any Cloth pressed, in pain to forfeit the same, or the value thereof; the Forfeitures to be between the King and the Overseer appointed to search; and in his default, to sue within half a year; then to any other within another half year; and none shall take advantage after one year.

And 5 & 6 Ed. 6. 6. says, None shall Press any Cloth with the Hot-press, nor in any other deceivable manner, but only with the cold Press, in pain to forfeit the same or the value thereof.

The Statute of 27 H. 8. 12. says, Every Clothier shall cause his Mark to be woven in his Cloths and Kerseys, and shall set a Seal of Lead thereunto, shewing the true length thereof, as they will hold being

Wet;

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Wet; and in case of defect, the Clothiers shall forfeit the double value to the Buyer: With which as to the Seal agrees, 3 & 4 Ed. 6. 2.

But it farther says, That every Clothier shall cause the Letter E. crowned to be wrought in every Cloth, in pain of 20 s. to be divided betwixt the King and the Profecutor (of which quære.)

By Stat. 33 H. 8. 3. Welsh Cloths, called Whites, Russets and Kenness, brought into Fairs or Markets to be sold, shall be sold in Pleights or Cuttels, and not hard roll'd together, in pain to forfeit the same; to be divided bewixt the King and the Profecutor.

And by 5 & 6 Ed. 6. 6. Frizes in Wales, and elsewhere, of like making, ready for sale and wet, shall contain 36 Yards at most in length, and 3 Quarters in breadth, and shall weigh 48 pounds, and every half Piece after that Rate; Forfeiture 20 s. between the King and Profecutor.

The Statute of 5 & 6 Ed. 6. 6. says, That no Retailer of Cloth shall put it to Sale, before he hath tried it by Water measure and weight, and shall present the defect thereof to an head Officer, or two next Justices of Peace, in pain to forfeit the double value thereof; and the Cloth found defective shall be divided into three parts, whereof the King shall have one, the Profecutor another, and the head Officer or two Justices the third.

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-That the *Clothier* shall repay to the Buyer of faulty *Cloth* his Money again, or otherwise satisfy him for the same, in pain to forfeit to the party grieved the double value thereof.

And that the party with whom defective *Cloth* is found, by the Searchers appointed, shall recover Damages against the party that was the Cause thereof, by Action of Debt, &c.

This Statute says farther, That the head Officer of every Town shall prepare a Seal of Lead, havin the Arms and name of the Town printed thereupon, which Seal the Searchers shall fix to every *Cloth* well made, &c.

To *Cloth* found faulty, a Seal with the letter F. just against the fault, upon Forfeiture of 5 l.

And the value of the *Cloth* not sufficiently dressed, to which they set the Town Seal.

No Retailer to Sell without the Town Seal affixed, and kept so at one end till all be sold, upon Forfeiture of the value.

Forfeiture of 10 l. for not appointing Searchers by the Corporations, and 5 l. by him that refuses betwixt the King and Corporation.

The Counterfeiter of such Seals convicted by 12 Men, 2 Witnesses, or his own confession, forfeits for the first time 10 l. for the second to stand upon the Pillory, and

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and all his Goods and Chattels to the King.

The Forfeitures not otherwise appointed, to be betwixt the King and the Prosecutor.

*Note*, That by a late Act made in the 8th and 9th year of his present Majesty, for restoring the Market at *Blackwell-Hall* to the *Clothiers*, It is Enacted, That after the first of *May* 1697, The Governors of the said Hall shall observe the set times, and Rules for keeping and government of the Market.

That the said Market shall begin and be held on every *Thursday*, *Fryday* and *Saturday*, from 8 of the Clock in the Forenoon, until 12 in the same Forenoon, and from 2 in the Afternoon until 5 in the same, to be known by the ringing of the Market Bell there.

The Market to be continued weekly, except on days of Humiliation or Thanksgiving set apart by Authority; and the Keepers of the Hall not to permit any Buying or Selling of any Woollen Cloth there on any other days or hours, than as aforesaid, upon penalty of 100 l.

That no Factor or person, other than the Owner of the Cloth shall sell, cause to be sold, or expose to Sale out of the said Market, any Cloth consigned or directed by the Owner thereof, to be brought to the said Market, or to any Factor there,

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to be sold, upon the penalty of 5 l. for every such Cloth so sold.

The Hallkeepers, Clerks and Master porters are to keep Registers, and Enter the Names, Surnames and places of Habitation of the Owner, Buyer and Seller of Cloths with the time of Sale thereof, and likewise of the Factor or Person, (other than the Owner) buying or selling the same, to satisfy the Clothiers, their Agents and Servants, how their Cloths are disposed, to which they may at all convenient times have recourse without Fee or reward; the party neglecting forfeits 10 l. for every Offence.

The person selling such Cloth, (except the Owners) shall within 12 days after Sale and Delivery take a Note from the Buyer of the Cloth so sold, and the Sum payable to the Owner, and deliver it to the Owner on demand, or his Order, with notice of the Buyers abode subscribed, on pain to forfeit to the Owner for every neglect, or refusal of delivery, double the value of the Cloth so sold.

If the Buyer upon Trust, after 8 days of Sale and Delivery refuses to give such Note, he shall forfeit to the Owner 20 s. for every Offence for every Cloth so sold.

The Cloth not actually returned within 3 days after delivery, shall be taken to be approved of by the Buyer.

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The Forfeitures may be recovered by Action of Debt, Bill, Plaint or Information in any of his Majesties Courts of Record: One Moiety to the King, the other to the Informer, if not otherwise disposed; And if the Owner neglects to Sue for six Months after the Offence committed, any other person may Sue for the Forfeitures, to which the Owner was intituled.

Vide Wool and Woolmongers.

Distillers, &c.

If any Distiller or maker of Low Wines, should after the 20th day of July 1689, after an account taken by the Gauger of the quantity of his Wines, dispose of the same, without drawing them off the second time, he shall forfeit for ever Gallon so disposed of 5 s. By Stat. 1 W. & M. Stat. 1. c. 24.

Also, In case any Distiller or Maker of Strong-waters, Aqua-vitæ or Spirits, shall upon request or demand made by the Gauger, in the day time or the night time, in the presence of a Constable, refuse to permit the Gauger to enter his House, &c. he shall incur the Penalties by former Acts \* \* 12 Car. 2. inflicted; and the Prosecutor shall not be obliged to prove, that such Offenders delivered out part of their Commodities, before they had cleared the Duties. 15 Car. 2.

Such



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By 2 W. & M. Sess. 2. c. 2.

Such as make Low Wines, Spirits or Brandy from Corn, shall cause their Corn to be made into wholsom Drink, and from such Drink without any mixture shall draw their Low Wines; and the Gaugers of Excise may Gauge, and keep an Account of Liquors, Worts, and Drink made for the making Low Wines, &c. and see that they be made from Drink made of Malted Corn entirely: And if Distillers or others mix other Materials, the Gaugers shall charge the Low Wines drawn from Drink so mixed with 1 s. a Gallon.

Molosses.

That no Distiller, or others drawing Low Wines or Spirits from Corn prepared, as aforesaid, shall prepare any Wash from Molossus, or other Materials, from other persons, untill he has drawn off, and distilled all the Liquors made or prepared from Corn as aforesaid, on pain to forfeit for every Barrel of such Liquors made of Corn, found undistilled 5 l.

That from the 24th day of December 1690, no maker of Low Wines, &c. should set their Stills at Work, or deliver, or carry out any Low Wines, &c. to their Customers in Cask, or by the Gallon, without notice given to the Office of Excise, for the place where he lives, unless from the 29th day of September, to the 25th of March yearly, between 5 in the Morning, and 8 at night, and from the 25th of March, to the 29th of September, between three

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three in the Morning and nine at Night, on pain to forfeit for every such Offence 10 l.

But Quere, if this be not expired, because it was to hold but for One year as to the Duties of Excise.

These Penalties to be Recovered, as by any Law of Excise is directed.

The Gaugers shall take an account of all Wash and other Materials prepared for making Low-wines, and of Low-wines, Spirits and Strong-waters, found in the Houses, &c. or in any Wash-back, Cask or other Vessel, used by any Maker of Low-wines or Spirits; and if they miss any Liquor brewed, which they found gauged the last time they were there, not exceeding 24 Hours before, and shall not receive satisfaction what is become of it, they shall Charge the Distiller with so much Low-wines as such Liquor missing would have made.

Also by the said Act.

No Corn Distiller or Maker of Low-wines, Spirits or Strong-waters for Sale, shall at any time after the first day of March 1691, set up, use or alter any Tun, Cask or other Brewing Vessel, for brewing or making any Worts, Wash, Spirits or Strong-waters for sale, or use any private or concealed Ware-house, or other place, for laying of any Wash, Low-wines, &c. without giving Notice thereof to the next Office of Excise, within the Limits where he

By Stat. 3 W. & M. cap. 15.

A View of the Penal Laws

he inhabits, on pain to forfeit 20 l. for every Tun, &c. so set up, used or altered; and for every private Ware-house, &c. and every other person in whose occupation any House or other place shall be, where any such private Tun, &c. shall be found, shall forfeit 20 l. one Moiety to their Majesties, and the other Moiety to the Informer.

If any such Corn Distiller, &c. shall conceal or convey away Low-wines, Spirits, &c. from the sight or view of the Gaugers, he shall forfeit for every Gallon so concealed or conveyed, 5 s. All which Penalties shall be sued for and recovered, as by an Act made in the Twelfth year of the Reign of the late King Charles the Second, Entituled, *An Act for taking away the Court of Wards and Liveries, &c.* and another Act made in the 15th year of his Reign, Entituled, *An Additional Act, for the better Ordering and Collecting the Duties of Excise, &c. Or by any other Law in force, relating to the Revenue of Excise on Beer and Ale, is directed.*

By Stat. 7 & 8 W. 3. cap. 30. Molasses, &c.

All Distillers and others, who make any Low-wines, Spirits or Brandies from Corn, shall cause their Corn to be brewed, and from such Drink, (without any mixture of Molasses, Wash, Tilt, or other Materials) shall draw their Low-wines or Spirits of the first Extraction. And the Gaugers of Excise shall keep an account of the Liquors, Wort

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Wort and Drink made by such Distillers, or others, for making such Low-wines, Spirits or Brandies, and see that the same be made as above-directed; and in case any Distiller shall do otherwise, the Gauger shall Charge the Low-wines drawn from such Drink with the Duty of 1 s. the Gallon.

No Distiller, or others, drawing Low-wines from Corn, shall prepare any Wash from Molasses or other Materials, or receive such from any person, till he has distilled all the Liquors prepared from Corn, on pain of Forfeiture for every Barrel of Corn-Liquor found undistilled 5 l.

After the 25th of March, 1696, no Distiller, or Maker of Low-wines, Aquavita, or Strong-waters, shall set their Stills at Work, or deliver out any such Low-wines, &c. without Notice first given to the Officer of the Excise, for the Division where he lives, that such Officer may be present to see and gauge the Quantities, unless from the 29th of September to the 25th of March yearly, between the Hours of 5 in the Morning and 8 in the Evening, and from the 25th to the 29th of September yearly, between the Hours of 3 in the Morning and 9 in the Evening, under the Penalty of 10 l.

If any Maker of Vinegar, Cyder, Mead, Metbeglin or Sweets for Sale, shall hide or convey away any such Liquors from the sight

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fight of the Gauger, appointed to take account of the same, every such Maker of such Vinegar, &c. shall forfeit 40 s. for every Barrel of Vinegar, or Liquor prepared for Vinegar or Sweets so hid, and so proportionably for every Hodghead of Cyder 40 s. and for every Gallon of Metheglin or Mead 5 s.

In case any Maker or Retailer of Vinegar, or other the Commodities aforesaid, refuse to permit the Gauger in the Day time, or with a Constable in the Night to enter his House, or other place used by him, to take account of any the Liquors aforesaid, such Maker shall forfeit 15 l.

No maker of Vinegar or Sweets, shall sell, or deliver, or carry out the same either in whole Cask or by the Gallon, without Notice first given to the Officer of Excise, for the Division where he lives, (unless at such times of the Year, between such Hours as aforesaid) under the Penalty of 40 s. for every Barrel of the same so carryed out.

Persons making Verjuice for Sale, shall pay Duties of Cyder and Perry.

All Fines, Penalties and Forfeitures by this Act imposed, shall be recovered and levied, as any Fine, Penalty and Forfeitures, may be by any Law of Excise, or by Action of Debt, &c. in any of the Kings Courts at Westminster, one Moiety to the King, the other to him that shall discover and sue for the same.

By

concerning Tradesmen.

By a late Act of 8 & 9 of His present Majesty, The Distiller or Maker of Low-wines, Spirits or Strong-waters, for Sale or Exportation, that shall erect or set up any Tun, Cask, Wash-batch, Copper, Still or other Vessel, for the brewing, making or keeping any Worts, Wash, Low-wines, Spirits or Strong-waters, or shall alter or enlarge any such Vessels already erected or set up, or keep any such private or concealed, or any private or concealed Ware-house, Store-house, Cellar, or other place, for the brewing, making, laying or keeping any Worts, Wash, Low-wines, Spirits or Strong-waters, without first giving Notice thereof at the next Office of Excise, within the Limits of his Habitation, forfeits for every Tun, Cask, &c. set up, altered or enlarged, kept private or concealed, 20 l.

And the Person in whose occupation any House, Out-house, or other place whatsoever, is or shall be, where such private and concealed Vessels or Store-house shall be discovered or found, forfeits 50 l.

Such Persons as keep any Wash, Cyder, or other Materials fit for Distillation, and have any Stills containing 20 Gallons, or upwards, proved upon Oath by one Witness before some Justice of Peace, shall be deemed a Common Distiller for Sale, and liable to the Duties of Excise, and subject to the Penalties and Forfeitures of the Law.

The

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The Fines and Penalties of this Act, to be recovered as other Fines, &c. by any Law of *Excise*, or by Action of *Debt*, &c. in any Courts of Record at *Westminster*; one Moiety to His Majesty, the other to him that shall discover, inform or sue for the same.

And it shall be lawful for any Person, who upon Encouragement of the Act of 2 *W. & M.* (for distilling Brandy and other Spirits from Corn, &c.) set up Works accordingly; or shall hereafter set up any Works or Offices for that purpose, upon Notice to the Commissioners of *Excise*, within 10 Days after entering such Office or Work, to make, draw or distil for Sale, or to be Retail'd, any Low-wines or Spirits from Drink brewed from Maulted Corn or Cyder, and to rectifie and refine any such Spirits of their own making only, paying the Duties, and being subject to all Fines and Penalties, as other *Distillers* are.

Thus much here for the *Distiller*, concerning whom I have spoke at large, because these Acts, if expired, may probably be revived and continued. But see more in *tit. Maltsters*.

Next, I shall proceed to the Letter F, having nothing of the Letter E.

And

## concerning Tradesmen.

And first of *Farmers*, and with them of *Farmers*, *Husbandmen*, *Market-men*, *Petty Chapmen*, and the like.

By 4 *H. 7.* 16. None shall take more Farms than one, of any Manors, Lands, Tenements, Parsonages or Tythes, in the Isle of *Wight*, which one shall not exceed ten Marks in yearly value, in pain of forfeiting 10 *l.* to the King for every such taking; and this was to avoid depopulation.

By *Stat. 25 H. 8.* 13. None shall receive or take in Farm, for term of Life, Years or at Will, by Indenture, Copy of Court-Roll or otherwise, any more Houses or Tenements of Husbandry, whereunto any Lands are belonging, in Town, Village, Hamlet or Tything within this Realm, above the number of two such Holds or Tenements; and they are to be scituate in the same Parish where he dwells, in pain to forfeit to the King and Informer 3 *s.* 4 *d.* for every Week he takes the Profits of them.

By *Stat. 21 H. 8.* 13. No Spiritual Person shall take to Farm to himself (or to any other for his use) any Lands or other Hereditaments, for Life, Years or at Will, in pain to forfeit 10 *l.* for every Month he so continues the same, to be divided betwixt the King and the Prosecutor. But this Act not to extend to any Spiritual Person, for taking any Archbishopsricks, Bishop-

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Bishopricks, Abbies, Priories, or Collegiate, Cathedral or Conventual Churches, nor to any such Person who shall tender, or make any Traverse upon any Office concerning his Freehold.

The said Act also provides, That no Spiritual Person shall take in Farm any Parsonage or Vicarage, in pain to forfeit 40 s. for every Week that he, or any other for his use, so occupies the same, and also Ten times the value of the Profit or Rent that he makes thereof; both which Forfeitures are to be divided betwixt the King and the Prosecutor.

See after.

Sheep.

Also by 25 H. 8. 13. None shall keep in his own possession, at any one time, above Two thousand Sheep, in pain to forfeit for every Sheep kept above that number 3 s. 4 d. to be prosecuted for a Subject within one Year, and for the King within three; but here Lambs shall not be accounted as Sheep till Midsummer Twelve-month after their fall.

And if any happen to have more Sheep than two Thousand, by reason of any Executorship or Marriage, they shall not be impeached by this Law, so that in one year after they put off so many, that at the end of that year they may not have above Two thousand: Neither shall a Child, during his Nonage (nor any Person for him) be endamaged by this Act, which Child

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Child shall have by Legacy above Two thousand Sheep given him.

But every Temporal Subject may keep (upon his own Demesn Lands) as many Sheep as he will, or for the Maintenance of his House, above the number of Two thousand, notwithstanding this Act.

A Thousand of Sheep meant by this Statute, shall be accounted after the rate of Six Score to the Hundred.

Justices of Peace have power to hear and determine the Offences committed against this Act; but shall not take a less Fine than is limited by the same.

There are several Statutes concerning Husbandry, Tillage, &c. as 4 H. 7. 19. 7 H. 8. 1. 27 H. 8. 22. 5 Eliz. 2. 14 Eliz. 11. but these seem to be repeald or out of use, and as such are not taken notice of in the late Abridgments.

By Stat. 27 H. 8. 6. Every one having Inheritance or Freehold in a Park kept for Deer, and a Mile about, or his Farmer, shall keep two Mares able and apt to bear Mares. Foals, each of them being Thirteen Hands high from the lower part of the Hoof to the highest part of the Shoulder, and each Hand containing four Inches in pain of 40 s. for every Month they want them; and if the Park be four Miles about, they shall keep four such Mares upon the like pain.

If

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If any of the Mares dye, they have three Months given them to provide another, without danger of incurring the said Penalty.

They shall not suffer their Mares to be leapt by any Stoned Horse under 14 Hands high, in pain of 40 s. the Forfeitures to be divided betwixt the King and the Prosecutor.

But this Act not to extend to *Westmoreland, Cumberland and Northumberland*, nor the Bishoprick of *Durham*; nor to Parks, wherein the Inhabitants of the Town next adjoining have Common.

And Spiritual Persons may sell the increase and breed of their Mares, notwithstanding this Act.

*Vide postea.*

¶ H. 8. 13. Yet by the 21 of H. 8. 13. No Spiritual Person shall by himself, or any other for his use, buy to sell again for profit, any Cattle, Victual or Merchandize whatsoever, in pain to forfeit treble the Value thereof, to be divided betwixt the King and the Prosecutor, and every such Bargain shall be void.

Howbeit that Statute allows him to buy *Horses, Mares*, or other Goods, for his necessary use and employment; and in case they happen not for his turn, may sell them again, so as this be done without Fraud or Covin.

Likewise

## concerning Cradement.

Likewise, those that have not sufficient Glebe or Demefn Lands in right of their Churches or Houses, may (notwithstanding the Act) for the only Expences of their Houses, and for their Carriages and Journeys, take in Farm other Lands, and buy and sell Corn and Cattle for the only Maintenance and Pasturage of such Farms, so as it be done for such purposes only, without fraud or covin.

By 32 H. 8. 13. None shall put to feed upon Forests or Common Ground, any *Stoned Horse*, being above two years old, and not 15 Hands high from the lower part of the Hoof to the upper part of the Withers, (every Hand containing 4 Inches Standard Measure) in pain to forfeit the same Horse.

And it shall be lawful for any man to seize to his own use any *Stoned Horse* of lesser Stature, put to feed upon any such Common Ground, as aforesaid; so that first by the assistance of the Keeper of the Ground, or Constable, Bayliff, Headborough or other such Officer of the Parish adjoining, such *Horse* be brought to the next Pound, and there by the Officer, and in the presence of three other sufficient Men, be measured and found lower than the Stature.

Those that refuse to Measure, or to be present at Measuring of such *Horse*, shall forfeit 40 s. apiece for every such default,  
to

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to be divided betwixt the Kidg and the Profecutor.

But an *Horse* that makes an Escape into such a Common shall not be questioned; so that he stay not above Four days after Notice thereof given at the Owner's House, or in his Parish Church.

Upon the yearly Driving of Forests and Common Grounds, if any unlikely Fills be found, they shall be kill'd.

Justices of Peace in Sessions have power to hear and determine these Offences; but Stewards of Leets only to take Presentments of them, which they shall certifie in at the next General Sessions, or to the *Custos Rotulorum*, in pain of 40 s.

None shall put upon Common Grounds or Common Fields, any scabbed or infected *Horse*, in pain to forfeit 10 s. to the Lord of the Leet.

But this Statute shall not restrain keeping of *Horses* under the Statute upon Commons, where Mares are not usually kept.

But this Statute of 23 H. 8. 13. shall not restrain the keeping of *Stoned Horses* of a lower Stature in the Fen-Grounds of the Isle of *Ely*, and of the Counties of *Cambridge, Huntingdon, Northampton, Lincoln, Norfolk* or *Suffolk*; so that the *Horses* there kept be not under 13 Hands high, 8 Eliz. 8.

Neither

## concerning Tradesmen.

Neither shall it extend to the County of *Cornwal*, 21 Jac. 1. 28.

The Statute of 11 H. 7. 13. provides, That none shall convey any *Horse* out of this Realm without the Kings Licence, nor any *Mare* above the value of 6 s. 8 d. in pain of Forfeiture, betwixt the King and Seizure, &c. But not to prohibit any to Transport without Licence any *Horse* for his own use, he making Oath before the Customer or Searcher, That he intends not to sell him, &c.

But the Statute of 1 E. 6. 5. provides, That none shall convey, sell or deliver any *Horse* into *Scotland*, or any other Foreign Country (without the Kings Licence, or for his Service in the Wars) in pain to forfeit such *Horse* and 40 l. to be divided betwixt the King and the Profecutor: But *Mares* under the value of 10 s. may be conveyed.

The Wardens of the Marches and Justices of Peace in Sessions, have power to determine these Offences, and it shall be lawful for any of the Kings Subjects to arrest or imprison any Scotchman, or other, that shall convey any *Horse* contrary to this Act.

He that has the King's Licence, to convey *Horses* into *Scotland*, shall before he so convey him, shew his Licence to one of the Wardens of the *Marches* (that their Number may be Kalendred) in pain to forfeit

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his Horses or the double value of them, to be divided betwixt the King and the Prosecutor.

Note, The Stat. 8 Eliz. 3. lays a severe Penalty on such as shall transport Sheep; of which hereafter.

As concerning Market-men and Chapmen, Care ought to be taken lest they incur the Penalties provided against Fore-stallers, Reqrators and Ingrossers.

Forestaller, what.

By the Stat. 5 & 6 E. 6. 14. He or she that shall buy or contract for any Merchandize, Victual, or other thing whatsoever (in the Way,) before it shall be brought (by Land or by Water) unto any City, Port, Road, Fair or Market where it should be sold; or shall cause the same to be so bought; or shall dissuade People from bringing any such Commodity to any such place; (or being bought) shall perswade them to inhance the Price thereof, shall be adjudged a Fore-staller.

Reqrator, what.

A Reqrator is he that buys any Grain, Wine, Fish, Butter, Cheese, Candles, Tallow, Sheep, Lambs, Calves, Swine, Piggs, Geese, Capons, Hens, Chickens, Pigeons, Coneys, or other dead Victual whatsoever, brought to a Fair or Market to be sold there, and doth sell the same again in the same Fair or Market, or in some other Fair or Market within four Miles.

An

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An Ingrosser is he, that gets into his Hands by Buying, Contract or Promise, (other than by Demise, Grant or Lease of Land or Tythe) any Corn growing in the Fields, or other Grain, Butter, Cheese, Fish, or other dead Victual whatsoever, with intent to sell it again.

The party guilty of any of the Offences aforesaid, shall forfeit for the first Offence the value of the Goods so bought or had, and two Months Imprisonment without Bail.

For the second Offence, he forfeits the double Value, and six Months Imprisonment without Bail.

For the third, he shall forfeit all his Goods, be set upon the Pillory, and Imprisoned at the King's pleasure.

But this Act shall not restrain the buying of Barley or Oats, to be converted into Mault or Oatmeal, nor the provision of any Town Corporate, Ship, Castle, Fort, Berwick, Holy Island, &c. or any Fishmonger, Inn-holder, Victualer, Butcher, Poulterer, or People dwelling within one Mile of the Main Sea, which use to buy and sell Fish, for any thing concerning their several Mysteries or Tradings, they Retailing the same at reasonable Prices: Nor any Badger, Lader, Kidder or Car-ryer, assigned to that Office by three Ju-lices of the Peace, and delivering the Commodity out of his hand within one Month

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Month after he buys it; nor the taking of any thing reserved upon any Lease: So that all these things are done without fraud or Fore-stalling.

He that buyeth Grain in any Market for change of Seed, shall bring as much the same Day, and sell it, if he can, according to the present price of Grain there, in pain to forfeit double the value of the Grain so bought.

He that buys any Cattle, and sells the same again alive within five Weeks, shall forfeit the double value thereof; during which time he ought to keep them upon Pasture, which he hath either by Grant or Prescription.

Justices of Peace in Sessions have power to hear and determine the aforesaid Offences by Inquisition, Bill or Information, or by the Testimony of two Witnesses, and to exact the One half of the Forfeitures to the use of the King, and cause the other half to be levied to the use of the Prosecutor by *Fieri facias* or *Capias*, and when the Prosecution shall be at the King's Suit only, to exact the whole to the Kings use: But none shall be punished twice for the same Offence.

Also this Act shall not restrain the Transporter of Grain or Cattle from Port to Port (allowed by three Justices of the Peace, and not Fore-stalling) so that he Embark the same within 40 days after he buys

## concerning Tradesmen.

buys them, and bring back from some Justice of Peace, or Head Officer, a Certificate of his Unlading, agreeable to his Cocquet.

Neither shall this Act restrain a Drover, allowed by three Justices of the Peace, (one of the *Quorum*) and selling his Cattle at 40 Miles distance from the place where he bought them. Howbeit such Allowance ought not to continue above one year.

And the Offences against this Statute shall be prosecuted within two years.

*Note*, That by the Act 3 & 4 W. & M. cap. 8. It shall be lawful for any persons, Native or Foreign, at any time to Ship and Transport into any part of the World, in Amity with His Majesty, Beef, Pork or Hogs-flesh, Butter, Cheese or Candles, free from Custom or Imposition whatsoever.

By the Stat. 13 Elix. cap. 25. the said Stat. 5 & 6 Ed. 6. c. 14. shall not extend to Wines, Oyls, Sugars, Spices, Currans or other Foreign Victual brought from beyond Sea; (Fish and Salt only excepted.)

By the Stat. 23 E. 3. 6. All Butchers, Fishmongers, Regrators, Hostlers, Brewers, Bakers, Poulterers, and all other Sellers of Victuals, shall sell the same at reasonable prices, and for moderate gain, in pain (upon proof of the contrary before the Sheriff or the King's Bayliffs, or before

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the Constables of the place, by the Evidence of Two true Men) to forfeit the double value thereof to the party damnified, or (in default) to him that will Sue for the same: And all Mayors and Headboroughs of Corporations have like Power; and upon neglect of their Duty herein, shall forfeit the treble value thereof to the party Prosecutor, as aforesaid; and besides, shall incur a Fine to the King, to be imposed by the Justices, to be assigned by the King: But here regard is to be had to the Price in places adjoining, and Gains, as brought from more distant places.

By the Stat. 31 Ed. 3. 10. Every man that bringeth Victual to London, by Water or Land, may freely sell the same; and the Fishers, Butches and Poulterers that interrupt them, shall be punished by the Mayor and Aldermen of London, under whose Rule they are ordered to be.

And so are all Vintners, and Victuallers coming with their Victuals to London, by Stat. 7 R. 2. 11.

Also by 6 R. 2. 10. Aliens, being in Amity with the King and Realm, may bring in Victual, and sell the same in gross, or by Retail, without the Impeachment of any.

By the Stat. 13 R. 2. c. 8. Victuallers shall sell their Victuals at such reasonable Prices, as shall be set down by the Justices of Peace in two of the Scissions, to be holden betwixt

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betwixt Easter and Michaelmas in pain to be punished at the discretion of such Justices, where no pain is already limited in certain.

And here Sheriffs, Stewards, Mayors, Bayliffs, and all other which have power to keep Assize of Bread and Ale, shall take no Fine or Amercement for any default touching the Assize, for which the Offender ought to have Bodily punishment.

By Stat. 12 Ed. 2. c. 6. No person in any City or Borough, which by reason of his Office ought to keep the Assize of Wine and Victuals, as long as he shall be attendant upon his Office, shall buy or sell Wines or Victuals, in pain to forfeit the same to the King, whereof the Prosecutor shall have the third part of the King's gift.

And by 6 R. 2. Stat. 1. c. 9. No Victualler in London, or other City, Borough or Port of the Sea, shall execute any Judicial Office there; and in case any be chosen in the places aforesaid into such Office, he shall forbear to use Victualling during the time he exerciseth such Office, in pain to forfeit the Victuals sold.

And by Stat. 12 Ed. 4. c. 8. No person (other than Mayors, Bayliffs, Lords of Leer, or others in point of Charter) shall execute any Office of Searching or Surveying Wine, Ale, Beer, or any other Victual, or of the Correction of breaking the Assize thereof, in pain to forfeit 40 l. to be divided

ded betwixt the King and the Prosecutor ; And all Letters Patents for the King, granted for that purpose, shall be void.

By *Stat. 3 H. 8. 8.* When a Victualler (in a City or Corporation) is chosen to bear an Office, by reason whereof he ought also to have the Assizing of Victual during that time, two other (being no Victuallers) shall be joyned and sworn with him, truly to assess and set Prices and Assizes of Victual there, and they shall be sold accordingly ; but here the Officers in *London, York* and *Coventry* are excepted.

By the *Stat. 25 H. 8. 2.* The Prices of Victual in all places (except Corporations) shall be assessed by the Kings Counsellors, Justices of either Bench, and some other Great Officer, &c.

Provided, That Head Officers in Corporations and others, having Authority to prize Victual, may still assess the Prices thereof, as if this Statute had not been made.

The *Stat. 23 H. 6. 13.* appoints, That Justices of Peace shall, twice every year, cause all Statutes concerning Victuallers (before that time made) to be openly proclaimed in Sessions.

As

As to *Petty Chapmen* it is observed, That *Petty* by a late Statute made 8. & 9 *Wil. Regis,* *Chapmen.* it is Enacted, That from the 24<sup>th</sup> of *Pedlar.* *Hawker.* June 1697, to the 25<sup>th</sup> of June 1698, every *Hawker, Pedlar, Petty Chapman,* or any other Trading person or persons, going from Town to Town, or other mens Houses, and Travelling either on Foot or with Horse, Horses or otherwise, within the Kingdom of *England,* Dominion of *Wales,* or Town of *Berwick upon Tweed,* carrying to sell, or exposing to sale any Goods, Wares or Merchandizes, shall pay unto his Majesty Four pounds: And that every person so Travelling with a Horse, Ass or Mule, or other Beast, bearing or drawing Burthen, shall pay Four pounds for each Horse, Ass or Mule, or other Beast bearing or drawing Burthen, that he or she so Travel with, over and above the first Four pounds.

That every *Pedlar, Hawker, Petty Chapman,* and any other person or persons so Travelling as aforesaid, shall before the 24<sup>th</sup> of June 1697. give a Note in Writing unto the Commissioners for Transportation, &c. how or in what manner he or she will Travel or Trade, whether on Foot, or with Horse or Horses, &c. and shall thereupon pay one Moiety of the Duty, and give Bond with Surety for the other, to be paid at the end of Six Months; unless

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he or she will then pay it down, in which Case Two shillings in the Pound shall be allowed for prompt payment, and thereupon a Licence to Travel or Trade shall be granted to the party.

That if any such *Hawker, Pedlar or Petty Chapman*, from and after the said 24th of June be found Trading, as aforesaid, without or contrary to such Licence, such person shall for each and every such Offence forfeit Twelve pounds; one Moiety to the Informer, the other to the Poor of the Parish wherein such Offender shall be discovered.

That every person so Trading, who upon demand made by any Justice of the Peace, Mayor, Constable or other Officer of the Peace, of any Town Corporate or Borough where he or she shall so Trade, shall refuse to shew unto such Justice, &c. his or her Licence, shall forfeit Five pounds, to be paid to the Churchwardens of the Parish, for the use of the Poor of the Parish where such demand shall be made; and for non-payment shall suffer as a Common Vagrant, and be committed to the House of Correction.

Such as forge or counterfeit any such Licence, or Travel with such, for the purposes aforesaid, shall forfeit Fifty pounds; one Moiety to the King, the other to the Prosecutor, to be recovered in any of His Majesties Court of Record at *Westminster*,  
and

and shall be subject to such other pains and penalties as may be inflicted on persons for Forgery.

Such as are Sued for putting this Act in Execution, may plead the General Issue, *Not Guilty*, and give the Special Matter in Evidence; and if it go against the Plaintiff, the Defendant shall have treble Costs.

The Constable, Headborough, &c. that being required, refuses to be aiding in the Execution of this Act, being Convicted by the Oath of one or more credible Witnesses before any Justice of Peace for the County or place where such Offence shall be committed, shall forfeit for each Offence Forty shillings, to be levied by Warrant, by Distress and Sale; one Moiety to the Poor, the other to the Informer that shall prosecute for the same, rendering the Overplus to the Owner.

Any person may seize and detain any such *Hawker, &c.* or other such Trading person, as aforesaid, till he or she shall produce a Licence; and if none, then till Notice may be given to the Constable, &c. or some other Parish Officer, who are required to carry the person to some Justice of the Peace of the County or place, who is also required, upon the parties Confession or due proof by Oath, of his so Trading and no Licence now produced, to cause the said Twelve pounds, to be forthwith levied by distress and sale of the Offenders Goods,  
rendering

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tending the Overplus, after deduction of Charges; and out of the said Sale to pay the said respective Penalties and Forfeitures aforesaid.

This Act not to prohibit any person from Selling any Acts of Parliament, Proclamations, Gazets, Licensed Almanacks, or other printed Papers Licensed by Authority, or any Fish, Fruits or Victuals; nor to hinder any person or persons, who are the real workers or makers of any Goods or Wares, within the Kingdom of *England*, Dominion of *Wales* or Town of *Berwick upon Tweed*, or his, her or their Children, Apprentices, Servants or Agents, from carrying abroad, exposing to Sale and selling any of the said Goods or Wares of his or their own making, in any publick Mart, Fairs, Markets or elsewhere: Nor any Tinker, Cooper, Glazier, Plumber, Harness-menders, or other persons usually Trading in mending Kettles, Tubs, Household-goods or Harne's whatsoever, from going about and carrying with him or them proper Materials for mending the same.

Neither shall this Act be construed to extend to hinder any person or persons from Selling, or exposing to Sale any sorts of Goods or Merchandize in any publick Mart, Market or Fair, within the Kingdom of *England*, Dominion of *Wales* and Town of *Berwick upon Tweed*; but that such person and persons may do therein, as they lawfully

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lawfully might have done before the making of this Act.

Neither shall this Act extend to give any power for the Licensing any *Hawker*, *Pedlar* or *Petty Chapman*, to sell or expose to sale any Wares or Merchandizes in any City, Borough, Town Corporate, or Market Town within this Realm, any otherwise than might have been done before the making of this Act.

*Fishers, Fowlers, &c.*

By 31 *Ed. 3. Stat. 2. 2.* No *Piker* shall buy any fresh Herring in *Yarmouth Haven*, between the Feasts of *St. Michael* and *St. Martin*, in pain of Imprisonment at the King's Will, and to forfeit the Herring so bought.

No *Piker* of *London*, or of any other place, shall enter into the Haven there to abate the Fair, in pain to forfeit the Vessel and all the Goods thereof.

By 31 *E. 3. Stat. 3. 1.* Doggers and Land Ships of *Blackney Haven*, and the Coasts thereabouts, shall discharge their Fish in the Haven, and not elsewhere, in pain of Imprisonment at the King's Will, and to forfeit their Fish, and it shall be sold on Ship-board.

By 22 *Ed. 4. 2.* None shall sell, or set to sale any *Salmon* by Vessel before it be viewed, unless the But contain 84 Gallons, and

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and the half Barrel 42 Gallons, and the quarter Barrel 21 Gallons, well pack'd, *viz.* the Great Salmon by it self, without mingling any Grills or broken-bellied Salmon therewith; and the small Fish, called Grills, shall be packed by themselves without such mingling, in pain to forfeit for every Vessel otherwise pack'd and set to sale 6 s. 8 d.

None shall set any Herring to sale in Vessel, unless the Barrel contain 32 Gallons, and the half Barrel and Firkin accordingly. They shall also be well packt, of one times packing and salting, and as good and as well packt in the midst as at the ends, in pain to forfeit for every Vessel, wanting Measure 3 s. 4 d. and as much for not being packt by this Act.

None shall set to sale any Eels by Vessel, unless the Barrel contain 42 Gallons, and the other lesser Measures accordingly; neither shall any mingle red, gall-beaten, starved or pull'd Eels with good Eels, but pack the good Eels by themselves; nor put to Sale any red Eels at all, in pain to forfeit for every Vessel wanting Measure 10 s. and as much for every Vessel mixt, packt or set to sale contrary to this Act.

None shall set to Sale any Barrel'd Fish, unless it be well packt, *viz.* the Great Fish (called Tail Fish, containing in length, from the Bone in the Fin to the third Joynt in the Tail, 26 Inches) by themselves, and

## concerning Tradesmen.

and the Lesser Fish (called Grills) by themselves, without mixing Thukes or broken-bellied Fish therewith; neither shall the said Fish be laid double in the packing, nor the Napes thereof longer than the little Bone that resteth upon the great Fin; and the Bone shall be taken away to the Navel of every such Fish, which shall also be splatted within a handful of the Tail, in pain to forfeit for every Barrel of Fish otherwise ordered 3 s. 4 d.

The Forfeitures of this Act shall be divided betwixt the King and the Prosecutor; howbeit, within a Franchise, the Lord of a Liberty shall have the Kings part:

None shall take any *Salmons* between <sup>13 R. 2. 19.</sup> the 8th of September and the 11th of November, in any Rivers or Waters, or shall take young *Salmons* at any Mill-Pool, or any other place, between the midst of April and Midsummer: Or at any time cast into any Waters any Nets, by which the Fry of any Fish may be taken or destroyed, on penalty for the first Offence to have his Nets or Engin burn'd, for the second be Imprisoned three Months, and for the third a whole year.

Whosoever shall with any Net or other means whatsoever, take and kill any Young brood, Spawn or Fry of any Fish in any Flood-gate, Pipe or Tail of any Mill, Wear, Stream, or River, Salt or fresh Water; or shall take there any *Salmons* or *Trouts* out

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1. El. 17.

out of Season; (that is,) being Keepers or Shedders; or shall take or kill any Pickerel under 10 Inches, or Trout under 8 Inches, or Salmon under 16 Inches, or Barbel under 12 Inches Fish in length; or shall fish in any of the said places with any Net, but such whereof every Mesh shall be two Inches and an half broad, shall forfeit for every Offence 20 s. the Fish and Nets: But here Angling and the taking of Smelts, Gudgeons, Eels, &c. in places only where they have been usually taken, is excepted.

Yet this Statute of 1 Eliz. 27. doth not extend to any River where the King hath any yearly Rent or Profit.

3 Eliz. 21.

Whosoever shall unlawfully break, cut down or destroy the Head or Dam of any Pond, Stew or several Pit, wherein Fishes are put by the Owner thereof; or shall wrongfully fish in any of the same, to the intent to take away the same against the Owner's Will, shall pay to the party grieved treble Damages, suffer three Months Imprisonment, and then to be bound to the Good Behaviour with Sureties for Seven years; and the party grieved may take his further Remedy for his Loss and Damages, and may release his Suretyship of good abearing at any time within the Seven years.

By

concerning Tradesmen.

By Stat. 3 Jac. 1. c. 12. None shall erect a Fry of Wear or Wears along the Sea-shoar, or in any Haven or Creek, or within 5 Miles of the Mouth of any Haven or Creek, or shall willingly destroy the Spawn or Fry of Fish, in pain of 10 l. to be divided betwixt the King and the Prosecutor; neither shall any Fish, in any of the said places, with any Net of a less Mesh than three Inches and an half betwixt Knot and Knot (except for the taking Smoulds in Norfolk only) or with a Canvas Net or other Engin, whereby the Spawn or Fry of Fish may be destroyed, in pain to forfeit the said Net or Engin and 10 s. in Mony, to be divided betwixt the Poor of the Parish and the Prosecutor, and to be levied in Corporations by the Head-Officers, and in other places by distress and sale of Goods upon a Warrant of a Justice of Peace, directed unto the Constables and Churchwardens of the same Parish for that purpose.

Drift-Nets

By Stat. 13 & 14 Car. 2. cap. 28. None &c. from the first of June to the last of November, in any year, shall take Fish with any Drift-Net, Trammel or Stream Net or Nets, or other Nets of that sort, within one League and an half of the Shoar of Cornwall or Devon, on pain to forfeit the Nets, or the value of them, and be one Month Imprisoned.

If any, not being Owners, Partners or Adventurers in the Craft of Fishing, make Pil-

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*Pilchards* or *Fumatboes* in Cask, to be sold or transported, except they buy them of the respective Owners, or with their leave, they shall forfeit them or their value; one half to the King, the other to the Informer.

*Pilchards.*

Purloyners, Imbezellers (&c.) of *Pilchard-fish*, shall satisfy treble the value and be sent to the House of Correction for three Months; and suspicious persons flocking together about the Boats, Nets and Cellars belonging to the *Pilchard* Craft, upon the Coast of *Cornwal* and *Devon*, being warned to be gone, and refusing, upon Complaint to any Justice of Peace, shall pay 5 s. to the Poor of the Parish, or be set in the Stocks five Hours,

*Packers of Fish.*

By Stat. 15 Car. 2. cap. 16. No *Herring* of *English* catching shall be put to Sale, but what shall be packed in lawful Vessels, and well laid and packed, and shall be of one time taking, salting or drying, and equally packed in every part of the Vessel, and by a sworn Packer; by whom the Vessel shall be marked with a Mark denoting the gauge thereof and the quantity and quality of *Herrings*, and the place where packed.

The Bayliffs of *Great Yarmouth*, and the Head Officers of every Port, &c. where any Vessels go to fish for *Herring*, before the first of *July* in every year, shall appoint Packers, and give them an Oath for well executing their Office, on pain to forfeit

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forfeit 100 l. half to the King, and half to the Prosecutor.

No Vessel shall proceed upon a Fishing Voyage from *Iseland* or *Westmony*, out of any Port, &c. till the 10th of *March* in any year, on pain to forfeit such Ships and Fish caught.

Fishing in Newfoundland, &c.

No person shall levy or take in *Newfoundland* any Duty for any fish of *English* catching, on pain to forfeit double the value of what he takes.

None shall lay Nets in or near *Newfoundland*, to take the Spawn or Fry of the *Poor-John*, or for any other use, except for taking Bait, on pain to lose such Nets and Fish taken, or the value; to be recovered in any of the Kings Courts in *Newfoundland*, or Courts of Record in *England*.

None shall destroy or steal any Utensils for fishing or making Oyl, or other Goods left in any Harbour in *Newfoundland* or *Greenland* by *English*; or destroy any House built there by *English*, to live in during the Fishing-season, or stay for ordering of Fish or making Oyl, on pain to lose double the value, to be recovered in any of the Courts aforesaid.

By Stat. 22 & 23 Car. 2. cap. 25. If any persons shall take any Fish by any device whatsoever, in any several Water or River, or shall be assisting thereunto, without consent of the Owner of the said Water, and be

Fishing in several Water.



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be thereof, or of any other Offence mentioned in this Act, Convict, by Confession or Oath of one Witness, within a Month after the Offence committed, before any Justice of Peace of the County or place; every such Offender, in stealing, taking or killing Fish, shall give such recompence, and within such time as the Justice shall appoint, not exceeding treble Damages; and pay down presently, to the Overseers for the Poor of the Parish where the Offence is committed, such Sum as the Justice shall seem meet, not exceeding 10*s*. In default of payment, the same to be levied by distress and sale of Goods by Warrant of such Justice; and for want of a Distress the Offender to be Committed, not exceeding a Month, unless he enter into Bond, with one or more Sureties to the party injured, not exceeding 10*l*. never to offend in like manner.

The Justice before whom such Offenders shall be Convict, may destroy all the Engins wherewith he may be apprehended or taken.

Persons aggrieved by any Judgment by virtue of this Act, may appeal to the next Quarter-Sessions, whose Order shall be final, if no Title to any Land, Royalty or Fishery be therein concerned.

This Act shall not abridge any Royalty or Prerogative Royal of the King; nor any part of the Forest Laws of this Realm.

By

## concerning Tradesmen.

By Stat. 30 Car.2. cap.9. If any person shall in the River of *Severn*, fish or make use of any Engin or Device, whereby any *Salmon, Trout or Barbel*, under the length appointed by the Statute of 1 *Eliz.* shall be taken or killed, or shall fish with any Net for *Salmon, Salmon-mart, Salmon-peal, Pike, Carp, Trout, Barbel, Chub or Grayling*, the Mesh whereof shall be under two Inches and an half square from Knot to Knot, or above twenty Yards in length and two Yards in breadth, or above fifty Yards in length and six Yards in breadth in the Wing of the Net in the said River, from *Ripple-Lockstake to Gloucester-Bridge*; or above sixty Yards in length below *Gloucester-Bridge*, and six Yards in breadth in the Wing of the Net; or shall fish with more than one of those Nets at once, or shall use any Device for taking the Fry of the *Eels*: He shall forfeit 5*l*. for every Offence, and the Fish so taken and the Instruments wherewith, &c. and 5*l*. for every time he or they shall water any Hemp or Flax in the said River.

If any, between the first of *March* and last of *May*, shall do any act whereby the Spawn of Fish shall be destroyed, they forfeit 40*s*. for every Offence, and the Instrument employed for the said purpose.

The

**A View of the Penal Laws**

The Justices of Peace of the Counties of Worcester, Salop and Gloucester, shall be Conservators of the said River in their respective Counties, and make one or more Under-Conservators in their respective Limits, to whom, or to any Constable, Tythingman or Headborough, upon their own knowledge or information of any such Offence, they shall issue Warrants under the Hands and Seals of any two of them, to search in all suspected Houses, &c. for such unlawful Instruments, and seize them, and bring them to the Quarter Sessions to be destroyed.

None shall be punished for the said Offences, but by Information or Indictment before the Justice of Assize, and *Nisi prius*, Oyer and Terminer, and Gaol-delivery, or the General Sessions of the Peace; the Moiety of the Forfeitures shall be to the use of the Poor of the Parish where the Offence shall be committed; the other to the Prosecutor, to be levied by *Fieri facias* or *Capias ad satisfaciendum*.

The Jurisdiction of the Lords of Leets or Franchises saved, and all Rights, Titles, &c. of the King and others in the said River.

By the Stat. 4 & 5 W. & M. cap. 23. it is Enacted, That all Laws in force for the preservation of the Game in this Kingdom, not thereby altered, shall be duly put in Execution.

And

**concerning Tradesmen.**

And that no person whatsoever should, after the 25th of March, 1693. keep any Net, Angle, Leap, Pitch or other Engin for taking Fish (other than the Makers and Sellers thereof, for their better Convenience in the sale thereof, and other than the Owner or Occupier of a River or Fishery;) and Owners and Occupiers of Rivers and Fisheries, and such as they shall authorize, may seize and keep to their own use any such Engin, which shall be found used by or in the possession of any person whatsoever; fishing in any River or Fishery without the consent of the Owner or Occupier; and also any person whatsoever, authorized by Warrant under the Hand and Seal of a Justice of Peace, may search the Houses and other places of Persons prohibited and suspected to have in their custody any such Engins, and the same to seize and keep to their own use, or to destroy.

Fishing with Angle, Net, &c.

without Consent.

and keeping unlawful Engins.

But this Act not to extend to abridge Fishermen, or their Apprentices, lawfully authorized to fish in Navigable Rivers or Waters with lawful Nets and Engins.

That if any inferiour Tradesman, Apprentice or other dissolute Person, shall hunt, hawk, fish or fowl (unless in Company of the Master of such Apprentice qualified by Law) they shall be subject to the Penalties of this Act, and may be sued for Trespass in coming upon any persons Ground,

Tradesman or Apprentice fishing.

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Ground, in which Suit the Plaintiff shall recover his damage and full Costs.

Fowlers.

Heathcocks preserved.

That for the better preserving the red and black Game of *Growse*, commonly called *Heath-Cocks*, or *Heath-Colts*, no person whatsoever on any Mountains, Hills, Heaths, Moors, Forests, Chases or other Wafts, shall burn betwixt the 2d day of February and the 24th day of June, any Grig, Ling, Heath, Furze, Gors or Fern, on pain of being Committed to the House of Correction for any time not exceeding a Month, nor under 10 days, there to be whipt and kept to hard Labour.

And that no *Certiorari* shall be allowed to remove any Conviction or other Proceedings, concerning any matter in this Act, unless the parties against whom such Conviction shall be, shall before the allowance thereof, become bound to the Prosecutor in the Sum of 50 l. with Sureties so approved of by the Justice or Justices of the Peace before whom such Offender was Convicted, to pay to the Prosecutor, within a Month after such Conviction confirmed, or *Procedendo* granted, their full Cost and Charges, to be ascertained upon Oath.

Offenders

concerning Tradesmen.

Offenders punished by force of this Act, shall not incur the penalty of any other Law for the same Offence.

Persons prosecuted for pursuing this Act, may plead the General Issue, give the Special Matter in Evidence, and recover treble Costs.

By the Stat. 34 R. 2. 22. If any do take away or conceal a *Hawk*, he shall answer the value thereof to the Owner, and suffer two years Imprisonment, and in case he be not able to answer the value, he shall remain in Prison a longer time.

By the Stat. 37 Ed. 3. 19. He that steals *Hawks* and carries away an *Hawk*, not observing the Ordinance of 34 Ed. 3. 22. shall be deemed a Felon.

The last Act says, That every person which findeth a *Faulcon*, *Tercelet*, *Laner* or *Laneret* or other *Hawk*, that is lost of their Lord, that presently he bring the same to the Sheriff of the County, and that the Sheriff make Proclamation in all the good Towns in the County, that he hath such a *Hawk* in his Custody, and if the Lord which lost the same, or any of his People come to challenge it, and prove reasonably that the same is his Lords, let him pay for the Costs and have the *Hawk*.

And if none comes within 4 Months to challenge it, that then the Sheriff have the *Hawk*, making gree to him that did take him.

G

A View of the Penal Laws

him, if he be a simple Man, and if he be a Gentleman and of good Estate to have the Hawk, that then the Sheriff redeliver to him the Hawk, taking of him reasonable Costs for the time he had him in his Custody.

And if any Man taketh such Hawk, and the same conceal from the Lord whose it was, or from his Faulconers, or whosoever taketh him from the Lord, and thereof be attainted, he shall have Imprisonment of two years, and yield to the Lord the price of the Hawk so concealed and carried away, if he have whereof, and if not, he shall the longer abide in Prison.

Hérons.

Also by the Stat. 19 H. 7. 11. None shall take an old Heron without his own Ground in pain of 6 s. 8 d. nor a young Heron in pain of 16. s. for which Forfeitures every Man that will may Sue by Action of Debt or otherwise.

Swans.

By the Stat. 22 Ed. 4. 6. None (but the Kings Sons) shall have any mark or game of Swans of his own, or to his use, except he have Lands and Tenements of Freehold, worth five marks per annum, besides reprises, in pain to have them seized, by any having Lands of that value, to be divided betwixt the King and the Seisor.

Fesants, Partridges, &c.

By the Stat. 11 H. 7. 17. None shall take Fesants or Partridges with Engins, in anothers Ground without License, in pain of 10 l. to be divided betwixt the Owner

concerning Tradesmen.

Owner of the Ground and the Prosecutor.

None shall take out of the Nest any Eggs of Faulcon, Goshawk, Lanner or Swan, in pain of a year and a days Imprisonment, and to incur a Fine at the Kings pleasure, to be divided betwixt the King and the Owner of the Ground where the Eggs shall be so taken.

Eggs of Hawk and Faulcon.

None shall bear any Hawk of English breed called an Eyes, Goshawk, Tassel, Lanner, Lanneret or Faulcon, in pain to forfeit the same to the King.

He that brings a Eyes Hawk from beyond the Sea, shall have a Certificate under the Customers Seal where he Lands, or if out of Scotland, then under the Seal of the Lord Warden or his Lieutenant, testifying that he is a Foreign Hawk, upon the like pain of forfeiting the Hawk.

Eyes.

None shall take, kill or fright away any of the Hawks abovesaid, from the Coverts where they use to Breed, in pain of 10 l. to be recovered before Justices of Peace, and divided betwixt the King and the Prosecutor.

Stat. 23 Eliz. 10. None shall kill, or take any Fesants or Pantridges, with any Net or Engin in the Night-time, in pain to forfeit for every Fesant 20 s. and for every Partridge 10 s. which if the Offender pay not within 10 days, he shall suffer one Month Imprisonment without Bail, and enter into Bond (for two years only) with

Fesants.

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good Sureties before some Justice of Peace; not to offend in the like kind; the Forfeiture aforesaid shall be recovered in any Court of Record, and divided betwixt the Lord of the Liberty or Manor where the Offence is committed, and the Prosecutpr.: But in case the Lord shall dispense with the Offender, the Poor of the Parish are to have his Moiety, to be recovered by any of the Church-wardens.

Hunting in standing Grain. None shall Hawk or Hunt with his Spaniels in standing Grain, or before it is shocked (except in his own Ground, or with the Owners consent,) in pain to forfeit 40 s. to the Owner of the same Ground, to be recovered as aforesaid.

Justices of Assize, Justices of Peace in Sessions, and (alterwards) Stewards in Leet have power to hear and determin these Offences, and one Justice of Peace may examin such an Offender, and bind him over with good Sureties to answer it at the next General Sessions, if the offence be not before determined at the Assizes or in a Leet.

Fowlers. This Act shall not restrain Fowlers, which unwillingly take Fesant or Partridges, and forthwith let them go at large.

Fesants. By the Stat. 1 Jac. 1. 27. Every person convicted by his own confession, or by two Witnesses upon Oath, before two or more Justices of Peace, to have killed or taken any Fesant, Partridge, Pigeon, Duck, Heron,

concerning Cradsmen.

Heron, Hare or other Game, or to have taken or destroyed the Eggs of any Fesant, Fesants Partridge or Swan, shall by the said Justice Game be committed to Prison without Bail, Eggs, &c. unless he immediately pay to the use of the Poor where the offence was committed or he apprehended 20 s. for every Fowl, Hare or Egg so killed, taken or destroyed; and after one Months commitment, shall before two or more Justices of Peace be bound with two sufficient Sureties in 20 l. apiece, with Condition never to offend in the like kind again.

Every person convicted as abovesaid to Dogs, Nets keep a Greyhound, Dog or Net, to kill or and Eutake Deer, Hare, Fesant or Partridge, (un- gins to less he have Inheritance of 10 l. per annum, kill Game. a Lease for Life of 30 l. per annum, or to be worth 200 l. in Goods: Or otherwise, be the Son of a Baron or Knight, or Heir apparent of an Esquire) shall suffer Imprisonment as aforesaid, unless he pay 40 s. to the use abovesaid.

None shall sell or buy to sell again, any Deer, Hare, Fesant or Partridge, (except Deer, Hare, Fesant or Partridge by them reared up, or Fesant, &c. brought from beyond Sea) in pain to forfeit for every Deer 40 s. Hare 10 s. Fesant 20 s. and Partridge 10 s. to be divided betwixt the Prosecutor and the Poor of the Parish, where the offence is committed.

Justices of Assize, Justices of Peace in Sessions, and two or more Justices of Peace out of Sessions, have power to hear and determine these Offences.

None shall by any former Law suffer Punishment for the same Offences, for which he shall be punished by this Law.

This Act shall not restrain one licensed in open Sessions, to kill Hawks meat, but then he shall there become bound by Recognizance in 20 *l.* not to kill any of the Games prohibited by this Law, nor to Shoot within 600 paces of an *Hearny*, within 100 paces of a *Pigon-house*, or in a *Park, Forest* or *Chase*, whereof his Master is not Owner or Keeper; and the Clerk of the Peace his Fee for such License is 12 *d.*

*Stat. 7 Jac. I. 11.* Every person convicted by his own Confession, or by two Witnesses upon Oath, before two or more Justices of Peace to have hawked at, or destroyed any *Fesant* or *Partridge* betwixt the first of *July*, and the last of *August*, shall suffer one Months Imprisonment without Bail, unless he forthwith pay to the use of the Poor, where the Offence was committed or he apprehended 40 *s.* for every time of Hawking, and 20 *s.* for every *Fesant* or *Partridge* so destroyed or taken. He that shall be punished by this Law, shall not be punished again by any other Law for the same Offence.

This

This Offence shall be prosecuted within six Months after it shall be committed.

It shall be lawful for the Lord of a Manor, or any having free *Warren*, Inheritance of 40 *l. per annum*, Freehold of 80 *l. per annum*, or Goods worth 400 *l.* or their Servants (licensed by them) to take *Fesants* or *Partridges* within their own Grounds or Precinct, so they do it in the day time, and only betwixt *Michaelmas* and *Christmas*.

If any of a mean condition shall be convicted by his own Confession, or by one Witness upon Oath, before two or more Justices of Peace, to have killed or taken any *Partridge* or *Fesant* with Dogs, Nets or Engins, he shall by the said Justices be committed to Prison without Bail, unless he forthwith pay to the use of the Poor where the Offence was committed 20 *s.* for every *Fesant* or *Partridge* so killed or taken, and also become bound before two or more Justices of Peace, in a Recognizance of 20 *l.* never to offend in the like kind again.

Every Constable or Headborough (upon a Warrant under the hand of two or more Justices of Peace) hath power to search the Houses of persons suspected to have setting Dogs or Nets, for the taking of *Fesants* or *Partridges*, and the Dogs and Nets there found, to kill or cut in pieces at pleasure, as things forfeited unto the said Officers.

## Hunters, &amp;c.

By the Stat. 13 R. 2. 13. No Lay-man who hath not Land of 40 s. per annum, nor Clark, who hath not 10 l. Revenue per annum, shall have or keep any Grey-hounds, Hound, Dog, Ferret, Net or Engin, to destroy Deer, Hare, Conies, or any other Gentlemans Game, in pain of one whole years Imprisonment; which Justices of Peace shall have power to inflict.

By Stat. 19 H. 7. 11. None shall keep any Deer-hays or Buck-stalls, save in his own Forest or Park, in pain to forfeit for every Month they are so kept 40 s. neither shall any stalk with any Bush, or Beast to any Deer, except in his own Forest or Park in pain of 10 l.

Any two Justices of Peace in Sessions, may examin the Offenders aforesaid, and commit them to Prison, till they have satisfied the said Forfeitures, whereof the said Justices are to have the tenth part.

By Stat. 14, 15 H. 8. 10. None shall trace, destroy or kill any Hare in the Snow; and Justices of Peace in Sessions, and Stewards in Leets, have power to enquire of such Offenders, and shall Assess upon every such Offender 6 s. 8 d. which penalty assessed in Sessions shall go to the King, but in a Leet to the Lord thereof.

By

## concerning Tradesmen,

By Stat. 3 Jac. 1. 13. None shall without (the Owners Licence) kill or chace any Deer or Conies, in any Park or inclosed Grounds, in pain to forfeit three Months Imprisonment, to pay treble Damages to the party grieved, to be assessed by the Justices before whom he shall be convicted, after the said three Months expired, and to be bound with two good Sureties to the Good-behavior for seven years, or to remain still in Prison, till he find such Sureties. But here the party grieved (being satisfied) hath liberty to release the Behaviour.

Justices of Oyer and Terminer, Assize and Peace in Sessions, have power to hear and determin these Offences, and Justices of Peace in Sessions (upon confession and satisfaction to the party grieved,) have power to release the Behaviour.

If any person not having 40 l. per annum in Land, or 200 l. in Goods, or some inclosed Grounds used for Deer or Conies, worth 40 s. per annum at least, shall use any Gun, Bow or Cross-bow, to kill any Deer or Conies, or shall keep any Buck-stall, Ferret, Dog, Net, or other Engin, it shall be lawful for any person (having Lands worth 100 l. per annum) to take such Gun, &c. from any such person and to convert the same to his own use.

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This

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This Act shall not extend to any Park, or inclosed Ground hereafter to be made or used for Deer or Conies without the Kings License.

By Stat. 7 Jac. 1. 13. It shall be in the election of the party grieved, whether he will take for satisfaction 10 l. in Mony, or treble damages as by the Statute of 3 Jac. 13. is limited.

Deer.

By Stat. 13 Car. 2. cap. 10. They that Course, Kill, Hunt or take away Red or Fallow Deer, in any Ground where Deer are kept, without consent of the Owner or person chiefly entrusted therewith, or are aiding therein, on conviction by confession, or Oath of one Witness, before one Justice of Peace, being prosecuted within six Months after the Offence done; shall forfeit 20 l. to be levied by distress, by Warrant under the said Justices hand, one Moiety whereof to the Informer, the other to the Owner of the Deer, and for want of such Distress, shall be committed to the House of Correction six Months, or the Common Gaol for a year, and not to be discharged till Security given for their Good behaviour, one year after their enlargement.

None punished by virtue of this Act, shall incur the penalty of any other Law for the same Offence.

By

concerning Tradelmen

By Stat. 22 & 23 Car. 2. cap. 25. Lords of Manors or other Royalties, not under the degree of an Esquire, may in Writing under their Hands and Seals, Authorize one or more Game-keepers, who may seise all Guns, Bows, Greyhounds, Setting-dogs, Lurchers, or other Dogs to kill Hares or Conies, Ferrets, Tramelts, Lowbels, Hays or other Nets, Hare-pipes, Snares or other Engins, for taking Hares or Conies, or other Game used with in such Manors, by persons prohibited by this Act to use the same; such Game-keepers and others, by Warrant from a Justice of Peace may search the Houses of such persons so prohibited, as shall be suspected to keep such Guns, Bows, &c. and seise them for the use of the Lord of the Manor, or otherwise destroy them.

Persons not having Lands, or some other Estate of Inheritance in their own, or in their Wives Right of 100 l. per annum, or for Life, or Lease for Ninety-nine years, of 150 l. per annum, other than the Son and Heir of an Esquire, or other person of higher degree; and Owners and Keepers of Parks, Forests, Chases or Warrens stocked with Deer or Conies, in respect of the said Forests, &c. are declared to be persons not allowed to keep Guns, Bows, &c.

If



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Conies.

If any Man shall enter wrongfully into ground kept for Conies tho' not inclosed, and chase, take or kill any against the Owner's will, and be thereof convicted in manner following, they shall render treble Damages and Costs, and be Imprisoned three Months, and till they find Sureties for their good abearing.

Persons that kill or take away in the night time Conies, upon the borders of Warrens, or on other Grounds used for keeping Conies, except Owners, &c. shall make such recompence, and within such time as shall be appointed by the Justice of Peace, before whom they shall be convicted, and pay to the Overseers for the Poor of the Parish where the Offence shall be committed, such Sum as the said Justice shall think fit, not exceeding 10 s. in default whereof they shall be committed to the House of Correction, for any time not exceeding a Month; and they that use Snares, Haer-pipes and other Engins, shall be liable to the same penalties.

Deer.

By Stat. 3 & 4 W. & M. cap. 10. it is enacted, That if any persons shall unlawfully course, hunt, take in Toyls, kill, wound or take away any red or fallow Deer in any Forest, Chase, Purlieu, Paddock, Wood, Park or other Ground inclosed, where Deer are or shall be usually kept, without the consent of the Owner

or

## concerning Tradesmen.

or person entrusted with the custody thereof, or be aiding therein, and shall be Convicted by Confession or the Oath of one Witness, before a Justice of the Peace of the County where the Offence shall be committed, or the party apprehended, within a Twelvemonth after the Offence done, they shall forfeit for every such Offence 20 l. and for every Deer wounded, taken or killed, 30 l. to be levied by distress and sale of Goods, by Warrant from the Justice before whom the Conviction shall be made; the one part to the Informer, the other part to the Poor of the Parish where the Offence shall be committed, and the other Third to the Owner of the Deer; and for want of Distress they shall be imprisoned a year, and set in the Pillory an Hour on some Market-day in the Town next adjoining to the place where the Offence was committed, by the Chief Officer of such Market Town, or his Under Officers.

Constables, Headboroughs and Tythingmen, by a Justices Warrant, may enter and search, as for stolen Goods, the Houses or other places of Suspected persons; and if any Venison, or Skins of Deer, or Toyls be found, shall carry such Offender before a Justice of Peace, and if he do not give a good account how he came by them, and in some convenient time produce the party of whom he bought them, or prove such

Sale

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Sale upon Oath, he shall be Convicted of such Offence, and be subject to the penalties hereby inflicted for killing a Deer.

The Constable, or other Officer or Persons prosecuting, may detain such Offenders in Custody, if they do not presently pay the Moneys due by Conviction till a Return may be made of the Warrant for Distress, such Detainer not exceeding two days.

Owners of any such Deer, or any acting under them, may resist such Offenders, and be indemnified, as if such Fact had been committed in an ancient Chase or Park.

No Certiorari to be allowed, unless upon Surety, to pay 50 l. as by the Statute of 4 & 5 W. & M. cap. 23. is before observed.

Also, if any person shall in the Night time pull down or destroy, or cause to be pull'd down or destroyed, the Pails or Walls of any Park, Forest, &c. or other Ground inclosed, where red or fallow Deer shall be kept; such persons being Convicted by the Oath of one Witness before a Justice of Peace, shall by such Justices Warrant suffer Imprisonment for three Months.

No Offender punished by virtue of this Act, to incur the penalty of any other Law for the same Offence.

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By the said Stat. 4 & 5 W. & M. c. 23. for the better preservation of the Game, Constables, &c. may Search as before, by 3 & 4 W. & M. cap. 10. the Houses of any persons not qualified; and in case any Game shall be found, the Offender shall be carried before a Justice to purge himself, as in the said last Act, and upon Conviction, forfeit for every Hare, Partridge, &c. or other Game, any Sum not under 5 s. and not exceeding 20 s. one Moiety to the Informer, and the other to the Poor of the Parish where the Offence was committed, to be levied by distress and sale of his Goods, rendring the Overplus; and for want of a Distress, shall be Committed to the House of Correction for any time not exceeding a Month, nor less than Ten days, there to be whipt and kept to labour: And if any person, not qualified by Law, do keep or use any Bows, Greyhounds, Setting-Dogs, Ferrets, Coney-Dogs, Hays, Lurchers, Nets, Tunnels, Low-bells, Hare-pipes, Snares or other Instruments for destruction of Game, and shall be Convicted as aforesaid; and if any person so charged, shall not before the said Justice, give such evidence of his Innocence, as aforesaid, he shall be Convicted thereof in like manner as the person first charged is directed to be, and so from person to person, till the first Offender be discovered.

Lords

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Lords of Manors and other Royalties, or any authorized by them, may oppose and resist such Offenders in the Night time within their respective Manors and Royalties, as if such Fact had been committed in any ancient Chase, Park or Warren, inclosed.

**Gaugers.**

By 15 Car. 2. cap. 11. Gaugers of the Excise shall Weekly, after the Brewer hath or ought to have made his Entry, deliver at his House a Copy of such Return as they have made thereof to the Commissioners, on pain to forfeit 40 s.

No Brewer shall be prosecuted for any Misentry or short Entry, if within a Week after delivery of such Copy he certifie his Entry according to the said Return, or otherwise discharge himself.

No Brewer, or other, shall bribe any Gauger or other Officer, nor they take any Bribe, on pain to forfeit 10 l. which Offences shall be proved by two Witnesses, before two Justices of Peace, or Chief Magistrate of the place where committed; the Penalties to be levied by distress and sale of Goods, by Warrant under their Hands and Seals; and for want of such Distress, the Offenders to be Committed three Months.

By

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By 1 W. & M. Sess. 1. cap. 24. True Notes in Writing of the last Gauges taken shall be left by the Gaugers, with all Brewers, &c. containing the quantity and quality of the Liquors gauged, on pain to forfeit 40 s. for every neglect.

By 2 W. & M. Sess. 2. cap. 9. If any Gauger, or other Officer of the Excise, shall wittingly make a false Charge by returning any quantity of Low-Wines, not made from Maulted-Corn, he shall lose his Employment, and pay for every Gallon so falsely charged 10 s.

By 7 & 8 W. 3. cap. 30. Every Gauger shall within three days after the end of every Week, leave with the Brewer, whose Liquors he hath gauged, or some of his Servants, a true Copy under his hand of each respective Charge by him made upon such Brewer in such Week; or if any Gauger shall refuse or neglect so to do, or shall charge such Brewer more than such Copy contains, such Gauger shall forfeit for every Offence 10 l. to be recovered by any person who shall Sue for the same in any of the King's Courts at Westminster, wherein no Essoign, &c. or more than one Imparlance to be allowed.

Also, No Gauger, who shall leave such Copy of his Charges above-directed, shall from henceforth be liable to the Penalties by the Act of 5 & 6 W. & M. cap. 14. imposed for not leaving such Notes at the time of Gauging.

Also

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Also, Notes in Writing of every Gauge, containing the Inches and Tenths of the Backs, and want of the Tuns, and quality of the said Liquors shall be left by the Gaugers with all Common Brewers (if demanded) at the time of taking the Gauges, on pain to forfeit 40 s. with costs of Suit.

Gaugers of Fish, &c. By 11 H. 7. 22. The Statute of the 22 E. 4. 2. is confirmed, and the Gauger, Searcher and Packers appointed, (viz.) for Gauging of every Vessel of Fish a Farthing, for Searching and Packing (if need be) of a Barrel of Salmon 1 d. for boning, napping and packing a Barrel of Herring 2 d. and as much for Eels, and so ratable for lesser Measures of Herring and Eels.

The Gauger, Searcher or Packer, shall take no more, and that only when they execute their Office, in pain to forfeit their Office, and to suffer 40 days Imprisonment without Bail.

Glass-makers, Potters, Pipe-makers, &c.

Glass-Wares. By Stat. 6 & 7 W. 3. cap. 18. for laying Duties upon Glass-wares, and Stone and Earthen Bottles for five years, (viz.) for Quarts or reputed Quart Bottles per Dozen 12 d. for Pint Bottles of Glass, Stone or Earth per Doz. 6 d. for Bottles less than Pints,

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Pints, and more than Quarts, in proportion to those before; for Flint-Bottles, Coach-Glass, &c. 20 l. per Cent. for Window-Glass 10 l. per Cent. for all Glass not mentioned 15 l. per Cent.

The Duties to be paid by the Maker and Importer respectively.

The Duties are to be paid for the Goods imported before Landing, otherwise forfeited; one Moiety to the King, the other to him that will Seize or Sue for the same, or the value.

Goods made in England, Wales or Berwick, to be valued upon dispute by Affidavit of the Maker, before a Justice of Peace in writing, &c. and the Officer may take them at that value, and 20 l. per Cent. more for His Majesties use.

The Makers are to give three days Notice of Kindling their Fires, and to make Entries of the quantities within 24 Hours after Goods made, and must have a Permission for removing their Goods; and the Duties are to be paid within three Months after Drawing or perfect Making: But 10 l. per Cent. is allowed for present payment.

The Officer may search Glass-House, &c. in the Day-time; and Goods not entred, or concealed, &c. are forfeited, and may be seized by any of the Officers for His Majesties use.

No.

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No Fee is allowed for Entries; and upon Exportation the Duties are to be re-paid.

Furnaces and Utensils are charged with the Duties.

*Tobacco-Pipes.*

By 7 & 8 W. 3. cap. 31. All Unglazed *Tobacco-Pipes* to be made in *England, Wales* or *Berwick*, are to pay 12 *d.* per Gross; Glazed *Tobacco-Pipes* 1 *s.* 6 *d.* and so proportionably.

*Earthen-Ware.*

All Wares made here of *Earth* or *Stone*, (*China Wares*, or such as are so called, *Stone Bottles* and *Earthen Bottles* excepted) 10 *l.* for every Hundred of the real value.

For *Tobacco-Pipes* imported 5 *s.* per Gross, and *Earthen Wares*, (except before excepted) not made here, but Imported; 10 *l.* for every Hundred of the real Value.

Duties for *Pipes* and *Earthen Wares* made here, to be paid by the respective Makers.

And for such as shall be imported, by the importer above the Duties already payable, to be paid before Entry and Landing, (unless by Warrant) upon Forfeiture of them, or value, one Moiety to the King, the other to the Seiser, or him that shall Sue for the same or value.

Those made here, if dispute happen, to be valued by Affidavit of the maker, before Justice of Peace, to be delivered to the Officer, who may, if he thinks fit, take them

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them at the value, and 20 per Cent. more.

The makers are to give notice of their places of Abode and Work-house, upon Forfeiture of 20 *l.* to the King, and him that will Sue.

Also, Notice to be given by the Makers as often as they fill their Kilns, Furnaces, &c. before they draw or break bulk, and to make Entries of the quantities, &c. and not to remove without Warrant; the Duties to be paid down, or secured to be paid within three Months, upon Forfeiture of 20 *l.* and the Goods endeavoured to be concealed betwixt the King and the Seisor or Suers, but 10 per Cent. to be allowed for ready payment, for the said three Months.

The Officer may Enter and Search Work-houses, &c. in the day time: Such owner as refuses him Entrance forfeits 5 *l.* one Moiety to the King, the other to him that will Sue for it.

None shall burn new and old Pipes in the same Kiln, under penalty of 20 *l.* betwixt the King and Seiser, or he that will Sue for the same.

No Duty for broken Wares;

No Fees allowed for Entries, and upon Exportation the Duties to be repaid or allowed upon Oath, that the Duties for the same were duly paid.

And

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And by 8 & 9 W. 3. It is Enacted, That any Tobacco-pipe-maker upon drawing his Tobaccopipes, finding them unfit for Sale, may (on notice to the Officer in that behalf) return the same, and then pay the Duty thereon, as established by the former Act.

*Goldsmiths, Finers, &c.*

None shall sell any work of Silver, unless it be as fine as Sterling; except what Soulder is necessary to be used therein; for which allowance shall be made accordingly.

None shall put to sale any Silver Harness in London before it be touched, and also marked with the Goldsmiths mark, first made known to the Wardens of that Craft, in pain to forfeit the double thereof.

If the keeper of the Touch, mark such Harness with the Leopards-head, which is not as fine as Sterling, he shall forfeit the double value thereof to the King, and Damages to the party grieved.

York, Newcastle, Lincoln, Norwich, Salisbury and Coventry shall have several Touches (according to the Ordinances of the chief Officers there) which shall be directed by the Orders of London upon the like Forfeiture.

No

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No Goldsmiths else where, where there is no Touch, shall put to Sale any work of Silver under the fineness of Sterling, and shall set their Mark thereupon before they so put it to Sale, upon like Forfeiture.

All Justices of Peace may hear and determine the Offences committed against this Act; howbeit, if the Mint-master offend he shall be punished according to the form of his Indentures.

By Stat. 4 H. 7. 2. No Finer of Gold and Silver shall allay any fine Silver or Gold, nor sell it (save only to the Officers of the Mint, Changers and Goldsmiths, for the amending of Coin and Plate, for which he shall receive the true value) in pain to forfeit the value of the Gold, or Silver so allayed or sold, to be divided betwixt the King and the Finder: Neither shall any such Finer sell any Silver in Mass, Molten and allayed, in pain to forfeit the same, to be divided betwixt the King and the Finder.

All Fine Silver which is to be parted, shall be made so Fine, that it may bear twelve penny weight of allay in a pound weight, and yet remain as good as Sterling, and every Finer shall put his several mark upon such Fine Silver, in pain to forfeit the value thereof, to be divided betwixt the King and the Finder.

No

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No Goldsmith shall melt or allay any fine Silver except it be for making Amels, Goldsmiths work, or mending of Plate, to make it as good as Sterling; neither shall he sell any fine or allayed Silver, molten into Mass to another Goldsmith, or to any other person whatsoever. This Ordinance shall be observed by all Goldsmiths, in pain to forfeit their Silver or the value thereof, to be divided betwixt the King and Finder.

By Stat. 18 Eliz. 15. No Goldsmith shall work, sell or exchange any Goldsmiths ware of Gold under 22 Carets fine, nor shall put more Soulder, amel or other stuffings in his work than is necessary for the finishing thereof; neither shall he take above 12 *d.* for the Ounce of Gold (besides the fashion) more than the buyer may be allowed for it at the Queens Exchange or Mint, in pain to forfeit the value of the thing sold or exchanged.

No Goldsmith shall make, sell or exchange any Goldsmiths ware of Silver, less in fineness than 11 ounces, and two penny weight, or take above 12 *d.* for every pound weight of such ware, (besides the fashion) more than the buyer may be allowed for it at the Queens-exchange or Mint, nor put to sale any Silver work, before he has set his own mark to so much thereof, as may conveniently bear the

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the same, in pain to forfeit the value of the thing sold or changed.

If any Goldsmiths work be marked, and allowed by the Wardens or Masters of that Mystery, and be afterwards found faulty, the Wardens and Coporation of the said Mystery shall forfeit the value of the thing so sold or exchanged, the said Forfeitures are to be divided betwixt the Queen and the party grieved.

But note, That the Act made in the 5<sup>th</sup> Stat. 1. W. year of King Henry the fourth, (which & M. Sess. 1. cap. 30. made it Felony to multiply Gold and Silver, or use the Craft of Multiplication) is repeal'd: Provided, that all Gold and Silver that shall be extracted by the Art of melting and refining metals, and otherwise improving them and their Oars, shall be employed for the increase of Moneys and no otherwise; and that the place appointed for the disposal thereof, shall be the Mint in the Tower of London, where they shall receive the value of their Gold and Silver so extracted.

And no Mine of Copper, Tin, Iron or Lead, shall hereafter be adjudged to be a Royal Mine; tho' Gold or Silver may be extracted out of the same. And the Stat. of 5 W. & M. cap. 6. Provides, That the Subjects shall enjoy their Mines, unless the King be pleased to buy their Oar at the prices there set down.

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By

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By 13 & 14 Car.2. cap.31. None shall melt the Silver Money of this Realm, on pain to forfeit it and double the value, one half to the King, the other to the Informer ; The offenders, if Freemen or Priviledged persons of Cities or Corporations, shall be disfranchised and made incapable, of exercising any Trade, by vertue of the Priviledge of the said City or Corporation; if not, they shall be Imprisoned six Months.

By Act 6 & 7 W. 3. cap. 18. He that casts Ingots or Barrs of Silver, in imitation of Spanish Barrs or Ingots, forfeits the same Silver and 500 l. one Moiety to the King, the other to the Informer.

Also, No person shall Transport Silver, except it be stamped at Goldsmiths Hall, upon Oath, that no part was the current Coin of this Kingdom nor Clippings thereof, nor Plate wrought within this Kingdom, and a Certificate thereof from one of the Wardens of the Hall: For want of an Oath and proof, the Wardens may Seize the Silver: And for want of Stamp, Mark and Certificate, the Custom-House Officer may Seize it.

And by the Stat. of 8 & 9 Will. tertij Regis, for encouraging the bringing in wrought Plate to be Coined, and for preventing the Silver Coin from being converted into Vessels or Plate, It is Enacted, That no Goldsmith, Silversmith or other person

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person whatsoever shall work or make, or cause to be wrought or made any Silver Vessel, Plate or Manufacture of Silver, less in fineness than that of 11 ounces, and 10 penny weight of fine Silver in every pound Troy, nor put to sale, exchange or sell any Silver Vessels, Plate or Manufacture of Silver made after the 25th day of March 1697, (unless it be Silver-wyre or such things, as in respect of their smalness, are not capable of receiving a mark,) until such time as such Vessel, Plate or Manufactured Silver shall be marked with the workers mark, to be expressed by the two first Letters of his Sirname, the mark of the Goldsmiths, which in stead of the Leopards Head and the Lyon, shall for this Plate be the Figure of a Lyons Head erased, and the Figure of a Woman commonly called Britannia; and a distinct, variable mark to be used by the Warden of the said Mystery, to denote the year in which such Plate is made, upon pain that all such Silver Vessels, Plate or other manufactured Silver, which shall be made, exposed to sale, sold or exchanged contrary to this Act, or the value thereof shall be forfeited, the one half to the King, the other to such person as will Seize or Sue for the same; To be recovered by Action, Bill, Suit or Information in any Court of Record.



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And if any Silversmith, Goldsmith or other person shall after the said 25th day of March, make any Silver Vessels, Plate or manufactured Silver contrary to this Act, and the same shall be touched, marked or allowed for good by the Wardens or Masters of said Mystery, or those authorised, or employed by them for the assaying and marking of Plate, and if in the same there shall be found any falsehood or deceit, then the Wardens and Corporation for the time being, shall forfeit and pay the value of the Plate so deceitfully marked; one half to the King, the other to the persons that shall buy the same, and be grieved thereby, to be recovered as aforesaid.

And you may also know, That by Stat. 8 H. 5. 3. none ought to Gild any Sheaths, or any Metal but Silver, and the Ornaments of the Church, nor Silver any Metal but Knights Spurs, and the Apparel pertaining to a Baron, or above that Estate, in pain to forfeit ten times the value of the thing so Gilt, and to suffer a years Imprisonment, a third part of this Forfeiture is to him that shall Sue for it, and Justices of Peace may determine the Offences against this Act.

Hatters

concerning Tradesmen.

Hatters.

None of which shall make or cause to be made any Felt or Hat, unless he hath served 7 years as an Apprentice in Felt making; neither shall he retain any other than Jourymen, who have lawfully served in that Art, and Apprentices lawfully bound to the same; nor have above two Apprentices at once, nor those for less time than seven years, in pain to forfeit 5 l. for every Month he offends contrary to this Statute.

1 Jac. 17.

No person shall be retained in this Art Born out of the Kings Dominions, in pain of 5 l. per Month.

1 Jac. 17.

This Act shall not prohibit Parents lawfully exercising the said Art, to employ their Sons in their own Houses; So that they be bound Apprentices by Indenture for 7 years, which may not expire, untill they attain the Age of 22 years.

1 Jac. 17.

Horners.

By Stat. 4. Ed. 4. 8. No Stranger shall buy any English Horn unwrought, gathered or growing in London, or within 24 Miles thereof. The Wardens of Horners in London may search all Ware belonging to their Mystery in London, and

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in 24 Miles thereof, and in *Sturbridge* and *Ely Fairs*: But note, This Statute was repealed by 1 *Jac.* 25. But it is again partly revived by 7 *Jac.* 1. 14. Which Enacts, That the Act 4 *Ed.* 4. 8. and every part thereof, (except power of Search in the *Fairs* of *Sturbridge* and *Ely*, and the Limitations of such prices for *Horns*, as they were to be had for, at the making of the said Act) shall be revived, and be of like force, as if it had not been repealed by 1 *Jac.* 25.

Also, That none shall sell English *Horns* unwrought to any Stranger, nor send any such *Horns* beyond Sea, in pain to forfeit the double value thereof, to be divided betwixt the King and the Prosecutor.

*Hostlers, Inholders.*

Stat. 21 *Jac.* 21. The Statute of 32 *H.* 8. 41. together with other Statutes concerning Horse-bread, is repealed.

*Inholders* and all *Hostlers* shall make no Horse-bread, shall sell their Hay, Proven-der and Victuals at reasonable prices, and shall take nothing for Litter.

This Act shall not restrain those that live in a Thoroughfare, (which is no Mar-  
ket Town, and wherein there is no Baker) to make Horse-bread according to the just Affize.

Justices

concerning Tradesmen.

Justices of Oyer and Terminer, Justices of Peace, Sheriffs in Turns, and Stewards in Leets, have power to hear and deter-  
min these Offences.

If any *Inholder* or *Hostler* which hath power (by this Act) to make Horse-bread observe not the Affize; or if he or any other offend this Law in any other kind whatsoever; for the first Offence they shall be fined, for the second suffer a Months Imprisonment without Bail, for the third be set upon the Pillory, and for the fourth shall be forejudged from ever keeping an *Inn* again.

Note, That by Stat. 7 & 8 *W.* 3. cap. 19. Silver plate No person keeping an *Inn, Tavern, Ale- in Inns, &c.*  
*house* or *Victualling-house*, shall publicly use or expose to be used any manufactured Plate whatsoever, (except Spoons) under the penalty of forfeiting the same, or the full value thereof, with full costs of Suit to him that shall Sue for the same, in any Court of Record at *Westminster*.

*Leathersellers, Tanners, &c.*

Of *Leathersellers* something has been said before, (in *Cordwainers, Curriers, Tan-  
ners, &c.*) but there is a late Statute made in the 8th & 9th of this King, which nearly concerns them all, and is to this effect.

H 4. That

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That from the 20th of April 1697, for three years a Duty or Imposition imposed over and above all formerly, shall be paid to his Majesties use after the rate of 15 l. per Cent. of the real value of all sort of *Leather* tanned, tawed, dressed or made in *England, Wales* or *Berwick*, or imported into the same, to be answered by the Tanners, Makers or Dressers, or by the Importers of the same.

The Importers must pay ready Money before Entry, whether the *Leather* be in Hides or made up into Boots, Shoes or other Commodities, upon Forfeiture of such as shall be Landed (without Warrant) or the value, which may be recovered of the Importer or Proprieter; one third to the King, the other to him that will Seize or Sue, by Action of Debt or of the Case, by Bill, Suit or Information: The valuation of imported *Leather* to be so much as the same are really worth, to be sold for in *London* without any allowance. That all Tanners, Curriers, Shomakers and other Artificers in *Leather*, and others, observe the Statute made in the first year of King *James* the first, and all the Clauses, Matters and things therein contained, in relation to the Tanning, Dressing, Making, Buying, Selling, Trying, Sealing, Registering or other matters concerning *Leather*, other than such as have been altered by any Law, or Statute since that time made and now in force. That

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That home made *Leather* shall be valued at so much, as such *Leather* or kinds of *Leather* respectively is worth, to be sold for at the next Market, without respect to the Duty granted.

Tanners, Tawers, Curriers, Dressers or Makers of *Leather*, are from time to time to give notice of their place and places for Tanning and Tawing, &c. to some of the Officers for the next Market, to the place, upon Forfeiture of 50 l. one third to his Majesty, the other to him that shall Sue for the same as aforesaid.

That the Tanner, Curriers, Tawers, &c. during the continuance of this Act, shall make use of no places for drying or making fit for Sale, but such as they shall have given notice of, and shall permit the Officers to take an Account of such Hides, &c. as shall be taken out of the Woozes, &c. in order to be made fit for Sale, and shall within three days after taking them out make a true Entry with the proper Officer, for which no Fee or reward shall be taken; that his Majesty may be answered the Duties for the same when such *Leather* shall be sold at any Fair or Market, as in the Act is directed; And shall not remove their *Leather* from their Work-houses without a Certificate from the Officer, or three days notice to him, that he may take an account as aforesaid; but shall not be obliged to send further than the

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next Market to give such notice.

If the Owners of the Work-houses, &c. refuse the Officers entrance, they shall for every refusal forfeit 5 *l.* one third to his Majesty, the other to him that will Sue for the same, to be recovered as aforesaid.

If the Tanner, &c. use any private Work-house, &c. or does not make due Entries and Account, or make any Fraudulent concealment, to the intent to deceive his Majesty of his Duties, he shall forfeit 20 *l.* one third to the King, the other to him or them that will Sue for the same, to be recovered as aforesaid; and such *Leather* concealed, &c. shall be forfeited and may be seized by the Officer to his Majesties use.

That no Tanner, &c. shall not depart with any of his *Leather*, for which the duty ought to be paid, other than in some open Fair or Market, and that the same with the price contracted for, shall be registred with the Officer appointed to collect the Duties, and the Duties to be thereupon paid to the Collector in ready Money, and the Tanner to have a Copy of the Entry, and an Acquittance for the Moneys received, to discharge his account.

The

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The Officer may, in case of Dispute, take the *Leather* at the value entred, paying the Owner ready Money, and 2 *s.* further allowance for every 20 *s.* and so proportionably.

The Buyer of *Leather* in a Fair or Market, shall not carry it away before the Duties be satisfied to the Collector.

He that offends in the Premises forfeits 40 *s.* one Third to the King, and the other to him that will inform or sue for the same, to be recovered, as aforesaid: And the *Leather* shall be forfeited, and may be seized by the Officers for His Majesties use.

Two Justices of Peace of the County, &c. upon Information by the Officer, or Complaint by the Owner before them, concerning the seizing of *Leather*, for any Offence, may determine the Matter, and examine Witnesses upon Oath; and the party unsatisfied, may appeal to the next General Quarter-Sessions finally to determine the same.

Every Tanner, &c. (if demanded) shall once in every three Months account with the proper Officer, and discharge the Account at the same time, under penalty of 20 *s.* one Third to the King, the other to him that will Sue for the same; and the Officer upon taking Accounts, is to inform himself of Frauds, &c. that the Offender may be proceeded against.

Raw

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Raw-Hides imported, said to be Negro dress, shall pay Duty when they shall be made into Leather.

Collar-makers, Glovers, Bridle-Cutters, and others, who taw or make Leather in Oyl, Alom or Salt, and who cut and make the Leather they so make into Wares, shall be accounted Tawers or Makers of Leather within this Act; and such of them as make their Leather into Wares, without selling the same in Skins, shall not be obliged to carry the Leather they so make into Wares, to any Fair or Market, or to Sell or Register the same there; but shall (so soon as such Leather is made) enter the same with the Officer of the Place or Division, &c. before the same shall be made into Wares; and declare unto him upon Oath, the true value of the Leather to be made into Wares, and shall thereupon pay unto him the Duties, and take his Acquittance; and if he Cut the Leather before Entry and Duty paid, or sell it before it is made into Wares, he shall forfeit for every Offence 5 l. to be recovered and distributed as aforesaid.

Such Persons as on the 20th of April, 1679. had Stock of Leather, not made into Wares, were to pay 12 l. 10 s. per Cent. to be paid within three Months; and to deliver a particular of their Stock to the proper Officer, and suffer the Officers to search and view their Stock, upon Forfeiture

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ture of 20 l. one Third to the King, the other to him that will Sue for the same.

If the Duties be not paid, or secured, within three Months, then to be levied by distress and sale, and Charges, rendering Overplus; if paid within three Months, then an allowance of 10 l. per Cent. per Annum.

In case of Controversie, the Goods to be valued by Oath of the Owners, and the Officer may take them at the value, paying the Owner ready Money.

Such as should neglect to give a Particular, or leaving any thing out, or conceal any Stock, should forfeit 20 l. as aforesaid, and the Stock not valued or concealed, to be forfeited and seized to his Majesties use.

A Draw-back of two Thirds of the Duties by such as export Leather in Hides, Backs or Buts, &c. and of 5 l. per Cent. for Boots, Shoes and other made Wares exported, according to their value, by the Oath of the Exporter; but if any of these be Re-landed again within England, Wales, and Berwick, the same, and the treble value thereof to be forfeited; one Moiety to the King, the other to him that will seize, inform or sue for the same, to be recovered as above.

Masons.

Masons.

Masons. By Stat. 3H.6.1. It shall be Felony to plot Confederacies amongst Masons, and such as assemble upon such Confederacies, shall suffer Imprisonment and make Fine and Ransom at the King's Will.

Maultsters, Brewers, Distillers, Inn keepers, Victualers.

2 E.6.10. First, It is to be observed, That special Care ought to be taken in the Making of Mault, and due time observed, especially in June, July and August: For no Maultster ought to employ less time than three Weeks in making and drying, except in those Months, and then 17 Days will serve; and this is under the penalty of 2 s. for every Quarter of Mault otherwise ordered and put to Sale.

2 E.6.10. Such as mingle good Mault with bad, to sell, shall forfeit to the King and Informer, for every Quarter so put to sale, two Shillings.

2 E.6.10. Also, whosoever shall put to Sale any Mault, not being well trodden, first rubbed and fann'd, shall forfeit for every Quarter 20 d.

But

But these Offences must be Sued or Presented within One year after the Offence. Neither shall he be punished, who only maketh Mault for his own provision.

Again, The Justices of Peace in Sessions 39 Eliz.16. have power, at their discretions, to restrain their superfluous number of Maultsters, and also of the Buyers of Barley, to be converted into Mault.

And whosoever shall be lawfully discharged and suppressed touching his Making of Mault, and will not accordingly forbear, shall be three days imprisoned; and before his enlargement become bound in 40 l. to obey such suppressing. 39 Eliz.16.

By an Act made Anno 8 & 9. Willielmi Mault. tertij Regis, There shall be paid to the King, his Heirs and Successors, for every Bushel of Mault, which after the 20th of April, 1697. and before the 20th of July, 1699. shall be made of Barley, or any other Corn or Grain, within England, Wales and Berwick upon Tweed, by any person, (whether the same be, or be not for Sale) 6 d. and so proportionably for a greater or lesser quantity, to be paid by the Maker thereof respectively.

For every Barrel of Mault, which shall be made or sold within the said time, within the said places, 10 s. (over and above, &c.) to be paid by the Maker or Seller thereof respectively.

For

*Duties.* For every Barrel of mixt Liquors, called *Sweets*, made from Foreign or *English* Materials, whether the same are to be drunk in kind, or mixt with any other Liquors, 10 s. (over and above, &c) to be paid by the Maker.

*Cyder and Perry.* For all *Cyder* and *Perry*, 4 s. per Hog-head over and above, &c. to be paid by the first Buyer or Retailer. And every person who shall buy any *Cyder* or *Perry*, or any Fruit to make into *Cyder* or *Perry*; and shall sell any of the *Cyder* or *Perry* so bought or made by the Hoghead, or any greater or lesser Measure, shall be deemed a Retailer of *Cyder* or *Perry*, and shall be chargable with the Duties for such *Cyder*, and *Perry* so sold, or bought for sale.

*Gaugers.* That Gaugers may enter the Houses or Mault-Houses, &c. of any person whatsoever, who shall make any *Mault* either for sale, or not for sale, to gauge all Cisterns, &c. and to take an account of the Grain found Steeping, or to have been steeped in them, for the making of *Mault*, and make a Return thereof to the Commissioners, and leave a true Copy with the Maker, which shall be a Charge upon him; and if any such Maker shall hinder the Gauger or Officer so to do, he shall forfeit for every Offence 5 s.

That

That during the continuance of this Act, *Maults* every Person making *Mault* for sale, or not for sale, shall every Month make a true Entry at the Office of *Excise* (within the limits of which they shall then respectively inhabit) of all the *Mault* by him made in such Month respectively, in pain to forfeit for every such Neglect the Sum of Ten pounds.

That every such Maker of *Mault*, shall within three Months after he shall make, or ought to have made such Entry, clear off all the said Duties respectively due; and if he shall neglect, he shall forfeit for every Offence double the Sum of the Duty neglected. And that after such default made, he shall not sell, deliver, or carry out any *Mault* until he hath cleared off his Duty, on forfeiture of double the value of such *Mault* so delivered or carried out.

The Bushel meant by this Act, is to be *Bushel* according to the Standard of the *Winchester* Bushel; that is to say, Every round Bushel, with a plain and even Bottom, being made 18 Inches and a half wide throughout, and 8 Inches deep, shall be esteemed a Legal *Winchester* Bushel.

That during the continuance of this Act, *Vessels* no such Maker of *Mault* shall erect, set up, alter or enlarge, or make use of any Cistern, Uting-Fat, Utensil or other Vessel, for the making of *Mault*, without first giving Notice to the next Office of *Excise*,  
or

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or shall keep or make use of any private Cistern, &c. other than such as are openly known and made use of in his Common Mault-house, on forfeiture of 50 *l.* for every such Cistern, &c.

Sweets.

That during the Continuance of this Act, No maker of *Sweets* shall erect any Vessel for the making thereof, without first giving Notice to the next Office of *Excise*, upon pain to forfeit for every such Vessel 50 *l.*

That the Fines, Penalties and Forfeitures by this Act shall be recovered, as any Forfeiture by any Law of *Excise*, or by Action of Debt, Bill, Plaint or Information in any of His Majesties Courts of Record at *Westminster*; one Moiety to the King, the other to him that shall discover, inform or Sue for the same.

That the Commissioners, or their Supervisor, may compound with such as make *Mault*, but not for sale, at the rate of 5 *s.* per Head per Annum, for every Head in the Family taking Security for the Quarterly payment thereof; and that thereupon they shall not be liable to the Gaugers Search.

But if any such person, after such Composition, shall sell, exchange, barter or deliver out any *Mault* to any other person or persons, or shall sell any Beer, Ale or other Liquors made of *Mault*, he shall forfeit 50 *l.* to be recovered as aforesaid, and shall

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shall lose the benefit of his Composition, and be liable to the Duty of 6 *d.* a Bushel upon *Mault*, and to the Survey and Search of the Officers.

And because the Gauger is to Return Allowance, the Bushels when wetting or steeping, &c. therefore an allowance is to the Maker, of four Bushels in every twenty Bushels so charged, and so proportionably.

Also Licence for such as shall have actually paid His Majesties Duties, or secured the same to be paid; and such as buy of them, to export such *Mault* for any Foreign parts (*Scotland* excepted) giving Security before Shipping, not to Re-land it in *England, Wales, or Berwick upon Tweed*, upon Certificate from the Collector, upon Oath to him made of such Payment or Security given; and upon Oath before the Collector of the Port, that the *Mault* is the same, he shall give a *Debenture* to the Collector in the County, to pay the 6 *d.* per Bushel to the Exporter or his Agent; but if afterwards the *Mault* be Re-landed, as aforesaid, (over and above the penalty of the Bond, which shall be levied and recovered to His Majesties use) all the *Mault* so Landed again, or the value thereof, shall be forfeited; one Moiety to the King, the other to the person that will seize, inform, or sue for the same, to be recovered as any other Penalties in this Act are recoverable.

If



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If any *Mault* was contracted for, but not delivered to the Buyer before the 20th of *April*, 1697. the Buyer is obliged to pay the Seller 6 *d.* per Bushel upon delivery, otherwise the Bargain is made void.

Rent.

Where *Mault* is reserved for Rent, or Money, according to the price of *Mault*, the Tenant may deduct the Account of 2 *s.* per Quarter, and so proportionably.

No *Mault*, during the continuance of this Act, to be imported into *England, Wales* or *Berwick*, from any Foreign parts, upon Forfeiture thereof, or the full value; one Moiety to the King, the other to such as shall seize, inform or sue for the same, by Action of Debt, &c.

## Merchants and Mariners.

By Stat. 38 E. 3. 8. No Owner of a Ship shall forfeit the same for any small thing put thereinto (without his knowledge) not Customed for.

By Stat. 3 R. 2. 3. None of the Kings Subjects shall export or import any Merchandize, but only in Ships of the Kings Allegiance, in pain to forfeit all Merchandize otherwise conveyed, or the value thereof, whereof the Finder shall have the Third part of the Kings gift.

By

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By Stat. 6 R. 2. c. 8. The Statute of 5 R. 2. 3. shall only have place, where able and sufficient Ships of the Kings Allegiance may be found; otherwise the Merchant may hire other Ships, the said Statute notwithstanding.

By Stat. 14 R. 2. 6. *English* Merchants shall freight (within the Realm) in *English* Ships, and not in Ships of Strangers, so as the Owners of such Ships take reasonable for their Fraights.

By Stat. 4 H. 4. 20. All Merchandize imported and exported, shall be charged and discharged in great Sea-Ports, and not in Creeks and small Arrivals, in pain to forfeit to the King all Merchandize otherwise charged or discharged, except any Vessel shall be driven into such a small Creek by Tempest.

By Stat. 15 H. 6. 8. None shall ship any *Wool*, *Wool-fels*, or other Merchandize pertaining to the Staple, but only at the Keys and Ports assigned by Statute, where the Kings Weights and Wools are set. *Vide postea tit. Woolmongers.*

Every \*Master of a Vessel wherein such Merchandize is shipped, shall give good Security to the Customer there to transport the same to the Staple at *Calais*, and to bring a Certificate thereof from thence; saving to all Merchants of *Jeane*, *Venice*, *Tuscany*, *Lombardy*, *Florence* and *Catalonia*, and to the Burgesles of *Berwick*,

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wick, their Liberty formerly granted by Statute.

By Stat. 4 H. 7. 10. No *Gascoign* or *Guien* Wine, or *Tbolouse* Woad, shall be imported into this Realm, but in *English* Vessels, in pain to forfeit the same. But see after.

Also, none shall Freight in any Strangers Ships any Merchandize to be imported or exported into or out of this Realm, if he may have sufficient Freight in the same Port in a Denizens Ship, in pain to forfeit all Merchandize otherwise shipped, to be divided betwixt the King and the Seizor.

This Act shall not extend to any Ships (having Merchandize) forced by Tempest into any Port within this Realm; so as the Owner thereof make no Sale of such Merchandize within this Realm, save only for necessary Victual or Repairing of the Ship and Tackle.

By Stat. 32 H. 8. 14. *Gascoign*, or *Guien* Wines or *Tbolouse* Woad, may be imported into this Realm in any other Ships as well as *English*, notwithstanding the Statute of 4 H. 7. 10.

But by Stat. 1 El. 13. The Statuts of the 5 R. 2. 3. and 4 H. 7. 10. are made void.

And if any Owner of Merchandize shall (in time of Peace) embark or unload any part thereof, (*Mastraff*, *Pitch*, *Tar* and *Corn* only excepted) out of or into any other

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other than an *English* Bottom, he shall pay Custom to the Queen for the same, as an Alien.

No *English-man* shall cross the Sea with any *Hoys* or *Plats*, in pain to forfeit the same, to be divided betwixt the King and the Prosecutor. But see after.

Provided that Merchants at their several <sup>Wools</sup> shippings of Cloth or Wool out of the *Tbames* (to be twice in the year at the most) may embark Merchandize in a Strangers Ship, so long as there are not *English* Ships enough, and convenient to convey such Merchandize into *Flanders*, *Holland*, *Zea-land* or *Brabant*, without paying any greater Customs than *English-men* use to do: Also *Bristol-men* shall do the like, by reason of great Losles lately suffered by them.

By Stat. 5 El. 5. Any Subject may export out of this Realm *Sea fish*, &c. without paying Customs for the same: But this part was expired by the Queens death.

None shall set Price, make restraint, or <sup>Sea fish</sup> demand Toll of any *Sea-fish* imported into this Realm by any of the Queens Subjects, in pain to forfeit the value of such *Fish* so set price of, restrained or tolled.

This Act shall not restrain the Inhabitants of *Hull*, or take Toll and Custom (according as it is limited by the Statute of 33 H. 8. 33.) howbeit they shall not take liberty thereby to transport *Herring* or *Salt-fish*.  
No

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No Purveyor shall take any Sea-fish of any, that shall take the same in any Subjects Ship, in pain to forfeit double value thereof; Howbeit Composition-fish (of People Travelling into Ireland) due to the Queen and other Persons, shall be paid as formerly.

Herring.

No Herring shall be bought of a Stranger, or out of his Bottom, being not sufficiently salted, pickled and casked, in pain to forfeit the same, or the value thereof, except such Vessel be driven in by Shipwreck.

No Fish, Victual, Wares or thing shall be Transported in a Strangers Bottom, from one Port to another within this Realm, in pain to forfeit the same, or the value thereof.

Hoys and Plats may cross the Seas as far as Cane in Normandy, or Eastward as far as Norway, notwithstanding the Statute of 1 Eliz. 13. But this is Repealed by 13 Eliz. & 15. and the 1 Eliz. & 13. is Revived.

Cod and Ling.

All Cod and Ling shall be brought into this Realm loose, and not in Barrel, in pain to forfeit the same, or the value thereof.

Wine.

No Wine of the growth of France, or any Woad of Tholouse, shall be imported into this Realm in any other Vessel than English, in pain to forfeit the same, according to the Statute of 4 H. 7. 10. only in Wales,

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Wales, Rochel-Wines may be otherwise imported.

Owners of Ships, and all othe using the Trade of the Sea-fishing, or otherwise, and every Gunner or Shipwright, may take Apprentices to be bound for Ten years, or under, to be Enrolled in the same Corporation, if the Master dwell in one; but if not, in the next.

So much of the Statute of the 5 & 6 Ed. 6. 14. (which see in Fore-stallers) and of all other Statutes as concerns the buying of Sea-fish unsalt ed, or Mud-fish, or Wine or Salt, to be brought in an English Vessel to any port within this Realm, shall be void.

By Stat. 13 El. 11. So much of the Statute of 5 El. 5. as concerns the transporting of Herring and Sea-fish, by the Subjects born, and not for paying of Custom for the same shall be revived, so as it be in Vessels with Cross-Sails.

No Vessel called a Catch-Monger or Fish-Picard, shall upon the Coasts of Norfolk and Suffolk, between the 14th of September and the 14th of November, from Sun-setting to Sun-rising, Anchor upon the Main Sea, or in the Trade of Fishing, in pain to forfeit their Vessel, or the value thereof, to be divided betwixt the Queen and the Corporation of Great Yarmouth, to be employed towards the Damages of the party grieved, and the Repairing of the Haven

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Haven there, and to be recovered by Seizure, or otherwise by Bill, Action, &c.

No Foreign Fish shall be dried in *England* to be sold, in pain to forfeit the same, or the value thereof to the Seizor and Prosecutor.

None shall offer to sell any unwholsom Fish, (being warned thereof by the Officer) in pain to forfeit the same; and being an Alien, he shall forthwith export it upon the like pain.

*Fishmongers* By Stat. 43 *El.* 9. No Ordinance made by the *Fishmongers* in *London*, or any other Corporation, restraining any Coast-man, Fisher-man, or other from taking, bringing in putting to sale, or buying of *Salt-fish* or *Herrings* (being wholsom) shall be put in Execution, in pain of 100 *l.*

*Goods from Asia, &c.* By Stat. 12 *Car.* 2. cap. 18. No Goods shall be imported into, or exported out of any Territories belonging, or which may belong to the King in *Asia*, *Africa* or *America*, in other Vessels than such as belong only to the People of *England* or *Ireland*, *Wales* or Town of *Berwick*, or of any the said Territories, and whereof the Master and three Fourths of the Mariners are *English*, on pain to lose such Goods and Vessel, with all its Furniture; one Third whereof to the King, the other Third to the Governour of such Territory where such default shall be, if seized there, otherwise that Third also to the

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the King, the other Third to him that will seize or sue for the same.

Commanders at Sea, having Commissions from the King, are to bring in as Prize, Vessels offending contrary hereunto; and in case of Condemnation, one Moiety shall be to the use of such Commanders and their Companies, to be divided according to the Rules of the Sea in case of Prize, the other Moiety to the King. But see after.

No Alien shall be a Merchant or Factor *Alien*, in any the said Places, on pain to lose all his Goods, or which are in his possession; one Third to the King, another Third to the Governour of the Plantation, and the other Third to any that will Sue in any of the Kings Courts there: All that shall be made Governours of such Plantations, shall, before their Entrance into their Government, shall take an Oath to do their utmost, that the Clauses afore-mentioned be duly observed: And upon Complaint to the King, or such as he shall thereto appoint, that such Governours have been wittingly negligent therein, the Governours so offending shall be removed.

No Goods of the Growth and Manufacture of *Africa*, *Asia* and *America*, shall be imported into *England*, *Ireland* or *Wales*, Isles of *Guernsey* or *Jersey*, or Town of *Berwick*, in other Vessels than (as above) with Masters and Mariners (as above) on pain

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pain to forfeit all such Vessels and Goods; one Moiety whereof to the King, the other to him that will seize or sue for the same.

No Goods of Foreign growth or Manufacture, brought into *England, Ireland, Wales, Guernsey, Jersey, or Town of Berwick,* in *English* or other Shipping, belonging to some of the aforesaid Places, and Navigated, as aforesaid, shall be brought from other Places than those of the said Growth or Manufacture, or from those Ports where they can only or usually have been shipp'd for Transportation, on pain to forfeit such Goods and the Vessel; one Moiety whereof to the King, the other Moiety to him that will seize or sue for the same.

None shall Load in any Bottom, whereof Strangers are Owners, Part-Owners or Masters, and whereof three Fourths of the Mariners at least are not *English*, any Goods whatsoever, from one Port or Creek of *England, Ireland, Wales, Guernsey, Jersey, or Town of Berwick,* to another Port or Creek of the same, on pain to forfeit such Goods and Vessel; one Moiety to the King, the other to him that will seize or sue for the same.

No Goods of the Growth or Manufacture of any Countries belonging to the Duke of *Moscovy*; No Mast-Timber or Boards; no Foreign Salt, Pitch, Tar, Rozin, Hemp, Flax, Raisons, Figs, Pruins, Olive Oils;

no

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no Corn, Grain, Sugar, Pot-Ashes, Wines, Vinegar, *Aquavita* or Brandy-Wine, shall be imported into *England, Ireland, Wales, or Town of Berwick,* in any Vessel not belonging to the People of some of them, and Navigated as aforesaid: No Goods of the Growth or Manufacture of the *Turkish* Empire, shall be imported into the places aforesaid, in any Vessel not of *English* built and Navigated, as aforesaid, except Vessels of the built of that place of which the Goods are, or of such Port where they can only be, or usually are shipped, and whereof the Master and three Fourths of the Mariners are of the said Country, on pain to forfeit Ship and Goods, to be disposed as aforesaid.

No Sugars, Tobacco, Cotton, Wool, Indicoes, Ginger, Fustick, or other Dying Wood of the growth of any *English* Plantations in *America, Asia or Africa,* shall be Transported to any place, other than to some *English* Plantation, or to *England, Ireland, Wales, or Town of Berwick,* on pain to forfeit them or the value, and Ship with her Furniture; one Moiety to the King, the other to him that will seize or sue for the same.

For every Vessel which shall set out from *England, Ireland, Wales* or Town of *Berwick,* for any of the said Plantations, Bond shall be given, with one Surety, to Bond. the Chief Officers of the Custom-House

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of

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of the place from whence it Sails, of 1000 l. if the Ship be less than of the Burthen of 100 Tuns, and of 2000 l. if of greater Burthen; That if the said Vessel load any of the said Commodities at such Plantations, it shall bring them to some Port of *England, Ireland (&c.)* and for all Ships coming from any other Port to those Plantations, the Governours, before the Ship be permitted to unload, shall take Bond as aforesaid, That it shall carry them to some other *English* Plantations, or to *England, Ireland (&c.)* and every Ship taking on Board any of the aforesaid Goods before such Bond given, or Certificate produced from some Custom-house in *England, &c.* of such Bonds there given, shall be forfeited, to be employed and recovered (as above); and the said Governours shall twice in every Year return true Copies of such Bonds to the Chief Officers of the Custom in *London*, Confirmed 13 *Car. 2. cap. 14.* See after.

But by *Stat. 13 & 14 Car. 2. cap. 11.* whereas it is required by the Statute of 12 *Car. 2. cap. 18.* That in sundry cases the Master and the three Fourths of the Mariners are to be *English*, any of the Kings Subjects of *England, Ireland;* and his Plantations are to be accounted *English*, and no others; and the number of Mariners accounted, according to what they shall have been during the whole Voyage.

Mariners, and other Inferiour Officers, refusing

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refusing to Fight when Commanded, or Mariners. uttering Words to discourage others, shall lose all their Wages due, and such Goods as they have in the Ship, and be Imprisoned, not exceeding six Months, and during such time be kept to hard Labour for their Maintenance.

But Masters of Ships that have been Yielded contrary to their Will, by the Disobedience of the Mariners, testified by laying violent hands on them, shall not become incapable, as aforesaid, nor liable to any Action for the Merchants losses, unless they have received back from the Takers some Recompence.

Mariners laying violent Hands upon their Commanders, to hinder them from Fighting, in defence of their Ships, shall suffer death, as Felons.

Captains, Masters, Mariners, &c. willfully destroying the Ship to which they belong, or procuring the same to be done, shall suffer as Felons.

*Stat. 22 & 23 Car. cap. 26.* The word *Ireland* shall be left out of all Bonds taken in pursuance of the Statute of 12 *Car. 2. i 8.*

Every Vessel that shall take on Board any of the Commodities there mentioned, at any of the said *English* Plantations, until such Bond given or Certificate produced from the Officers of some Custom-house in *England, Wales,* or Town of *Berwick,* that such Bond hath been there given,

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given, or which shall carry the said Goods to any place contrary to the Tenor of such Bond, shall be forfeited with all her Guns, Ammunition, Furniture and Lading, one Moiety to the King, the other Moiety to him; that will Seize or Sue for the same, in any of the said Plantations in the Court of the High Admiral of *England* or Vice Admiral, or any Court of Record in *England*.

*America.* The Governor of his Majesties Plantations in *America*, shall once a year at least Return to the Officers of the Custom-house in the Port of *London*, or such as the King shall appoint to receive the same; a List of such Vessels as shall Lade any of the Commodities in such Plantations, and of such Bonds taken; and if any Ship belonging to any of the said Plantations, having on Board any *Sugars, Tobacco, Cotton, Wooll, Indigoes, Ginger, Fustick* or Dying wood, shall unlade it in any other place of *Europe*, than *England, Wales* or Town of *Berwick*; such Vessel shall be forfeited with her Ammunition, Furniture and Lading, to be recovered and divided as aforesaid.

Any person may prosecute such Ships in any Court of Admiralty in *England*.

This Act shall continue for nine years, and to the end of the Sessions of Parliament then next ensuing. Continued by 2 *Jac.* 2. cap. 17. for seven years, and to the end

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of the first Sessions of the next Parliament. Continued by 4 & 5 *W. & M.* cap. 24. for seven years from *February 1692*.

By *Stat. 27 Ed. 3. 2, 3.* All Merchants Staple may buy Merchandize of the Staple, so as they bring them to the Staple.

It shall be Felony for an *English, Welsh* Wool. &c. or *Irish-man* to Transport Wool, Leather, Woolfels or Lead.

Also, No *English, Welsh, Irish-man*, shall Transport Wool, Leather, Woolfels or Lead in a Strangers name, or keep a Servant beyond Sea to survey the Sale thereof, or to receive Money for the same.

There shall be no exchange of Wares for Merchandize of the Staple, but payment in Gold, Silver or *English, Welsh* or *Irish* Merchandize; neither shall any Merchants make any Confederacy, in fraud or deceit of this Ordinance; and all this upon the pains aforesaid.

But every Man may carry his own Wool, Leather, Woolfels and Lead to the Staple to Sell them there; howbeit he shall then warrant the packing of his Wools.

Also by the Statute of 27 *Ed. 3. 2. 11.* All Merchants may freely Sell their Merchandize at the Staple by Gross or by Retail without Challenge or Impeachment, but it shall be Felony to Forestal, Buy or give Earnest for any Merchandize before they come to the Staple or Port, or to Enter the Ship for that purpose.

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A View of the Penal Laws

By Stat. 38 Ed. 3. 2. Any Merchant may use more Merchandize than one, notwithstanding the Statute of 37 Ed. 5. and may Buy, Sell and Transport all kind of Merchandize, paying the Customs and Sufidies due for the same, Wool and Woolfels only excepted.

Merchants, Strangers.

By Stat. 2. R. 2. 1. Merchant Strangers (not Enemies) may Buy and Sell all things vendible within the Realm in Gros or by Retail, except Wines and great Wares, as Cloth of Gold and Silver, Silk, Sandal, Napery-cloth, Canvas and the like; which are to be sold in Gros by whole Pieces, in pain of Forfeiture thereof.

But Merchants may Buy and Sell in Fairs and Markets in Gros or by Retail, notwithstanding this Statute.

Disturbers of Merchants against this Act (being thereof attainted) shall render double Damage, suffer a years Imprisonment, and be ransomed at the Kings will.

The 5 R. 2. Stat. 2. 1. Provides for the friendly entertainments of Merchant Strangers, and so does the 14 R. 2. 9.

By 11 R. 2. 7. the Stat. 9 Ed. 3. 1. & 25 Ed. 3. Stat. 4. 2. are confirmed.

By 16 R. 2. 1. No Merchant Stranger shall Buy or Sell within the Realm, with another Merchant Stranger to Sell again, nor Sell any Merchandize by Retail, but Victuals; only Wine he shall Sell by whole Veffels.

By

concerning Tradesmen.

By Stat. 2 R. 2. 4. the Stat. of 28 E. 3. 1 is confirmed.

By 4 H. 4. 15. Merchants shall not export the Money, which they receive for Merchandize imported, but shall bestow it upon Merchandize of this Realm, their reasonable Costs excepted.

By Stat. 5 H. 4. 7. Merchant Strangers shall be used in this Realm as Merchants Denizens be in other Countries, in pain that such Merchants Strangers shall forfeit their Goods and suffer Imprisonment.

Stat. 5 H. 4. 9. Merchants Strangers shall give Security to the Kings Customers and Controllers, to employ their Money upon the Commodities of this Realm, their reasonable Costs excepted.

The Statute of 4 H. 4. 15. is confirmed.

Merchants Strangers shall Sell their Commodities within a Quarter of a year next after their arrival, and imploy their Money received by exchange upon Commodities of this Realm, in pain to forfeit the same Money. But see after.

No Merchant Stranger shall Sell any Merchandize to another Merchant Stranger in pain to forfeit the same.

Stat. 6 H. 4. 4. The Clause of the Statute of the 5 H. 4. 9. enjoying Merchant Strangers to Sell their Commodities within a Quarter of a year next after their Arrival is Repealed, saving the Liberties of London.

Merchant



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Merchants Strangers shall not export any Merchandize imported by Merchants Strangers. Stat. 7 H. 4. 9. all Merchandize may be sold in Gross in London, as well to all the Kings People as to the Citizens of London, notwithstanding any Franchise or Liberty to the contrary.

By 4 H. 5. 5. the Stat. 5 H. 4. 7. & 9. concerning Merchants Strangers are confirmed.

Gold, &c.

By Stat. 8 H. 6. 24. No Merchant Alien shall constrain any of the Kings Subjects to pay him his Debt in Gold, nor refuse to receive payment thereof in Silver, in pain to forfeit double value thereof.

Money.

And no Englishman shall Sell his Goods to a Merchant Alien, but for present payment in Money, or for other Merchandize to be presently delivered, in pain to forfeit the same.

Stat. 17 E. 4. 1. Every Merchant Alien or other Stranger, shall employ the Money by them received here, upon the Merchandize of this Realm, or else (without fraud) put the same Money in due payment within this Realm to be proved by the Merchant, unto whom it is so employed, or otherwise before the Customer, Controller, Head Officer or Officers of the place where it is so employed, in pain to forfeit all his Goods found within this Realm, and to suffer a years Imprisonment; only his reasonable Costs are to be deducted;

the

concerning Tradesmen.

the Forfeiture to be divided betwixt the King and the Prosecutor.

Stat. 1 R. 3. 9. Italian Merchants shall Sell their Merchandize at the Port where they land in Gross, and not by Retail, in pain to forfeit the value thereof.

They shall also sell their Commodities brought thither within eight Months after their Arrival, and shall within that time employ the Money received for the same upon English Commodities (their reasonable Expences deducted) and not make over that Money by Exchange; and if within that time they cannot make off their Wares, they shall within the two Months after the eight Months (or as soon as they can) convey them out of the Realm, in pain to forfeit the Money so made over by Exchange, and the Merchandize sold after the eight Months, and not conveyed away, as aforesaid, or the value thereof.

They may Transport their Merchandize from one Port to another, so as they sell them within the said eight Months.

No Merchant Stranger shall be Host to another Merchant Stranger, unless they be of the same Nation, in pain of 40 s.

No such Italian Merchant shall buy and sell any Wool or Woolen-Cloth within this Realm; neither shall they make any Woolen-Cloth, or deliver Wool to that purpose, in pain to forfeit the value thereof.

By

## A View of the Penal Laws

Small  
Wares.

By Stat. 1 R. 3. cap. 12. No Merchant Stranger shall import into this Realm, to be sold, any *Girdles, Harness wrought for Girdles, Points, Leather-Laces, Purses, Pouches, Pins, Gloves, Knives, Hangers, Taylors-Sheers, Scissors, Andirons, Cupboards, Plates, Tongs, Fire-forks, Gridirons, Stock-Locks, Keys, Hinges and Garnets, Spurs, Painted Glasses, Painted Paper, Painted Forces, Painted Images, Painted Cloth, Beaten Gold or Silver wrought in Papers for Painters, Saddles, Saddle-Trees, Horse, Harness, Boots, Bits, Stirrups, Bucklers, Chains, Latten-Nails with Iron-Shanks, Turnets, Hanging-Candlesticks, Holy-water Pots, Chasing-Dishes, Hanging-Lavers, Curtain-Rings, Cards for Wool, Roan Cards (except Clasps for Garments) Sheers, Buckles for Shoes, Spits, Bells, Hawk Bells, Tin and Leaden Spoons, Wire of Latten and Iron, Iron-Candlesticks, Grates, Horns for Lantborns, or any of the said Wares ready made and wrought, in pain to forfeit the same, or the value thereof, to be divided betwixt the King and the Prosecutor.*

By Stat. 3 H. 7. 8. The Statute of 17 E. 4. 1. is confirmed and made perpetual.

Merchants of *Ireland, Jersey and Guernsey*, as are made liable to the same Law upon the like pains.

Customers

## concerning Tradesmen.

Customers and Controllers shall take Security of Merchant Strangers, to observe the same Law.

By 12 H. 7. 6. Every *English-man*, being the Kings true Liege-man, may freely Trade at the Marts in *Flanders, Holland, Zealand, Brabant*, and others of the Arch-Duke of *Burgoins* Country, without any Exaction, Fines or other Contribution <sup>Fines.</sup> whatsoever, to be levied of him by the Fellowships of *Merchants* in *London*, or by any other for their use, or by any other such Fraternity, Ten Marks only excepted; and none shall in such case take or levy upon any person any such Exaction more than the said Ten Marks, in pain to forfeit 20 l. to the King, and Ten times so much as they shall take more than the Ten Marks aforesaid, to be recovered by Action of Debt, &c.

By Stat. 1 Eliz. 11. None shall lade <sup>Lading.</sup> or unlade, into or out of any Ship or other Vessel, any Goods, Wares or Merchandize whatsoever, (*Fish* taken by *English men* only excepted) and unless it be upon a Leak or Wreck, to be imported or exported, but only in the day-time; *viz.* <sup>In day time</sup> from the first of *March* until the last of *September*, betwixt Sun-rising and Sun-set; and from the last of *September* to the first of *March*, between the Hours of Seven and Four, and that in such places as the Queen should (by Commission) before the first

first of *September* then next assign for that purpose, in pain to forfeit the Goods, Wares or Merchandize otherwise laden or unladen, or the value thereof.

The Places so to be assigned shall be at *London, Southampton, Bristol, Westchester, Newcastle*, and in all other places, (*Hull* only excepted), where there is a Customer, Controller and Searcher.

The Owner, Master, or other, having a Charge of any Ship or other Vessel, which doth offend against this Law, shall forfeit 5 *l.*

The Master or other, having Charge of the Vessel, shall acquaint the Customer or other Officer with the times of his Lading and Departure, as also what persons are to have Lading with him; and shall answer such Questions concerning his Lading, as shall be demanded of him by such Officer upon Oath or otherwise; and all this in pain of 100 *l.* the like shall be observed when he imports any Merchandize, *vice versa*, and upon like pain.

None shall enter any Goods in the Customers-Books, but in the right Owners name, in pain to forfeit the value thereof.

Officer of Customs.

If any Officer of the *Custom-House* conceal any Offence committed against this Act, and disclose it not within a Month unto the Chief Officer there, or unto the Lord Treasurer, Chancellor, Under-Treasurer,

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fur, or one of the Barons of the *Exchequer*, or unto the Attorney General, he shall forfeit 100 *l.*

Customers, Controllers and Searchers, have power to make Deputies in Ports, Creeks and Roads; and both they and their Deputies, shall duly and faithfully execute their Offices, in pain of 100 *l.* or to lose their Places.

Such Custom shall be paid for Sweet Wines, as hath formerly been paid for *Malmseys*.

This Act shall not infringe the Liberties granted to the Isle of *Anglesey*, and the Counties of *Flint* and *Carnarvan*, so as they pay the due Customs and Subsidies, and lade and discharge within the times and hours above-mentioned.

By *Stat. 13 & 14 Car. 2. cap. 13*. None shall sell, or offer to sale, export or import Foreign *Bone-lace, Cut-work, Imbroidery, Fringe, Bandstrings, Buttons* or *Needle-work* of *Thred* or *Silk*, in pain to forfeit for Selling, or offering to Sale, as aforesaid, 50 *l.* and the Goods themselves, and for importing 100 *l.* and the Goods imported; the one Moiety to the King, the other to him that will Sue in any Court of Record, &c.

Justices of Peace, upon Information given, may issue Warrants to Constables, to search for such Manufactures in Shops, being open Ware-houses and Dwelling-houses, and to seize them.

In-

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Informations and Suits upon this Law, must be commenced within Twelve Months after discovery.

*Wool-cards.* By Stat. 13 & 14 Car. 2. cap. 19. No Foreign Wool-Cards, Card-wire or Iron-wire for Wool-Cards shall be imported; nor Card-wire taken out of Old Cards and put into New Leather and New Card-boards, nor Wool-Cards made thereof, be put to sale, on pain to forfeit all the said Wares, or the value if not seized; one half to the King, the other to him that will Sue in any Court of Record at Westminster, or within the County, City or Town Corporate, where the Offence shall be committed.

Owners of Wool-Cards may amend them for their own use, or transport or sell (for Transportation only) Old over-worn Wool-Cards.

*French Goods.*

By Stat. 1 W. & M. Sess. 1. cap. 24. continued by several other Statutes, during the time of the War) for prohibiting all Trade and Commerce with France; It is declared, That importation of Goods and Commodities of the production of France, or made or mixed with any such, is a Common Nuisance, and that the Goods so imported may be seized by any person and carried into Their Majesties Ware-house of the Port or Place where they are seized, or to the Ware-house of the next Port, &c. to the place of Seizure, till the person claiming

concerning Tradesmen.

claiming the same tender good Security, to answer the Penalties of this Act, &c. and for want of Security, to be destroyed within Seven days after as forfeited Goods; and if after Security given the Goods be French, or mixt, &c. the Liquid Commodities to be staved and spilt, and the other to be publickly burnt, &c. and no person to take away or save any of the said Commodities, on pain to forfeit 40 s. above the value of the said Goods.

The Importers thereof shall forfeit the full value, according to the Rates hereafter mentioned; and persons in whose Custody they shall be found when seized, or who shall sell or re-tail them, shall for the first Offence forfeit the value thereof, as aforesaid, and for the second Offence double the value, and be disabled to bear or execute any Office or Employment relating to the Customs, or any part of the Revenue, or any other Office whatsoever: And if any such Commodities imported, contrary to this Act, shall within the time aforesaid, upon any pretence, be sold, retailed or uttered, or be found within England, Ireland, &c. any persons may seize them, and like Information and Judgment for destruction thereof shall be had and given as aforesaid.

They

**A View of the Penal Laws**

Dispute.

Informer  
forfeits  
500 l.

They in whose Custody such Goods shall be found, shall incur the Forfeitures and Penalties aforesaid; and if any Dispute and Doubt shall arise, whether the said Goods were of the Product or Manufacture of the *French* Kings Dominions, or imported contrary to this Act, the Proof shall lye on the Importer, Claimer, Vender, &c. and not on the Informer; and if any Informer shall by Fraud or Collusion, desist or delay Prosecution, he shall forfeit 500 l.

If any person, not being a known Merchant, Vintner or Shopkeeper, shall sell or expose to sale any of the Commodities hereby prohibited, they shall, over and above the Penalties aforesaid, suffer Twelve months Imprisonment.

Vessels, with all their Guns and Furniture, in which any such Commodities shall after the said 24th day of *August* be Imported; and every Bark, Lighter or other Vessel, out of which they shall be put on shoar, shall be forfeited, and the Master or other person taking Care of such Vessel for the Voyage, or out of which any of the said Commodities shall be unshipt into any Hoy, &c. to be put on Shoar, shall forfeit 500 l. and also being apprehended by a Justice of Peace's Warrant, and the Fact proved before one or more Justices, by the Oath of two Witnesses, shall be Committed to the next Gaol for three Months.

And

**concerning Tradesmen.**

And Sea-men, Water-men, Car-men, and other persons, Assisting in the Landing or Conveying any of the said Commodities by Land or by Water, shall upon Examination and Proof, as aforesaid, be subject to like Imprisonment, or be publickly Whipt, at the Justices discretion.

And the Carts, Teams, Carriages, Horses and Oxen, made use of in such Carriages or Conveyance, may be seized and stayed, and upon Proof before a Justice of Peace, by the Oaths of two Witnesses, that they were made use of in moving or conveying any Goods, hereby prohibited to be imported, they shall be forfeited; the one half to the use of the Poor of the Parish, the other to his use that shall seize the same.

And if the Master, or other Person belonging to any Vessel, laden or part laden with any of the said Commodities, shall unshipt, or wittingly suffer to be unshipt, any the said Prohibited Goods, either at Sea, or in any Harbour, Creek, or Bay of the Kingdom aforesaid, he shall forfeit 500 l. and suffer Imprisonment, as aforesaid.

Persons prosecuting shall be rewarded with one Third part of the value of the Goods prosecuted to Condemnation and Destruction: And the residue of the Forfeitures and Penalties beforementioned, and not before disposed of, shall be divided into Three parts, two Thirds to Their Majesties, and one Third to him that

**A View of the Penal Laws**

that will seize or sue for the same; the Charge of such Prosecution to be born by Their Majesties, and issued by the Receiver General of the Customs, by Warrant from the Commissioners.

Custom, Officer.

If any Person belonging to the Customs shall connive at the Importation of any of the said Commodities, he shall not only forfeit 500 l. to be recovered, as aforesaid, but be made incapable of any Office or Employment under Their Majesties, and forfeit the Penalties of their Bonds, for true performance of their Trust.

Prizes.

By *Stat. 2. W. & M. Sess 2. cap. 14.* If any Officer of the Customs or Prizes, shall knowingly suffer any Goods or Manufactures imported, as Prizes or otherwise, contrary to an Act made in the first year of Their Majesties Reign, Entituled, *An Act for prohibiting all Trade and Commerce with France*, to be admitted to an Entry, or to be imbezeled and not staved, spilt, burnt or destroyed, as the said Act directs, he shall forfeit 500 l. one Moiety to Their Majesties, the other to the Informer, and shall be incapable of executing any Office in Their Majesties Revenue.

Offenders punished by virtue of this Act, shall not incur the penalty of any former Law for the same Offence, and no Writs of *Certiorari* shall supersede or remove any proceeding, by virtue of this Act.

Persons

**concerning Tradesmen.**

Persons resisting, abusing, beating or wounding an Officer, Informer or other person impowered hereby, or such as shall act in their Aid, shall by the next Justice of Peace, or other Magistrate, be committed to Prison till the next Quarter-Sessions, where they shall be punished by Fine, not exceeding 5 l. and the Offender to remain in Prison till he be discharged of his Fine and Imprisonment by Order of the Justices, or any two of them.

Prizes.

If any who shall take such Prize or Prizes, imbezil or conceal any part of such Goods or Merchandize, or put the same on Shoar in any other place than their Majesties Ware-houses, they shall lose their share thereof, upon Proof made by one or more Witnesses upon Oath before the Commissioners of the Customs in the Port of London (if such Offence be committed within the said Port, and within the view and knowledge of any Officer of the Customs belonging thereunto) and before the Chief Magistrate of the place, in the presence of the Chief Officer of the Port, in any other Port; one Moiety of such Wares, to be to the use of the Informer, and the other part to the use of Their Majesties.

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Privateer. If any Ship or Goods of the Product or Manufacture of the Dominions of the French King, shall be taken by any Privateer by collusion, upon Proof made thereof in the Court of Exchequer or Commission of Admiralty, they shall be adjudged lawful Prize; one Moiety thereof to Their Majesties, and the other Moiety to him that shall discover the same, and the Bond given by the Captain of such Privateer is hereby adjudged to be forfeited.

If such Ships or Goods shall be taken by Collusion, by any Man of War, the Commander shall forfeit 1000 l. one Moiety to their Majesties, and the other to the Discoverer; and such Commander shall forfeit his Command or Employment, and be incapable of any Office under Their Majesties during Seven years; and such Vessel and Goods shall be adjudged good Prize to Their Majesties.

In case any Man of War, or Privateer, take or destroy any Frenchman of War or Privateer, they shall receive for every Piece or Ordinance in any Ship so taken or destroyed, 10 l. to be paid by the Commissioners for the Prizes, out of Their Majesties share of Prizes.

Provided, That if the Commissioners do not pay the same, or give a Bill payable out of the first Moneys that shall come to their hands, by three days after the same ought to be paid, and demand thereof made, free

concerning Crademen.

free; of all Charges and Deductions, such Commissioners shall be incapable of any Office in Their Majesties Service for the future.

If any person shall imbezil any thing whatsoever, upon or above the Gun-deck, or in any other place, in any Ship taken or seized on as Prize, or re-taken from the Enemy, he shall forfeit his Share and Reward hereby allowed him; and if he be an Officer, he shall forfeit for every such Offence 500 l. one moiety to their Majesties, the other to him that Sue for the same, and shall be incapable of any Office or Employment under their Majesties for Seven years.

If any Vessel whereupon Wool is laden Wool. to be Transported, contrary to the Law, be taken by any Privateer, on Proof thereof in the Exchequer, the Person interested in the Privateer shall have a moiety of the Vessel and Goods, and their Majesties the other moiety.

All Goods of the Growth or Manufacture of France, imported and seized, shall be sued for and prosecuted in the Exchequer, in manner and form, as is provided by an Act made in the 14th year of King Charles the Second, Entituled, An Act for preventing Frauds in His Majesties Customs; two Thirds to be to the use of Their Majesties, &c. (they defraying the Charges of the Prosecution,) and one Third

Third to the Prosecutor, and no Composition to be made for Their Majesties part; such Goods to be secured and sold, as Prize Goods are appointed by this Act to be secured and sold.

Silk imported.

By Stat. 5 W & M. cap. 3. It shall be lawful to, or for any person or persons residing within their Majesties Dominions, to import within this Kingdom from any Port whatsoever (excepting the Ports of France) during the present War with France and three Months after, fine thrown Silk of the growth or production of Italy, Sicily or Naples.

Provided, That this Act nor any thing herein contained shall extend to give liberty to bring Over-land, and import any Italian thrown Silk, courser than a sort thereof, known and distinguished by the name of third *Bolonia*; nor any Sicilian thrown Silk, courser than a sort thereof, known and distinguished by the name of second *Orsay*; nor any sorts of Silks, commonly called *Frams*, of the growth of Italy, Sicily or Naples; nor any other thrown Silk, of the growth or production of Turkey, Persia, East-India or China, under the penalty and Forfeiture of all such thrown Silk as shall be brought Over-land, and imported contrary to the intent of this Act.

And

And that all Italian, Sicilian and Naples thrown Silks as are allowed to be imported by this Act, wheresoever Landed, shall be brought to their Majesties Custom-house of London, to the intent that no other sort may be imported Over-land, than those only allowed by this Act, under the penalties before mentioned, any thing to the contrary hereof notwithstanding. Vide Silk Throsters.

By Stat. 6 & 7 W. 3. cap. 18. towards the end, No person shall presume to deal, buy or sell, or send beyond Seas any black *Alamodes* or *Lustrings*, unless they have the Seal or Mark which are already used for Foreign Goods at the Custom-house, or the Seal and Mark used by the *Lustring* Company, for the Goods manufactured by them in England, under the Forfeiture of such unqualified Goods, and also to forfeit 100 l. for every Offence, one half to the King, the other to such persons as shall Sue for the same by Action, Bill, &c. in any Court of Record at *Westminster*, wherein no *Essoin*, &c. If the Buyer of such Goods not sealed according to Law, shall within Twelve months discover the person of whom he bought the same, he shall be discharged of the penalty incurred, and shall also receive to his own use one moiety of the Sum imposed on the party so selling.

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Penalty



Penalty for altering, counterfeiting or misapplying any of the Seals or Marks now used for the purpose aforesaid, 100 l. to such person as shall Sue for the same.

Plantations.

By Stat. 7 & 8 W. 3. cap. 22. After the 25th day of March 1698. no Goods or Marchandizes whatsoever shall be imported to, or from any Colony or Plantation to his Majesty belonging, in Asia, Africa or America, or from one Port or Place to another Port or Place in the same, to the Kingdom of England, Dominion of Wales or Town of Berwick, in any Ship but what shall be Built in England, Ireland or the said Colonies, and wholly owned by the People thereof, and navigated with the Master, and three fourths of the Mariners of the said places, under pain of Forfeiture of Ship and Goods, one third part to the King, one third part to the Governour of the said Plantation, and the other third part to the person who shall inform and Sue for the same at Westminster, or in the Plantations where such Offence shall be committed, [except Ships taken and condemned as prize, to be navigated as aforesaid; except also for the space of three years, such Foreign built Ships as shall be imploied by the Commissioners of his Majesties Navy, in bringing only Masts, Timber and Naval-stores for the Kings Service from his Majesties Plantations, and whereof the property doth belong to Englishmen,

Englishmen,] and from after the said 25th of March, Goods may be exported and imported, to and from this Kingdom and the Plantations aforesaid in such Prize Ships, and Masts, Timber and Naval-stores in such Foreign built Ships as aforesaid, for the space of three years, any Law or Statute to the contrary notwithstanding.

All the present Governours or Commanders in Chief, of any English Colonies or Plantations, shall before the 25th of March 1697, and all who shall hereafter be such, before their entrance in to the said Government, take a Solemn Oath to do their utmost, that the Acts of Parliament heretofore passed, and now in force relating to said Colonies and Plantations. [12 Car. 2. cap. 18. 15 Car. 2. cap. 7. 22, & 23. Car. 2. cap. 26. 25 Car. 2. cap. 7.] and that all and every the clauses contained in this present Act be punctually observed, so far as appertain to the said Governours respectively; and upon proof made before his Majesty, by the Oath of two or more credible Witnesses, that any the said Governours or Commanders in chief have neglected to take the said Oath, or have been willingly negligent in doing his Duty, accordingly such Governour shall be removed from his Government, and forfeit the Sum of 1000 l. Sterling.

All Penalties and Forfeitures not in this Act particularly disposed of, shall be one third to the King, one third to the Governour.

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vernour of the Plantation, and the other third part to the person who shall Sue for the same in any Court at *Westminster*, in *Ireland*, or in the Court of Admiralty, in any Plantation belonging to *England* where in no Esloin, &c. shall be admitted. And where any question shall arise concerning the importation or expiration of any Goods, the proof shall be upon the owner or claimer.

After the first day of *December* 1696, it shall not be lawful on any pretence whatsoever, to put on Shore in the Kingdoms of *Scotland* or *Ireland*, any Merchandize of the growth or product of any of his Majesties said Plantations, unless the same have been first Landed in *England*, *Wales* or *Berwick*, and paid the Rates and Duties wherewith they are chargeable, under Penalty of Forfeiture of Ship and Goods, three fourths to the King, the other to him that shall Sue for the same. Nevertheless, if any Ship Laden as aforesaid shall by stress of Weather be stranded, or by leakiness or other disability be driven into any Port of *Ireland*, and unable to proceed on her Voyage, her Goods and Merchandizes may be put on Shore, but shall be delivered into the chief Officer of the Customs there, till the said Goods shall be put on board some other Ship or Vessel, to be transported to some Port in *England*, *Wales* or Town of *Berwick*.

Persons

concerning Tradesmen.

Persons claiming any Right or Property *America*. in any Island, or tract of Land on the Continent of *America* by Charter or Letters Patents, shall not at any time Alien, Sell or Dispose, to any other than to the Natural-born Subjects of *England*, *Ireland*, *Wales* or *Berwick*, without the License and consent of his Majesty in Council first had and obtained; and all Governors appointed by any such proprietors shall be allowed and approved of by his Majesty, and shall take the Oaths enjoined to be taken by the Governors and Commanders in chief, in other his Majesties Colonies and Plantations under the like penalty.

After the 25th of *March* 1698, No Ship shall be deemed to pass as a Ship of the built of *England*, *Ireland*, *Wales*, *Berwick*, *Guernsey*, *Jersey*, or any of the Kings Plantations in *America*, so as to be qualified to Trade to any of the said Plantations, until the proprietor of such Ships shall Register the same, and one or more of the Owners of such Ship make Oath where their Ship was built, who are the present owners thereof, and that no Foreigner directly or indirectly hath any Share, Part or Interest therein, which Oath is to be administered by the Collector or Comptroller of the Customs of such Ports, to which the Ship belongs, if in *England*, *Ireland*, *Wales* or *Berwick*: But if in any *American* Plantations, *Guernsey* or *Jersey*, then

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## A View of the Penal Laws

then by the Governor with the principal Officer of his Majesties Revenue there; which Oath being attested by the Governor or custom Officer respectively, who administered the same, and registred by them, shall be delivered to the Master of the Ship, for the security of her Navigation, and a duplicate transmitted to the Commissioners of his Majesties Customs at London, and there entred in a general Register: The Vessel that Trades to, and from the Plantations in America, after the aforesaid time, without such proof made as here directed, is liable to such Prosecution and Forfeiture, as foreign Ships would be for Trading to the said Plantations.

All such Ships as are taken at Sea; by Letters of Mart, and condemned in the Admiralty as lawful Prize, shall be registred, with proof also upon Oath, that the entire property is English, before any such Prize shall be allowed the priviledge of an English built Ship. Nothing in this Act shall extend to require the Registering of any Fisher Boats, Hoys or any open Boats, but only of such as cross the Seas, or from Plantations. No Ships name Registred shall be changed without Registering such Ships *de novo*, under the same penalties as before directed, and upon Sale of any Share, such Sale shall be acknowledged by endorsement on the Certificate of the Register.

Minters,

## concerning Tradefmen.

*Minters and Moniers.*

Upon the Act Anno 8 & 9 Will. 3. Regis, for encouraging the bringing in wrought Plate to be Coined, at 5 s. 4. d. per Ounce, It is Enacted, That in every City, Town or place where a Mint is, or shall be established or imployed for the Coining the said Plate, and for the Recoining of Hammered Money or either of them, and in every City Town or place where a publick Office shall be appointed by his Majesty for the taking in of wrought Plate, the Master or Worker of such Mint or Mints, his Deputy or Deputies, or the persons so to be appointed for such publick Offices respectively, shall once in every 14 days during the continuance of the said Service, cause publication to be made in Writing, to be openly affixed and exposed, whereby all persons concerned may be informed of the quantities of wrought Plate, or hammered Money so brought in, how much thereof respectively shall from time to time have been made into new Money, and how much thereof shall then remain in the Mint, or such publick Office not Coined, upon penalty of forfeiting the Sum of 20 l. to any person or persons that shall Sue for the same, and to be recovered by Action of Debt, or of the Case, Bill, Plaint or Information in any of his

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## A View of the Penal Laws

Majesties Courts of Record at *Westminster*, &c.

The Act 8 & 9 *Will. 3.* for Duties upon *Paper* and *Parchment*, and to encourage the bringing in of Plate and Hammered Money into the *Mints* to be Coined, gives a Forfeiture of treble Damages besides Costs to the party grieved, against such Officers of the *Mint* as offend against the Rules thereby provided. See the Statute.

By 7 & 8 *W. & 3. cap. 19.* If any Press for Coinage shall be found in the Custody of any person (except Officers of the *Mint*) the same shall be seized, and the person in whose Custody it shall be found shall forfeit 500 *l.* one Moiety to the King, the other to the Informer, to be recovered in any of the Kings Courts, wherein no *Effoin*, &c. shall be allowed.

*Oylmen.*

By *Stat. 3 H. 8. 14.* The Mayor of *London* together with the Master and Wardens of the Mystery of *Fallow Chandlers* there, shall have power to Search all *Oyls* brought to *London* to be sold, and to oversee that the same be not mixed, or altered from their right kinds, and what they shall find deceitfully mixed, they shall cast away, and punish the Offender by Imprisonment; or otherwise at their discretions,

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cretions, according to the Laws and Customs of the said City.

Head Officers in other Corporations shall have the like power within their Jurisdictions.

*Paper and Parchment Makers.*

By the Act made 8 & 9 *Will. 3.* it is Enacted for, and during 2 years, from the first of *March* 96, there shall be levied for the use of his Majesty upon all *Paper*, *Pastboard*, *Parchment* and *Vellum* during the said Term manufactured in *England*, *Wales* or *Berwick*, or Imported or brought into the same, *viz.* for all *Paper* white or brown, or any other colour, and for all *Vellum* and *Parchment* of what kind soever, after the Rate of 20 *l.* for every 100 *l.* of the real value to be paid by the respective Makers.

For all such *Paper*, *Pastboard*, *Vellum* and *Parchment* imported into *England*, *Wales* or *Berwick*, whether in Rolls, Reams, Quires, Books Printed or not Printed, after the rate of 25 *l.* for every 100 *l.* of the real value to be paid by the Importer thereof, over and above all Customs already payable, to be paid in ready Money upon his Entry made, and before Landing, or else to give Security for payment within three Months after Entry, and in case of payment in ready Money

## A View of the Penal Laws

Money, there is allowed a discount after the rate of 10*l.* per Cent. per Annum, for the said three Months.

If such imported Commodities be Land- ed before due Entry and Duties satisfied, or without Warrant from the proper Of- ficer, the said Commodities or value shall be forfeited, and may be recovered of the Importer or Proprietor thereof; one Moi- ety to the King, the other to him that will Seize or Sue for the same, or the value, by Action of Debt, &c. The real value meant is, so much as the Commodity shall be worth to be sold, so soon as they are per- fectly made or imported.

In case of dispute, the value may be esteemed by the Affidavit of the Maker, and the Officer may take them at that value, and sell the Goods for his Majesties advantage, and be allowed upon Account, &c.

If the Maker shall not before the 25<sup>th</sup> of March 97, and other Makers after- wards give notice to the Commissioners of his name, abode and place of making his Manufactures; and also, when from time to time he changes the places of working, before he or they presume to make the same, he shall forfeit 20*l.* one Moiety to the King, the other to him that shall Sue for the same as aforesaid.

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The Makers of Paper shall use no place for drying, other than common places, whereof they first shall have given notice to the proper Officer.

Nor the Makers of Parchment or Vel- lum shall use no Pits, or places other than such as are publick, and whereof they shall first have given the like notice; and that they shall respectively permit the Officers to take notice of their Stock of Skins, Rags, Stuffs or other Materials, and of their pro- ceedings, &c. and shall from time to time, within 5 days after the making their Parch- ment, &c. shall be dried, &c. and fit for use, make true Entries with the Officers attending, or give them true accounts in Writing, and then shall pay or secure the same to be paid within 6 Months after; and shall have a permission from one of the Officers, before they remove any par- cel from the place where such Goods shall first be put, after they are fit for use, and shall no ways hide or conceal their Goods, and to defraud his Majesty, under the pen- alty of 50*l.* one Moiety to the King, the other to him that shall Sue for the same as aforesaid, and the concealed Goods shall be forfeited to the King, and may be sei- zed by the Officer. Such as at time of En- try, make prompt payment shall be al- lowed 10*l.* per Cent. per Annum, upon every Sum to be paid for the said time of 6 Months.

Upon

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Upon Controversy, The Goods shall be esteemed by the Oath of the Owner, and the Officer may take them at the value, and sell them for his Majesties advantage paying the Owner, and shall be allowed upon Account.

Where any of the said Commodities shall be seized for any Offence against this Act, and an Information thereof layed by the Officer, or a Complaint made by the Owner within 8 days after the Seizure, before any two or more of his Majesties Justices of the Peace, who may summon Witnesses and examin the matter upon Oath, and determin the same; and if either party think himself agrieved or unsatisfied, he may appeal to the Justices of the next Quarter Sessions for the County, Riding, or place for a final Determination.

No Reward is to be taken for Entries or Permission.

Such as shall export any of the said Commodities, and give Security not to reland them, shall be repaid their respective Duties paid or secured, after Oath made, that such Duties were paid or secured.

That after the 25th day of March 1697, No person in *England, Wales or Tweed*, shall use any white linnen Rags, for making brown or course Paper, but only for such as are generally called, or known by the name of white Writing or Printing Paper, on Forfeiture of 5 l. for every Offence,  
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**concerning Tradesmen.**

one Moiety to his Majesty, the other to such persons, who shall Prosecute and Sue for the same in any of his Majesties Courts of Record, by Action of Debt, Bill, Plaint or Information, &c.

*Painters and Plasterers.*

By Stat. 1 Jac. 1. 20. No Plasterer shall use to exercise the Art of a Painter in London or the Suburbs thereof, or lay any manner of Colour or Painting whatsoever, (in the Art of Painting heretofore used) unless he be a Servant or an Apprentice to a Painter, or have served seven years as an Apprentice in that Art; in pain for every time so offending to forfeit 5 l. to be divided betwixt the King and the Prosecutor.

Provided notwithstanding, That Plasterers may use Whiting, Blacking, Red-lead, Okar and Russet mingled with Size only, and not with Oyl. 1 Jac. 10.

Provided also, That no Painter shall take above 16 d. the day, for laying any flat Colour whatsoever, mingled or mixed with Oyl or Size, upon any Timber, Stone or Lead. 1 Jac. 10.

*Physitians and Chirurgeons.*

By Stat. 3 H. 8. 11. Physitians and Chirurgeons in London or within 7 miles, not examined and approved of by the Colledge of Physitians, and Chirurgeons.  
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of *Phisitians*, or examined, or admitted by the Bishop of *London*, forfeit for every Month they Practice 5 *l.*

But in other places distant from *London* 7 miles and more, they must be examined by the Bishop of the Diocess, or his Vicar General under the same penalty.

3 *H. 8. 11.* But by 14 & 15. *H. 8. 5.* for incorporating the Colledge of *Phisitians* in *London* says, None shall Practise there or within 7 miles, unless approved under the Seal of the Colledge, in pain of 5 *l.* betwixt the King and the Colledge.

Every *Chirurgeon* in *London* shall have a Sign at his Door, upon Forfeiture of 5 *l.* per Month, betwixt the King and the Prosecutor.

It is lawful for persons skilful in the nature of Herbs, Roots and Waters, to Practise and Minister to any outward Sore, Uncom, Wound, Imposthume, Outward swelling or Disease, any Herbs, Oyntments, Bathes, Poultes and Emplasters, according to their knowledge of the said Maladies; as also Drinks for Stone, Stranguary or Agues, without Suit, Penalty or Loss.

34 & 55.  
*H. 8. 8.*

Next I will speak of Prisoners and Debtors, because the same may much concern Tradesmen.

*Prisoners,*

*Prisoners, Debtors, &c.*

By Act 8 & 9 *Willielmi tertij Regis*, \* *Quere!*  
Two Third parts in number and \* value, of Real Creditors, may make Agreement or Composition with their Debtors withdrawn or absconded, or as were or should become Prisoners for Debt before the 17th of November, 1696.

That such Agreement being made for the Equal benefit of all the Creditors, in proportion to their respective Debts, and subscribed and sealed by the aforesaid two Third parts or more in \* Value, without \* *Quere!* any secret, fraudulent or collateral Agreement, shall conclude all the other Creditors as effectually as if they had subscribed such Agreement, &c.

For preventing Frauds, the Subscriber, if required, in writing before two Credible Witnesses, by one or more of the Creditors, their Executors, Administrators, Guardians or Trustees, within 20 days after, shall make Oath in Writing before a Master in *Chancery*, how the Debt to him became due, and that he hath not directly or indirectly agreed for a greater advantage, than is expressed therein, and the Oath is to be Filed within 20 days by the Jurate or his Order, at the Charge of him that requested it; and if the party For-  
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swear himself he shall be liable to the Penalties for Perjury.

If he refuse to make such Oath within the time limited, or if it appear he has agreed for a greater advantage than expressed therein, his Subscription shall be void, and he shall forfeit 100*l.* besides the treble value of what he shall so fraudulently claim or agree to receive, &c. to be recovered with full Costs of Suit by such of the Creditors only that will Sue for the same by Action of Debt, Bill, Plaint or Information, in any of his Majesties Courts at *Westminster, &c.* And all the Money so recovered (the Costs and Charges of such Recovery being first deducted by the Prosecutor or Prosecutors) shall be equally divided and distributed to and among all the Creditors (except such as upon Notice shall refuse to Contribute towards the Charges of carrying on such Suit) in proportion to their respective Debts.

If such Debtor be in Prison at the time of the Agreement, or shall afterwards be arrested or detained by any of the Creditors, contrary to the meaning of the Composition, the Lord Chancellor, Lord Keeper, Commissioners of the Great Seal, Master of the *Rolls*, or any of the Judges of the *Kings-Bench* or *Common-Pleas*, or Barons of the *Exchequer*, may upon Motion or Petition Summon the Creditor and Keeper of the Gaol, to bring the Debtor before

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before him or them, to produce his Composition, with a Schedule of his Debts annexed, that the two Third parts or more in number and \* value, intended by this Act may appear, and that he is a Prisoner for no other Cause; and may thereupon (in the Creditors presence, or in his absence; upon Oath that he was lawfully Summoned) make an Order to discharge the Debtor, and for the Creditor to pay Costs and Charges occasioned by the Arrest. And If the Keeper neglect to attend upon such Summons, or shall not forthwith obey the Order for discharging the Prisoner, he shall forfeit for every Day so neglecting to attend or obey the Sum of 5 *l.* to be paid to the Debtor, so ordered to be discharged.

If any person be Sued for prosecuting this Act, he may plead the General Issue; and if against the Plaintiff, may recover treble Costs, &c.

This Act shall not extend to impeach Securities by Mortgage or Pawn, or Debts by Judgment, Statute, Recognizance or other Security, whereby the Lands, Tenements, Hereditaments, Goods and Chattels of the Debtors may be charged; but not to affect the Person of the Debtor.

Provided, That where an Agreement hath been already made between Debtors and Creditors, the same shall take effect accordingly; nevertheless the Creditors and



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and Debtors shall, as to all things, have the benefit of this Act, for the forcing and making good such Agreement.

By another Act *Anno 8 & 9 Willielmi tertij*, It is Enacted, That if after the first day of *May*, 1697. the Marshal of the *Kings-Bench*, or Warden of the *Fleet*, or any other Keeper or Keepers of any Prison, suffer any of their Prisoners to be at large, out of the Rules of their respective Prisons, (except by virtue of some Writ of *Habeas Corpus* or Rule of Court, to be granted by Motion or Petition in open Court,) every such going or being out of the said Rules is declared to be an Escape.

*Escape.*

Such as obtain Judgments for Escapes against the Marshal, or Warden, or Deputies, may have all lawful Satisfaction, and the Judges of the Courts (upon the parties Oath, that the same was obtained without Fraud or Covin, and that the Debt of the Prisoner escaping was real and unsatisfied) shall upon Motion in open Court, sequester the Fees and Profits of the Office of Marshal or Warden, or so much as the Court shall think fit, with respect to the Debts due from the Prisoner escaping, towards satisfaction of the Debt, with all Costs and Damages recovered in such Action of Escape.

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And that if the Marshal or Wardens, or their Deputies, shall Sue forth a Writ or Writ of *Error*, to reverse the Judgment, they shall be obliged to put in Special Bail, or else no delay of Execution.

If any Marshal or Warden, or their Deputies, or any other Keeper of any other Prison within this Kingdom, take any Money, Reward or Security, &c. to permit or connive at any Escape, he or they shall forfeit 500 l. and his Office, and be ever after incapable of executing any such Office.

This Act not to make void any Securities given for Lodgings without the Prisons, and within the Rules of the said *Kings-Bench* and *Fleet*, so as the same be not taken for Inlargment out of or beyond the Rules of the said Prisons.

No retaking on Fresh-pursuit, to be given in evidence on Trial, for Escape by the Marshal, Warden, Deputies, or other Keepers of Prison, unless pleaded Specially, and Oath respectively made in Writing, That the Prisoner did escape without Consent, privity or knowledge of such Marshal (&c.) if the party shall afterwards be convicted that the Affidavit was false, he shall forfeit 500 l.

If a Prisoner Committed in Execution shall escape, the Creditor may re take him by a new *Capias*, or *Capias ad satisfaciendum*, or sue forth any kind of Execution on the Judgment.

If

## A View of the Penal Laws

If the Marshal, Warden, their Deputies or other Keepers of Prisons, shall after one days Notice in Writing, given for that purpose, refuse to shew any Prisoner Committed in Execution to the Creditor, at whose Suit such Prisoner was Committed or Charged, or to his Attorney; Every such Refusal shall be adjudged to be an Escape in Law.

If any person desiring to charge any Prisoner with any Action or Execution, shall desire to be inform'd by the Marshal or Warden, or their Deputies, or any other Keeper of Prison or Prisons, whether such person be a Prisoner in his Custody, or not, he or they shall give a true Note in Writing thereof to the person requesting the same, or to his lawful Attorney, upon demand, at his Office for that purpose; or in default thereof shall forfeit the Sum of 50 l.

And if such Note be given, That such person is an actual Prisoner in Custody, every such Note shall be accepted and taken as a sufficient Evidence, That such person was at that time a Prisoner in actual Custody.

That Marshal and Wardens shall Inroll their Conveyances and Mortgages of their Inheritance of the Prisons, Prison-houses, &c. or else such Deeds to be void.

That they who shall have the Inheritance of the said two Prisons, shall execute their Offices in proper person, or by their sufficient Deputies, for whom they shall

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shall be Answerable by Sequestration; &c.

That upon Filing a Bill against the Warden of the *Fleet* in the *Common-Pleas*, or *Exchequer-Courts* at *Westminster*, and a Rule given to plead in eight days after, Judgment may be signed, if no Plea within three days after the Rule is out.

Also any person after filing or entering a Declaration with the proper Officer against any Prisoner in the *Fleet*, and delivering a Copy thereof to the Defendant in any Personal Actions, or to the Turn-Key or Porter of the *Fleet* Prison, and after a Rule given to plead (to be out at eight days after) and Affidavit made before any Justice of the Court of *Common-Pleas*, or some of the Barons of the *Exchequer*, of such delivery, may sign Judgment, as if the Defendant had been charged at the Bar of the *Common-Pleas* or *Exchequer*.

That no Prisoner shall be compellable to pay Chamber-Rent within any Prison, longer than he is actually in possession of such Chamber, and then not above 2 s. 6 d. per Week for any such Chamber; he that takes or demands more, shall for every Offence forfeit 20 s.

Also, He that hath any Debt owing to *White Fry-* him from any person who shall reside *ars, &c.* within *White Fryars*, *Savoy*, *Salisbury-Court*, *Ram-Alley*, *Mitre-Court*, *Fullers-Rents*, *Baldwyn's Gardens*, *Mountague-Close*,  
or

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or the *Minories, Mint, Clink, Dead-mans Place*, may take out legal Proceſs in *London* or *Middleſex*, and demand ſuch Sheriff or Officer (as the Caſe ſhall require, if the Plaintiff think it requiſite) to take ſuch Power as ſhall be requiſite, and enter any the ſaid pretended Priviledge places to arreſt the perſon, or ſeize his Goods upon Execution.

If the Sheriff or other Officer reſuſe, upon Requeſt, to uſe his beaſt endeavour to execute ſuch Proceſs, he ſhall pay to the Plaintiff 100 l. to be recovered by Action of *Debt, &c.*

Such perſons as ſhall reſiſt the Officers, ſhall forfeit for every time he ſo offends, 50 l. and ſhall by ſome Juſtice be committed to ſome Common Gaol, there to remain till the next Affizes, Seſſions or General Gaol-delivery; and being Convicted, ſhall undergo ſuch Imprifonment, and be ſet in the Pillory as the Court ſhall think fit.

*Reſcuo.*

He that makes a Reſcuo within the ſaid places, or aiding thereto, being lawfully convicted, ſhall forfeit to the Plaintiff 500 l. to be recovered by Action of *Debt, &c.* in any of the Courts at *Westminster*; and if after ſuch Recovery he pay not the Sum with full Coſts, within a Month after Judgment ſigned and demand made, upon producing a Copy of the Judgment, and Oath made of the Money not being paid, he ſhall by the Sheriff be transported to

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one of His Majeſties Plantations beyond Seas, to remain for ſeven years; if he return in that time, he is adjudged a Felon without Clergy.

If any within ſuch pretended Priviledged places knowingly conceal or harbour ſuch perſon as made the Reſcuo, being convicted thereof, ſhall alſo be Transported as aforeſaid, unleſs within one Month after Conviction he pay the full Debt or Debts to the Plaintiff with full Coſts; if he return within the ſaid time, 'tis Felony without benefit of Clergy.

The ſeveral Penalties in this Act, not particularly diſpoſed of, ſhall go, one to half His Majeſty, the other to him that will Sue for the ſame, to be recovered as aforeſaid.

This Act to be taken as a General Law, and ſuch as are Sued for Executing it may plead the General Iſſue, and give the Act and Special Matter in Evidence, and may have treble Coſts.

*Salt-makers and Salters.*

By Stat. 5 & 6 W. & M. Seſſ. 2. cap. 1. This Statute continued for ever, ſee after.  
From and after the 25th day of *March* 1694, there ſhould be raiſed, levied, collected and paid unto their Majeſties until the 7th day of *May* 1697, and no longer for *Salt*, the Rates and Duties following, viz.

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## A View of the Penal Laws

Three pence by the Importer for every Gallon of *Salt*, not being of the Product or Manufacture of this Kingdom, imported after the said 25th of *March*, over and above the present Duties then payable for *Salt* imported,

The Duties set on all foreign and imported *Salt*, to be paid in ready Money upon Entry made before the Landing; and if any landed before due Entry with the Collectors, or before the Duty satisfied, or without a Warrant for Landing (the same first signed by the Collector in the Port) the same or the value to be forfeited, and to be recovered in such manner as any Forfeiture is to be recovered, mentioned in the Act of 12 Car. 2. Entituled, *An Act for the taking away the Court of Wards and Liveries, and Tenures in Capite, &c.* or by any other Statute in force relating to the Revenue of Excise. Nevertheless, such Importer of Foreign *Salt*, to have six Months time for the payment, giving security to the Collector; but if he pay ready Money, then to have 10 l. per Cent. abated.

Every Gallon of *Salt*, and *Rock-salt* made within this Kingdom, should pay one penny half penny, and after that rate for a greater or lesser quantity.

The Duties upon *Salt* to be managed by the Commissioners of the Excise, and the Collectors to be appointed under their Hands and Seals.

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All Markers and Proprietors of *Salt*, and *Rock-salt* to make true Entries with the Officers appointed, of the quantities of *Salt* by them made or taken out of the Pits, and to have a Warrant *gratis* under the Hand and Seal of the Officer, empowering such Maker or Proprietor to carry away the same before removed, the said Warrant to be given upon payment, or security of payment within six Months after such Entry: Provided, if any person at the time of Entry and Delivery paid down the Duty imposed, he should be allowed at the rate of 10 l. per Cent.

That it should be lawful for the Officers appointed, to Seize all such *Salt* which should be conveyed away before Entry made, without Warrant of the Commissioners or other Collectors; and the *Salt* that should be so seized, to be brought to the Officer next such place where such *Salt* was seized, and there detained, and if not claimed by the true Owner within ten days after Seizure, to be forfeited and sold at the next general day of Sale, to be appointed by the Commissioners or their Officers, one Moiety to the use of their Majesties, the other to him that seized the same, and if the Owner claim the same within ten days, and should not make it appear before the next Justice of Peace in the County where such Seizure was, by Oath of one or more Witnesses, that the

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*Salt*

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Salt was duly entred, and that there was a Warrant for carrying away the same, then it should be forfeited and disposed as aforesaid, and he that carried, or caused to be conveyed away should forfeit double the value.

No Retailer to be permitted to Ship off any Salt to be sent to any Port in England or Wales or to Berwick, before he made it appear by Oath, or otherwise, before the Commissioners or their Officers, or some or one of them, that the Duty of such Salt was paid or secured, or that it was bought of some other Retailer, or Shopkeeper that had paid the Duty.

That the Master and Commander of any Ship or Vessel, that should after the 25th of March aforesaid, Transport any Salt, from one Port to another in England, Wales or Berwick, should before Landing it, deliver to the Collector of the Duty in the said Port, a true particular of the quantity thereof, signed by the Collector of the Duty, and the Officers of the Customs in that Port from whence the Vessel came, and that then the Master or his Mate, or the Boat-Swain of such Ship or Vessel, should make Oath before the Commissioners or their Officers, or one of them, that to his knowledge there had not been taken into the said Ship any Salt, since he or they came from such Port; and if such Ship was to deliver her Salt, part at one

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Port and part at another, then the Collectors of the Duty, and the Officers of the Custom, where such part was to be delivered, should gratis certifie on the Cocket, Transire, or other Warrant, or by Certificate under Hand and Seal of the Officer, what quantity of the Salt mentioned in the Cocket whence such Ship came, had been there Landed, upon Forfeiture of double the value of the Salt otherwise delivered.

That all Salt imported by Sea or Land into England, Wales or Berwick, and not of the product of any of the said places, to be adjudged Foreign Salt, and so chargeable; and all Scotch Salt brought by Land into England to be entred at Carlisle or Berwick, under Forfeiture of double the value.

The Justices of Peace (not concerned in making or selling Salt) at every Easter and Michaelmas Sessions, to set the prices of Salt to be sold by the first Seller for the next half year, and none to sell above those prices under the penalty of 5 l. and Forfeiture of double the value, to be levied by Distress and Sale of the Offenders Goods, one half to the King, the other to the Informer.

The General Issue to be pleaded by the Defendant on Suit, and the special matter given in Evidence, and if the Verdict passed for the Defendant, or the Plaintiff Non-suited, he should have double Costs. L. 3. No

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No *Certiorari* to supersede Execution; or other proceeding upon any Orders made by the said Chief Commissioners, or Justice of Peace in pursuance of this Act.

All *Salt* to be measured by a Bushel of eight Gallons *Winchester* Measure, by fit Measurers, Sworn and admitted by some Neighbouring Justice without Fee, upon Forfeiture of double the value of *Salt* not so measured.

No *Salt* to be delivered from any *Saltworks* or *Pits*, without notice to the Officer upon Forfeiture of the *Salt* so delivered, and upon Forfeiture of 20 *l.* by the Owner of the *Saltworks*, one half to the King and the other to the Informer.

If any of the *Salt* for which the Duty should have been repaid and discharged upon the exportation thereof, should by fraud or otherwise be Landed in *England*, *Wales* or *Berwick*, before the Duty be again paid, and such Entry and all other things performed, as are therein required in case where any Foreign *Salt* was imported, the Offender to forfeit double the value of such *Salt* so Landed, and such other penalties as therein inflicted upon any person Landing Foreign *Salt* contrary to the intent of this Act.

If any Merchant being a Subject of the Realm, should Ship any *Salt* that had paid the Duty, to convey it by Sea to any part of *England*, and the Vessel should happen  
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to be lost or taken, he should upon proof before the Justices at Quarter Sessions of such loss, have a Certificate of it, and upon producing the same to any Collector of the Duty, the Officer should let him buy the like quantity without paying any Duty for the same.

The Owners of any *Rock Salt*, might remove the same into Warehouses after due Entry thereof made, and a Warrant or Ticket taken for the same from the Officer next to the *Salt Pits*, and the Owner should not be obliged to pay, or secure the payment of the said Duty, till the said *Rock Salt* should be sold and delivered.

That all *Salt* made in *Cheshire* should be Entred by weight only 56 *l.* weight, to be taken to be a *Winchester* Bushel of eight Gallons, *Winchester* Measure, and to be entred and taxed accordingly, and all *Salt* taken out of the *Pits* to be entred by weight only, and that sixscore pounds weight to be deemed a *Winchester* Bushel, of eight Gallons *Winchester* Measure, and entred accordingly: And where any *Rock Salt* shall be melted and refined, which had before paid the Duty, the Refiner to have allowance after the rate of 12 *d.* per Bushel; Oath being first made before some Justice of Peace, of the particular quantity by him so imploied.

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By Stat. 7 & 8 W. 3. cap. 31. For the encouragement of such persons, who shall voluntarily contribute to the advancing into the *Exchequer*, towards carrying on the War, any Sum or Sums of Money not exceeding Five and twenty hundred and sixty four thousands pounds, upon the Terms therein mentioned, Enacted, That all Duties upon *Salt* granted by an Act made 5 & 6 W. & M. until the 17 of *May* 1697. shall continue for ever, to be raised in the same manner and form, and under such penalties as are mentioned in the said Act.

And that all *Salt* made from *Rock Salt*, (allowing the Draw-back for the same, as in the Act of 5 & 6 W. & M. cap. 7. is *Salt* mentioned) and all refined *Salt*, or made from *Salt*, either imported, or made in *England*, was and is chargable with the Duty of one penny half penny per Gallon, any thing in the said Act notwithstanding.

All *Salt* and *Saltworks*, (*Rock Salt* excepted) shall be ascertained as to the said Duties, at the rate of Fifty six pounds weight to the Bushel, eight Gallons to the Bushel.

All *Salts* whether of the product of this Kingdom or *Wales*, or brought from *Scotland*, brought in, Landed or put on Shore before due Entry be made, and payment of Duties by the said Act imposed shall be forfeited; one Moiety to the Seizer or Informer. Every Collector for the  
said

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said Duties should after the 17 of *May* 1696, provide at every *Salt-work* a sufficient Beam, Scale and weights or stiland, and fix the same in some convenient place about such *Salt-work*, for the weighing all *Salt* that shall be delivered from the said *Salt-work*, and one or more sufficient person shall be Sworn before a Justice of Peace, without fee, for the due and true weighing the same, which weighers shall be satisfied and paid for their pains by the Collector of the said Duties.

Officers shall deliver *gratis*, and without delay, such, and so many Warrants and permits to each carrier of *Salt*, as he shall demand, for the several Horse-loads of *Salt* as he shall load at one time, and at one *Salt-work*, that all persons selling *Salt* (except *Foreign Salt*) after the 17 of *May* 1696, shall sell the same after the Rate of 56 pound weight to the Bushel and so proportionably, under the penalty of forfeiting the Sum of 5 *l.* to the Informer.

The Lord Mayor and Court of Aldermen of *London*, to set reasonable Rates upon *Salt*, to be sold there and within the Bills of Mortality, and the Justices of Peace within their respective Counties, Cities and Places, and to alter and correct the same (if necessary) by writing duly made and published; which Rates and Prices so set, altered and corrected, are to be observed, accepted, received and taken by

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all persons selling *Salt* in *England, Wales* or *Berwick*; and if any person shall sell any *Salt*, at any higher price or rate, or refuse to sell at the prices and rates aforesaid; such person shall for every such Offence forfeit the Sum of 5 *l.* to be levied out of the Goods and Chattels of such Offender by Distress and Sale thereof, by Warrant under the Hand and Seal of the said Mayor of *London*, or of any Justice of Peace of the place, where such Offence shall be committed, or distress, and in default thereof, it shall be lawful by the like Warrant as aforesaid to Imprison the Offender, till he shall pay the said Sum of 5 *l.* one Moiety for the use of the King, the other for the Informer or Prosecutor.

Note, *Stat. 8 & 9 W. 3.* Gives 2 *d.* per Gallon more for *Salt* imported, and 1 *d.* for homemade.

*Schoolmasters.*

By *Stat. 23 Eliz. 1.* None shall keep a *Schoolmaster* which absents himself from Church, or not allowed by the Bishop or Ordinary, in pain of 10 *l.* for every Month he so keeps him, and such *Schoolmaster* shall be for ever after disabled to teach Youth, and shall suffer one whole years Imprisonment without Bail; one third of the Forfeiture to the Queen, and other-

## concerning Tradesmen.

other to the Poor of the Parish, and the other to the Prosecutor.

Persons restrained by 17 *Car. 2. cap. 2.* and others not first taking, and subscribing the Oath therein mentioned, and not frequenting Divine Service established by Law, shall not teach any School by themselves or others, on pain to forfeit 40 *l.* one third to the King, another to the Poor of the Parish, and the other to the Prosecutor.

By *Stat. 13 & 14 Car. 2. cap. 4.* *Schoolmasters* of publick or private Schools, and Tutors of Youth in private Families, shall at, or before their respective Admissions, subscribe the Declaration therein mentioned, in default whereof they shall be utterly deprived of their places *ipso facto*: And such *Schoolmasters* and private Tutors, teaching any Youth before License from the Archbishop or Ordinary of the Diocess, and before such Subscription shall for the first Offence, suffer three Months Imprisonment, and for the second the like Imprisonment, and forfeit 5 *l.*

*Silkbrowers.*

By *Stat. 19 H. 7. 21.* None shall bring, or cause to be brought into *England* any *Silk* wrought (by it self or with other Stuff) *Ribbon, Laces, Girdles, Cauls, Corsets, Tissues* or *Points*, in pain to forfeit



## A View of the Penal Laws

forfeit the same or the value thereof, to be divided betwixt the King and the Seisor or Profecutor: But all other *Silk* (both wrought and raw) may be imported and sold at pleasure.

*Stat. 13 & 14 Car. 2. cap. 15.* None shall exercise the Trade of *Silk-throwers*, unless such as have served seven years Apprenti-ship thereto, on pain to forfeit 40*s.* for every Month, the one half to the King, the other to him that will Sue in any Court of Record, or before the Justices of *Oyer* and *Terminer*, or Justices of the Peace in the Quarter Sessions.

The Masters, Wardens, Assistants and Commonalty of the Company of *Silk-throwers* in *London* (which extends to *London, Westminster*, or within 20 Miles compass) may execute within the Precinct aforesaid, all Authorities granted by this Act, or their Letters Patents of Incorporation.

Silkwinders and Doublers, Purloyning, Embezzling, Pawning, Selling or Detain- ing *Silk* delivered to them to wind or double, they and their Journymen, Buyers and Receivers of such *Silk*, being convicted by Confession or Oath of one Witness before a Justice of Peace, or Chief Officer of the City or Town Corporate where, &c. shall make such recompence for Damages and Charges, not exceeding what the party grieved shall prove he is endam-

## concerning Tradetmen.

endamaged and hath expended, as the said Justice or, &c. shall appoint, and in default of Satisfaction within 14 days after Conviction, shall be Whipt or set in the Stocks. See after.

Also, Freemen of the Company may im- ploy Native Subjects, and no others to dou- ble and wind *Silk*, thō they have not served 7 years as Apprentices: But the Corporation shall not by virtute of this Act make Or- dinances, to set Rates on throwing of *Silk*.

By *Stat. 20 Car. 2. cap. 6.* A By-law made by the Company of *Silk Throwers* in *London*, Stinting the Freemen of the said Company, not to work with above 160 Spindles at one time, and the Assi- stants not with above 240, is made null and void, and the Company disabled from making any By-law, which shall limit the number of the Utensels about the said Mystery.

Also, No By-law made or to be made by the said Company, shall confine any Freeman, to take a less number than three Apprentices at any time.

*5 & 6 W. & M. Sess. 2. cap. 14.* Pro- vides for the Commissioners of the Cu- stoms Marking and Sealing *Lustrings* and *Alamodes* then imported, and to be im- ported; and that those imported after *May* 1694, and not Sealed and Marked shall be forfeited, and the Importers or Possessors thereof

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thereof, subject to such and the like Penalties and Forfeitures as Importers of French Goods; and Counterfeiters of such Marks and Seals, to forfeit 500 l. to any that will Sue for the same, in any of their Majesties Courts of Record at *Westminster*.

The *Stat. 6 & 7 W. 3. cap. 18.* Gives a penalty of 100 l. for every Offence, by such as deal, buy, sell or send beyond the Seas, *Alamodes* and *Lustrings* not Marked at the *Custom-house*, or by the *Lustring Company*, one half to the King, the other to him that will Sue, &c. and the buyer that discovers it within a year shall be discharged, and shall have one Moiety of the Sum imposed on the party so selling.

By *Stat. 8 & 9 Will. 3.* For the further encouragment of the Manufacture of *Lustrings* and *Alamodes*, It is Enacted, That Importers of Foreign *Alamodes* and *Lustrings* from beyond Seas into *England*, *Wales* or *Berwick*, without paying the Duty imposed for them, or importing, such as are prohibited, or that shall by way of Insurance, or otherwise undertake or agree to deliver, or in pursuance of any undertaking, &c. shall deliver any such Goods, and the person who shall agree to pay any rewards for insuring, or conveying any such, or shall knowingly take the same into his Possession, may be prosecuted

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secuted therefore in any Action, Suit or Information, and thereupon a *Capias* in the first Process specifying the penalty sued for, shall issue; and such person shall give good Bail by natural born Subjects, persons naturalized or Denizens, to the Officer to appear at the Return of the Writ, and at the time of Appearance give sufficient Bail, by such persons as aforesaid, to answer and pay the Forfeitures and Penalties incurred for such Offence in case he shall be Convicted, or else to yield his Body to Prison.

By the said Act, All black *Alamodes* and *Lustrings* wheresoever Manufactured, which shall be found in the possession of any person not Marked and Sealed with the *Custom-House* Mark or Seal, or of the *Royal Lustring Company*, shall be forfeited, and may be Seised, whether the same have been before such Seizure, bought or sold or not, and the Person in whose Possession they are found, shall incur all the penalties contained.

No *Alamodes* or *Lustrings* Seised and Forfeited by vertue of any Law, shall be consumed or used in this Kingdom, but shall be Exported again and not Sold, or disposed, but on Condition to be Exported, they shall immediately upon Seizure, be carryed to the *Custom-House* Ware-House in *London*, and if Forfeited, be there sold by Inch of Candle on Condition to be Exported,

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ported, and be carryed on Ship-board in order to Exportation, and that not untill the Buyer gives Security to Export them, and not again Land them in *England, Wales,* or *Berwick,* and no allowance of drawing back Duty by the Exporter.

Also such persons as shall imbezil, pawn, sell or detain any Silk delivered to them to warp, wind, or work up, or after the same is wrought up, and also all and every Receivers and Buyers, or takers to pawn of the same, shall be subject to all the penalties and forfeitures, &c. provided by the 13 & 14. and by the 26 Car. 2. for Regulating the Trade of *Silk-Throwing.*

*Weavers* who had such *Alamodes* and *Lustrings* by them, as were Manufactured here, and unseal'd, &c. were before the first of *May,* to have them Seal'd gratis by the Company; And for preventing the Sale of others under colour thereof; they are to give an account weekly to the Company to whom they have Sold them so Seal'd, &c. under penalty of double the value for every omission, to be recovered as the other penalties to be inflicted by this Act; and the Company are to keep the Register of the said Sales.

See before Merchants.

*Skinner*s

concerning Tradesmen.

*Skinner*s.

No Merchant or other; shall Dress or cause to be Dressed in his House, or by any Workman, (being no Skinner) appointed by him for that purpose, any black Cony Skins of this Realm, nor Transport any such, or pack them to be Transported, before they be Tawed, and duly wrought by such as are Artizan-Skinners, or Tawers under them, in pain to forfeit them, or the value thereof.

No Merchant shall buy or contract for any Cony-skins or Lamb-skins, under the number of a 1000 black Cony-skins, 3000 gray Cony-skins, and 2000 Lamb-skins at one and the same time, to be so bought and delivered intirely together, and not by parcels, except they be bought by the Artizan Skinners: Neither shall the Merchant sell them again in less parcels than aforesaid, (unless to the Artizan Skinners) in pain to forfeit the same, or the value thereof.

None shall Retain any Servant, Journeyman or Apprentice, to work in Trade of a Skinner, unless he himself hath served Seven years as an Apprentice in the same Trade, in pain to forfeit the double value of his Ware so wrought.

The forfeitures aforesaid are to be divided betwixt the King and the Seisor or Prosecutor.

*Soap*

*Soap-Sellers.*

Every *Soap-maker* shall cause his Vessels to be as followeth, *viz.* every empty Barrel to contain 32 Gallons, and Weight 26 pounds; the Content of the half Barrel to be 16 Gallons, and the Weight 13 pounds, and the Content of the Firken 8 Gallons, and the Weight 6 pounds and an half, in pain to forfeit for every Vessel otherwise ordered, 3 s. 4 d. The Wardens of the Mystery of *Coopers* within the City of *London* (taking with them an Officer of the Mayor) shall have power to Search and Gage all Vessels made for *Ale, Beer, and Soap*, to be put to Sale within *London* and the *Suburbs*, and within two Miles compass without the *Suburbs* (as well within the *Liberties*, as without) and to examine their Contents and Weight, and (being found right) to mark them with *St. Antony's Cross*; which Searchers shall have for their Fee, a Farthing for every Vessel, to be paid by the Owner thereof, and may retain the Vessel until the Fee be paid: And if any be found Defective, they have power to amend or burn them, and the Owner of such Defective Vessels, shall forfeit 12 d.

In other places where there is no Wardens, the Head Officer shall do it, and shall have the like power and advantages as those of *London*.

*Stock-**Stock-jobbers and Brokers.*

By Act 8 & 9 *Willielmi tertij*, for Restraining the number and ill practice of Stock-jobbers and pretended Brokers, It is Enacted, That no Person whatsoever shall directly or indirectly use or exercise the Office, Trade, Mystery, Occupation or Employment of a Broker, or Act or Deal as such within the Cities of *London, Westminster, or Borough of Southwark*, or Weekly Bills of Mortality, in making Bargains and Contracts between Merchants and Merchants, or between Merchants and Tradesmen, or others concerning their Wares and Merchandises to be Bought or Sold, or taken up by Exchange, &c. or concerning Tallies or Orders, Bills of Credit, or Tickets payable at the Receipt of the *Exchequer* or publick Offices, or concerning Bank Bills, or the Companies Stock, or any Members share, until such Person be Licensed by the Lord Mayor and Court of Aldermen of *London*, and shall have taken the Oath in the Act appointed, and the Oath in the Act *primo Willielmi & Mariae*, and Subscribe the Association, and enter into Bond of 500 l. to execute his Office without fraud, &c.

That there shall not be above 100 such at one time: That their Names and Habitations shall be set up on the *Royal Exchange*,

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*change, and Guild-Hall London;* And if any Person not being so admitted, shall directly or indirectly exercise the said Office or Employment of a Broker, he shall for every such Offence forfeit 500 *l.* over and above all other forfeitures that he shall incur by virtue of this Act.

Such Person as knowingly makes use or employs such an unlicensed Broker or Stock-jobber, forfeits 500 *l.* and he that acts as such in the discounting of Tallies, Exchequer or Bank-Bills, or Notes, or in Stock-jobbing, or Selling of Bank Stock, or any other Interest or Securities upon Fond or Fonds granted by Parliament, shall forfeit 500 *l.* and being legally Convicted thereof, shall stand in the Pillory three several days, one hour in each day.

The Sworn Broker is to keep a Register-Book of all his Contracts and Bargains between Party and Party, and enter the same within three days, and the parties Names, to the end he may produce the same when lawfully required, upon forfeiture of 50 *l.* for every Omission.

If he takes above Ten Shillings *per Cent* for Brokage, he forfeits 10 *l.* for every Offence.

Each Broker is to carry about him a Silver Medal, with his Majesties Coat of Arms thereon, and on the Reverse, the Arms of the City of *London*, with the Brokers Name, which Medal he shall produce at the concluding

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concluding of every Bargain by him to the parties concern'd, or to such as shall be present, upon pain of forty Shillings for every omission.

If any such Broker shall directly or indirectly deal for himself, in the Exchange or Remittance of Moneys, or shall buy any Tallies, Orders, Bill, or share or interest in any Joynt Stock to be Assigned or Transferred to his own use, or buy any Goods, Wares or Merchandizes, to Sell again for his own Benefit or Advantage, or shall make any Gain or Profit in Buying or Selling any Goods over and above the Brokage allowed by this Act, he or they so offending, shall forfeit 200 *l.* and being Convicted of such Offence, shall be for ever incapable to Trade, Act, or Deal as a Broker for any Person or Persons whatsoever.

The Sworn Broker is forthwith (after his knowledge thereof) to discover other Stockjobbers and Receivers of *Premiums* contrary to this Act, to the end they may be prosecuted: If he neglect or conceal such, upon proof thereof before the Lord Mayor and Court of Aldermen, he may by them be Displaced, and shall ever after be incapable to be a Broker, or to Act or Deal as such.

All Penalties and Forfeitures given or granted by this Act, shall be Recovered by Action of Debt, Bill, Plaint or Information,

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tion, in any of his Majesties Courts of *Westminster*. One Moyety to his Majesty, the other to him that shall sue for the same.

This Act to continue from the first of *May* 1697. for three years, and from thence to the end of the next Session of Parliament.

No Person for Buying or Selling of Cattel, Corn, or any other Provisions or Coal shall be esteemed a Broker, within the meaning of this Act.

Also no Sworn Broker after the first of *May* 1697. until the end of the next Session of Parliament, shall Act or Deal, or drive any Bargain or Contract, to Buy or Sell for Money, any Tallies or other Securities, upon any Fund or Funds granted by Parliament, unless he or they shall be Licensed so to do by the Lords Commissioners of the Treasury, or any three of them, under the penalty of 500 *l.* to the uses aforesaid, to be recovered in manner as is aforesaid.

Note that by an Act made 8 & 9 *W.* 3. for making good the Deficiencies of several Funds, and for enlarging the Capital Stock of *England*, It is Enacted, That for five years after the 10th of *June* 1697. or before the end of the then next Session of Parliament, no Person shall give or take directly or indirectly for any Tally or Order, above 6 per Cent more than the Interest

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Interest thereof, under the penalty of treble the value of the Principal, and to suffer as an Extortioner.

Also every Broker or Solicitor, who shall after the Tenth of *June*, take above 2 *s.* 6 *d.* for the Brokridge of 100 *l.* shall forfeit 20 *l.* and contracting for any *Premium* contrary to this Act, shall forfeit 500 *l.* and suffer as an Extortioner.

*Tilemakers.*

*Stat.* 17. *E.* 4. 4. Tile-Earth shall be cast up before the first of *November*, shired and turned before the first of *February*, and not made into Tiles, before the first of *March*, and shall likewise be tryed and severed from Stones, Maln, Marle, and Chalk.

A plain Tile shall contain in length ten Inches and an half, in breadth six Inches and a quarter, and in thickness half an Inch half a quarter, at least: A Roof or Cross Tile in length, thirteen Inches, and in thickness as before, with convenient deepness accordingly; a Gutter and a Corner Tile in length ten Inches and an half, with a convenient thickness, breadth and deepness.

If any shall Sell Tile otherwise made, he shall forfeit to the buyer double the value thereof, to be recovered by Action of Debt, and besides shall make Fine and Ransom at the Kings Will.

Justices

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Justices of Peace shall Hear and Determine these Defaults and Offences, as well at the Suit of the King, as of the party griev'd, and shall not set less Fine upon an Offender of this Act, than after the rate of 5 s. for every Thousand of plain Tile, 6 s. 8 d. for every Hundred of Roof Tile, and 2 s. for every Hundred of Corner or Gutter Tile.

The said Justices of Peace have also Authority to appoint Searchers of Tile, who shall diligently execute that Office, in pain to forfeit to the King for every default 10 s. and they shall have of every Tilemaker for such Search, after the Rate of 1 d. for every Thousand of plain Tile, a half penny for every Hundred of Roof Tile, and a farthing for every Hundred of Corner and Gutter Tile; and shall make presentment of all Defaults found at the next Sessions, which shall be as effectual in Law, as the presentment of Twelve Men.

None shall put Tile to Sale before Search be made, in pain to forfeit the same; and the Justices of Peace have also power to hear and determine in the Defaults of the said Searchers.

*Vintners and Wine-Coopers.*

By the Stat. 4 Ed. 3. 12. None shall Sell Wines but at a reasonable price, according to the price at the Ports from whence they  
come,

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come, allowing the expence of their Carriage, to the places where they are Sold. And Trial shall be made of such Wines twice a year, viz. at *Easter* and *Michaelsmas*. But 37 H. 8. 23. says betwixt the 20th of *November*, and the last day of *December* (if need require,) by the Lords of Towns and their Bailiffs, and likewise by Mayors and Bailiffs, and all corrupt Wines shall be poured out, and the Vessel broken, &c.

By Stat. 6 R. 2. 1. 7. Sweet Wines shall be sold in *England*, at the price of *Gascoign* and *Rhenish* Wines are Sold for, and not above, on pain to forfeit the same.

By Stat. 28 H. 8. 14. None shall sell Wine in gross, at other prices, than the Chancellor, Treasurer, President of the Council, &c. shall set, so as they cause them to be written, and openly proclaimed in *Chancery* in Term-time, or else in the City, Borough or Town, where any such Wines are sold in Gross. He that Sells otherwise, forfeits 40 l. for every Vessel Sold, to be divided (in a Corporation) betwixt the King and the Prosecutor.

Also Justices of Peace and Head Officers, have power to Hear and Determine the Defaults of all such as Sell Wine in Gross or by Retail, contrary to this Act.

By 37 H. 8. 23. If any refuse to Sell their Wines according to 28 H. 8. 14. in  
M London,

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London, the Mayor, Recorder, and two Antient Aldermen, being no Vintners, and in other places, the Mayor, Bailiffs, Aldermen, and other Officers, whereof the Chief Officer is to be one, may enter the Houses of such Persons, and Sell their Wines at the prices so assessed as aforesaid.

By 7 E. 6. 5. None shall Sell Wine by Retail in any other places than in Cities, Burroughs, Port Towns, or Market Towns, or in Gravesend, Sittingborn, Tuxford or Bagshot, in pain of 10 l. per diem, for every day they sell otherwise; none shall sell Wine by Retail in any City, Borough, or Corporation, without License of the Common Council, Aldermen, Burgeses or Commonalty there, nor in any other City, Town, &c. not Corporate, without Licence from the Justices in Sessions, in pain of 5 l. per diem.

The said Officers or Justices shall not License above two in one place to sell as aforesaid, in pain of 5 l. apiece, but certain places in the Statute are excepted, as London 40. York 8. Norwich 4. Westminster 3. Bristol 6. Lincoln 3. Hull 4. Shrewsbury 3. Exeter 4. Salisbury 3. Gloucester 4. Westchester 4. Hereford East 3. Worcester 3. Southampton 3. Canterbury 14. Ipswich 3. Winchester 3. Oxford 3. Cambridge 4. Colchester 3. Newcastle 4.

None shall Sell Wine by Retail to be spent in his or their Mansion House, or in any other

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other place in their Tenure, by any Colour, Craft or Engine, in pain of 10 l.

The Forfeitures are between the King and the Prosecutor, the Suit to be prosecuted within a year.

By 12 Car. 2. 15. No Officer appointed to grant Licenses for Selling Wines, shall receive any Fees or Rewards for the same, other than 5 s. for a Licence, 4 d. for an Acquittance, and 6 d. for a Bond, in pain of 10 l.

None Selling Wines in Gros, shall abuse or mix any of them with other Ingredients, in pain of 10 l. and 40 pound for every person Selling such mixed, corrupted or abused Wines by Retail.

No Spanish or Sweet Wines, shall be sold by Retail for above 8 d. the Quart, no Rhenish Wines for above 12 d. the Quart, and so proportionably for more or less quantity, in pain of 5 l. for any quantity so sold.

The several forfeitures are betwixt the King and the Prosecutor.

Provided the Lord Chancellor, &c. may alter or set the prices of Wines yearly, and in default of such setting prices, the Rates set by this Act, to continue under the aforesaid penalties. But see after

By 1 W. & M. Sess. 1 cap. 34. for preventing Importation of French Goods, and since continued, as has been before observed, 'Tis Enacted,



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That none shall sell at, or demand a greater price for any *French Wines*, or so Reputed, or other *Wines* mixt with *French Wines*, after the 10th day of *September*, 1689. to the 11th day of *September* 1690. than 12 *d.* by the *Quart*, and after the 10th day of *September* 1690. 6 *d.* by the *Quart*, and no more upon pain to forfeit for every *Quart* 5 *l.* for the first Offence to the Informer, and 10 *l.* for the second; and every other Offence, to be recovered by Action of Debt, Bill, Plaint or Information.

That after the 10th day of *September* 1689. no Retailer of *Wines* should utter them other than in Measures made of *Pewter*, and Sealed according to the Statute, on pain to forfeit 5 *l.* for every such offence to the Informer, to be Recovered as aforesaid.

That if any Merchant, Vintner, Wine-Cooper, or other person selling *Wines* by Whole-sale, or Retail, shall Corrupt or Adulterate any *Wine*, or shall utter any *Wine* Corrupted or Adulterated, they shall forfeit 300 *l.* for every such Offence, the one Moiety to their Majesties, and the other to him that will Seize or Sue for the same, by Action of Debt, Bill, Plaint or Information, &c. and shall suffer three Months Imprisonment.

By Stat. 2. If any persons after the first of *February*  
*W. & M.* 1690, should utter by retail, by *Glass*  
*Sess. 2. c. 14.* *Bottles*, or by any other retail Measure, not made of *Pewter*, and sealed according to Law,

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Law, any *Wines* or other *Liquor*, or shall sell the same for a greater price than by the said Act is appointed, and shall be convicted by Confession, or the Oath of two Witnesses before a Justice of Peace, being prosecuted within thirty days after the Offence committed, they shall forfeit 50 *s.* for every such Offence, which if not paid upon demand, shall be levied by Distress and Sale of Goods, by such Justices Warrant to the Constable, Headborough, &c. the Money so levied to be given to the Informer, and for want of Distress, the Offender to be committed to the Common Gaol till payment of the penalty, and all necessary Costs to be taxed by the Justice or Justices, before whom the Conviction was.

But Offenders punished by virtue of this Act, shall not incur the penalty of any former Law for the same Offence; and no Writs of *Certiorari* shall supersede, or remove any Proceedings by virtue of this Act.

## Upholsters.

None shall put to Sale in Fairs or *Markets*, any *Featherbeds*, *Bolsters*, or *Pillars*, except such as are stuffed with one sort of stuff, viz. dry pulled *Feathers*, or clean *Down*, and not with scalded *Feathers*, *Fen*, *Down* or any other unlawful corrupt stuff, in pain  
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to forfeit the same. Howbeit any ( for their private use ) may make or cause to be made, any such unlawful stuff or wares, so as the same be not exposed to Sale in Fairs or Markets, upon the like pain : Also Quilts, Mattresses and Cushions, shall be stuffed with one sort of stuff only, viz. clean Wool, or clean Flocks, and not with Morse, Hair, Fendown, Neats Hair, Goats Hair, or other unlawful stuff, in pain to forfeit the same.

Stat. 5 & 6 E. 6. 23.

None shall make ( to the intent to Sell, or offer to be Sold any Featherbed, Bolster or Pillow, except the same be stuffed with dry pulled Feathers, or clean Down only, without mingling of scalded Feathers, Fen Down, Thistle Down, Sand, Lime Gravel, or other unlawful or corrupt stuff, in pain to forfeit the same ( so offered to be sold, or the value thereof.

None shall make ( to the intent to Sell or offer to be Sold ) any Quilt, Mattress or Cushions stuffed with any other stuff than Feathers, Wool, or Flocks alone, in pain to forfeit the same ( so sold or put to Sale ) or the value thereof.

The forfeitures aforesaid, are to be divided betwixt the King and the Prosecutor.

Wax.

concerning Tradesmen.

Wax-Handlers.

Stat. 11 H. 6. 16. No Wax-Handlers shall Sell or put to Sale any Candle or other wares made of Wax at dearer rate than that he may have only, 4 d. in every pound of wares above the common price of plain Wax, in pain to forfeit all such Wares put to Sale, and the value of them Sold, and besides to make fine to the King.

Justices of Peace, Mayors, Bailiffs and Stewards of Franchises, have power to examine and search concerning the Breach of this Law, and also to hear and determine the Offences committed against it.

Stat. 23 El. 8. None in mingling or making of Wax, shall use or cause to be used, any deceit by mixture or mingling the same with Rosin, Tallow, Turpentine, or other deceitful thing, to the intent to Sell it, or to put it to Sale, in pain to forfeit the same : And if such deceitful Wax happen to be Sold, before it be Discovered, the Melter or Procurer thereof, shall forfeit for every pound thereof 2 s. to be divided betwixt the Queen and the Party deceived, if he will Sue ; but if not, then to the Prosecutor.

Every melter or maker up of unwrought Wax, shall have a stamp or mark of the breadth of a sixpence, wherein two Letters of his Surname shall be graven, and with this shall Stamp every such piece of Wax

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Triangularly in three places, upon the outside of every such piece, in pain to forfeit the value of every such piece sold, or put to sale not so stamped.

None shall melt Mix, Work, Sell, or put to Sale, any wrought Wax, Stuff or Wares wrought with Wax, but with good and pure stuff, fit for such work, and sealed with the workers stamp, to the end he may be known, in pain to forfeit all corrupt Wares otherwise wrought, and so sold or put to sale; to be divided as aforesaid.

None shall sell or put to sale any false or mingled Wax, in pain to forfeit the same; to be divided as before.

*Honey.*

All Casks filled with Honey, shall be by the seller thereof marked with two Letters, standing for his Name and Surname, each Letter being an Inch and an half in length at least, and burnt upon the Head of each Cask with an hot Iron, in pain to forfeit 6 s. 8 d. for every Cask of Honey sold or put to sale, and not so marked.

None shall fill, sell, or put to sale, any Cask of Honey for a Barrel, Kilderkin or Firkin, unless they contain as followeth, viz. the Barrel 32 Gallons wine measure, the Kilderkin 16, and the Firkin 8 in pain to forfeit for every half Gallon so lacking 5 s. together with the Cask and Honey therein contained; to be divided as before.

But this Act as to the making of Wax, shall not extend to any selling the Wax of their

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their own Bees in open Market, nor to any Servant mingling or corrupting Wax by the Command of his Master, so as he will confess them.

None shall Counterfeit anothers Mark nor Stamp therewith, without the Owners consent, in pain to forfeit for every such Offence 5 s. to be divided as before; and in case he be not able to pay it; to be set upon the Pillory in the next Market Town to the place where he offends, and to suffer three Months Imprisonment without Bail.

Wood-Owners, and Wood-Mongers.

Stat. 35 H. 8. 17. In every several Wood, called Coppice or Underwood, which shall be felled at 24 years growth, or under, there shall be left unfelled for every Acre thereof 12 Standils of Oak; and in case there shall not be so many Oaks, that number shall be made up of Elm, Ash, Asp, Standils, or Beech, which Standils or Storers, shall not be cut down until they shall bear ten Inches Square within three foot of the ground; on pain that every Owner of such Woods, shall forfeit for every Standil not so left 3 s. 6 d. and also for every such Standil so left, and afterwards cut down as much underwood: Both which forfeitures shall be divided betwixt the King and the Profecutor.

M s. Under

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Underwoods felled at 14 years growth or under, shall during four years next after the 20th of April, after their felling be preserved from Destruction of Cattel; on pain that the Owner thereof, shall forfeit for every Rood thereof unfenced, for every Month 3 s. 4. d. And underwoods above 14 years growth, and under 24, being so felled, shall during 6. years next after the 20th of April, after such felling be so preserved as aforesaid, upon the like pain.

None shall convert into Pasture or Tillage, any such underwood or Coppice containing two Acres or above, and being two furlongs distant from the House of the Owners thereof, or from the House from whence such wood doth appertain, on pain to forfeit 40 s. every Acre so converted.

Coppice.

Standils.

The Owner of Coppices above twenty four years growth, shall at the felling thereof, leave 12 such Standils of Oak, or otherwise of Elm, Ash, Beech, or Asp, as aforesaid, on pain to forfeit 6 s. 8. d. for every Standil not so left; and shall not cut them down, before they be of two years growth, on pain of 6 s. 8. d. for every one so cut down. And farther, shall preserve such underwood seven years, after their felling from the Destruction of Cattel by fencing, on pain to forfeit for every Rood thereof unfenced, for every Month 3 s. 4. d.

Howbeit

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Howbeit the Owner of such Underwoods may Fell such Standils aforesaid, for his own use for Building, Repairing, Inclosing and maintaining of Houses, Orchards or Gardens; or for Pailing or Railing, or Inclosing of Parks, Forests, Chases or other Grounds, or for repairing of Waterworks, Dams, Bridges, Floodgates or other Vessels, notwithstanding this Act.

Where there is such a Wood or Coppice, wherein others have Common, the Lord (owner of the Soyl) shall not Fell or Cut the same, (except to his own use) before he and the Commoners shall agree in the setting a fourth part thereof, to be severally inclosed for the Lords use; and in case they cannot agree thereupon, two Justices of Peace appointed by the more part of the Justices in Sessions, shall have power to call together twelve of the Commoners and Inhabitants there, and with the Lord and their consent to set out the fourth part thereof, to be severally inclosed by the said Lord, within one Month after, and then to be felled at his Pleasure, and also to be subject to the aforesaid Laws of other Coppices, upon such penalties as aforesaid only. If any Beast be suffered to come into such fourth, within seven years after they are felled, the Owner of such Cattle shall forfeit for every Beast 4 s. and if the Owner of such Wood or Copice, Cut down any Trees or Underwoods there

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contrary to the form aforesaid, he shall forfeit for every Tree so Cut down 6 s. 8 d.

The said Forfeitures are to be recovered in any Court of Record, to be divided betwixt the King and the Prosecutor.

Here during the said seven years next after Felling of such fourth part, the Commoners shall be excluded for commoning therein; so also shall the Lord be debarred to Common in the residue: But after the said seven years expired, both the Lord and Commoners may intercommon in the whole as they did before the Division: Provided, That every one may Fell and Inclose all such his Coppices, or Under-woods in waste Grounds as before this time have used to be inclosed, and preserved for the maintenance of Wood and Under-wood, notwithstanding this Act. Vide postea.

The Commoners also (in case the said Lord do not Fell his fourth part within four Months after such Division) may Common in the said part until it be Felled.

This Act shall not extend to Under-woods in the wild of Kent, Surry and Sussex, save only to the common Woods there.

Neither shall it extend to any Timber Trees, growing within two Miles of the Sea in Cornwall, dead at the top, or taken by the Kings Commission; neither shall any offender be punishable by this Act, unless he

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he be prosecuted within one year after the Offence committed.

None shall break or destroy any Fence or Hedge, made for the saving of any such Woods or Under-woods, in pain of 10 s. neither shall any suffer his Swine (of the age of ten weeks or above to go, or run in any such Grounds or Woods unringed, or unpegged, on pain to forfeit for them 4 d. a piece, which said Forfeitures (in the Kings Woods) shall be divided betwixt the King and the finder; but (in other Woods) betwixt the Owner of the Field and the Prosecutor. Under-wood in a Park shall be preserved by Fencing only 4 years after the Felling thereof.

If such Woods happen to be destroyed by the means of a Stranger, and not by the Owner himself, or by his neglect, the Stranger shall be subject to the penalties of this Act, and not the Owner. Yearling Colts, or Calves may be put into such Woods, within two years after the Felling thereof.

By Stat. 1 Eliz. 5. None shall convert or employ to Coal or other Fewel, for the making of Iron, any Timber Tree or Trees of Oak, Beech or Ash, of the breadth of a Foot square at the Stubs, and growing within 14 Miles of the Sea, or of any part of the Thames, Severn, Wye, Humber, Dee, Tine, Tees, Trent, or other navigable Rivers, in pain to forfeit 40 s. for every Tree

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Tree so converted, to be divided betwixt the King and the Prosecutor.

This Act shall not extend to *Suffex*, the Wilds of *Kent*, or the Parishes of *Charlewood*, *Newdigate* or *Leight* in the Wild of *Surry*.

Woods inclosed.

By Stat. 13. Eliz. 25. All Woods or Coppices, intended by the Statute of 35 H. 8.

17. to be inclosed, and in the Springs thereof preserved, shall be so saved by the space two years more than in the several Clauses of the said Act is severally limited; according to the age of such Woods Felled, upon such pains as in the said Act are contained; and none shall put any Cattel into any such Coppice Woods, from the time of the Fall, until the end of five years, nor from the end of five years any Cattle, but Calves and Yearlings, Colts, only until the end of six years, if the Wood was under 14 years growth at the last Fall, or until the end of eight years, if it was above 14 years growth; and this Addition shall continue as long in force as the said Statute of 35. H. 8. 17.

By Stat. 23 Eliz. 5. None shall convert into Coal or other Fewel, for the making of Iron or Iron-metal, any Wood or Under-wood growing within the compass of 22 Miles of *London*, or the Suburbs thereof, or of the River of *Thames* from *Dorchester*, in the County of *Oxon* downwards, or within 4 Miles of the foot of the

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the Downs, betwixt *Arundel* and *Pemsey* in the County of *Suffex*, or of *Winchelsey* or *Rye*, or within 2 Miles of *Pemsey*, or 3 Miles of *Hastings*, in pain to forfeit for every load so converted 40 s. to be divided betwixt the Queen and the Prosecutor.

This Act shall not extend to any Woods growing in any such part of the Wilds of *Surrey*, *Suffex* or *Kent*, within 22 Miles of *London* or *Thames*, as is distant above 18 Miles from *London* or *Thames*.

No new Iron-works shall be erected within 22 Miles of *London*, 14 Miles of *Thames*, or 4 Miles of the said Downs, *Pemsey*, *Winchelsey*, *Hastings* or *Rye*, in pain of 100 l. to be employed as aforesaid.

This Act shall not extend to the Woods of *Christopher Darrel* Gent. in *Newdigate* in the Wild of *Surrey*.

By Stat. 27 Eliz. 19. None shall make Iron-works or set up within the County of *Suffex*, *Surry* or *Kent*, any Iron-mill, Furnace, Finary or Blomary, for the making of Iron or Iron-metal, other than upon some old Bays or Pens, whereupon such works have been lately standing, or else upon such Land where such works may be continually furnished with sufficient supply of the parties own Woods, growing upon his own Soyl, being his in Fee-simple, Fee-tail, or for Life without impeachment of Waste;

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Wast; nor shall convert to Coal or other Fewel, for the making of such Iron or Iron-metal, any sound Timber Tree of Oak, Ash or Elm, which shall bear a Foot square at the stub or any part thereof; on pain to forfeit for every such new work set up 300*l.* and for every Timber Tree so converted 40*s.* to be divided betwixt the King and the Prosecutor.

Howbeit, the Cops and Offal of such Timber Trees, may be converted to Coal for the purposes aforesaid, within the Wilds of *Sussex*, *Surry* and *Kent*, so as it be not within 18 Miles of *London*, 8 Miles of *Thames*, 4 Miles of *Rye* or *Winchelsey*, 3 Miles of *Hastings*, or 4 Miles of the Foot of the *Downs* betwixt *Arundel* and *Pemsey* aforesaid.

The Stat. of 20 *Car. 2. cap. 3.* Is an Act for the increase and preservation of Timber within the Forest of *Dean*.

Wool and Woolmongers.

By Stat. 13 *R. 3. 9.* None shall buy or sell Wool, at more weight than at 14 pounds to the Stone, on pain to forfeit the double to the party grieved, and to make Fine to the King.

None (Alien or Denizen) shall make any other refuse of Wool, but Cot, Gare or Villain.

Also,

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Also, none shall buy Wool by these Wool words, *Good packing*, or the like, on pain packers, that the Broker shall suffer half a years Imprisonment, and the Buyers shall make Fine to the King, and recompence the party grieved his double Damages; neither shall any cause Wools to be cocquetted, but in the Owners name, on pain to forfeit the same.

By the 8 *H. 6. 22.* Every Woolpacker shall make good and due Packing, and neither he or any other shall make any Inwinding within the Fleece at the Rolling thereof, nor put therein any Locks, Pelt-wool, Tar, Sand, Earth, Glas or Dirt, on pain that the party grieved shall have his Action of Trespass and Deceit against such Offenders at the Common Law.

So by Stat. 23 *H. 8. 17.* None shall wind any Fleece of Wool, not sufficiently rivered or washed, nor wind therein any Clay, Lead, Stones, Sand, Tails, deceitful Locks, Cot, Calls, Combe, Lambswool, or any other thing, whereby the Fleece may be more weighty, to the deceit of the Buyer; in pain that the Seller of any such deceitful Wool, shall forfeit for every such Fleece 6*d.* to be divided betwixt the King and the Finder.

But this Act shall not extend to such Counties, where the Inhabitants have not customably used to river or wash their Sheep.

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Sheep, before they be Shorn, nor to any persons who have used to sell their Wool by tale or number of the Fleeres, and not by weight.

By Stat. 2 & 3 P. M. 13. Any Inhabitants of Halifax may buy Wools (otherwise than by Ingrossing and Forestalling) so as they carry the same to Halifax, and there sell them to such poor People of that, or other Parishes adjoining (as to their knowledge) shall work them in Cloth or Yarn; and not to rich Clothiers, nor any other to sell again: But if the Wool-driver shall sell his Wools out of Halifax, to sell the same unwrought in Yarn or Cloth, every such Offender shall forfeit the double value of the Wool, so sold or uttered; whereof the King and Queen to have one Moiety, and the Prosecutor the other; and Justices of Peace in Sessions have power to hear and determine their Offences.

Exportation.

Sheep.

By Stat. 12 Car. 2. cap. 32. None shall export or load on any Carriage, or lay on board any Vessel to export out of England, Wales, or Town of Berwick, Jersey, Guernsey, Sark and Alderney or Ireland, into any place out of the places aforesaid, any Sheep's Wool of the growth of the said places, Woolfels, Morlings or Shorlings, Yarn made of Wool, Wool-flocks, Fullers-earth or Fullers-clay, on pain to forfeit the same, and 20 s. for every Sheep, and 3 s. for every pound

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pound weight of the other Goods; and the Owners of such Ships knowing such Ships Offence, to forfeit all their interest in the said Ships, and Masters and Mariners assisting thereto, all their Goods, and to have Imprisonment for 3 Months, the one Moiety of which Forfeitures to the King, the other to the Informer Suing in any Court of Record, or before the Justices of Peace, or general Quarter Sessions.

They that Transport, or cause to be Transported any of the Goods aforesaid, and be thereof convicted, shall be disabled to require any Debt belonging to them.

Offences against this Act, may be determined in the County where committed, or where such Offenders are apprehended; the Offenders shall not be impeached, unless within a year after the Offence committed. See after.

Any may Seize to their use and the Kings, any of the Goods aforesaid laid on Board or Packed, or Loaded on any Carriage, or laid near any Water to be conveyed into Scotland; but such persons shall not give Evidence, against any that shall be questioned by Virtute of this Act.

All Vessels whereof any Alien, or natural born Subjects, not Inhabiting in England shall be Owner or part Owner, wherein any of the Goods aforesaid shall be Shipped contrary to this Act, shall be forfeited to the King. Lambskins ready-dressed are



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are excepted, and necessaries for the Ships and persons therein.

None of the Goods aforesaid, shall be Transported out of England, Wales, Town of Berwick or Ireland into Jersey, Gernsey, Sarke or Alderney, only Wool from the Port of Southampton, for the use of the Inhabitants of those Isles, and they that Ship such Wool, shall before hand deliver to the Customer, Controller, Surveyor or Searcher of the said Port, a Writing under the Seal of the respective Governours of the said Isles, or their Deputies purporting, that such party is authorised to export so many number of Tods, and hath entred into sufficient Bond to his Majesties use for landing in that Isle; the Wool so exported not to exceed these quantities; viz. unto Jersey 2000 Tods of unkeamed Wool, to Gernsey 1000, to Alderney 200, to Sarke 100.

The Customer of the Port of Southampton, shall keep an account of the Wools so permitted to be Loaden, on pain to forfeit 100 l. to him that will Sue for the same, and to lose his place; and if any of the Governours aforesaid, or their Deputies, make Licence to export more, they shall forfeit 20 l. for every Tod licensed above the Proportions aforesaid. No more than 12 d. shall be taken for Writing such License, and entring a Remembrance of it, on pain of 5 s. for every peny taken over, to the party

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party grieved. Confirmed by 13 Car. cap. 14

By Stat. 13 & 14 Car. 2. cap. 18. If any persons export out of England, Wales or Town of Berwick or Ireland, any Sheep or Wool of the growth of the said places, or any Wool-fels, Morlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-earth or Fulling-clay, or shall Pack or Load upon any Carriage, or lay on Board in any Vessel, any such Sheep, Wool, &c. Owners of such Vessels, and of Horses, Carts or Carriage, upon which the Sheep or other the Goods aforesaid shall be exported or carried to such intent, knowing thereof and consenting thereunto; and also Masters and Mariners of such Vessels wherein any Sheep, or other the said Goods shall be so exported, or laid on Board to any such intent, and all other persons whatsoever knowing thereof, and consenting thereto shall be judged Felons: Offences against this Act shall be tried and determined in the County where such Sheep and other the said Goods shall be so packed or laid on Board, or where such Offenders shall be apprehended. Peers of the Realm indicted for any Offence made Felony by this Act, shall be tried by there Peers.

But none shall be impeached for any Offence made Felony by this Act, unless within a year after such Offence committed. None shall press together with any Skrues, Press, Wool.

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Press, or other Engines into any Sack, Bag, &c. nor shall put or press any Wool or Yarn made of Wool into any Cask or Vessel; nor shall lay, or cause to be laid near the Coasts or Shoars of the Seas, or any navigable River, or into any House or place adjoining thereunto, any such Wool, Wool-flocks or Yarn made of Wool, to export the same, on pain to forfeit it or the value.

Tobacco-pipe-clay.

Note also, No Tobacco-pipe-clay shall be exported out of England, Town of Berwick, Ireland or Wales, under the penalty of 3 s. for every pound exported, contrary to this Act.

Wool, &c.

No Packs, Bags or Casks of Wool, Woolfels, Morlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-Earth Ful-ling Clay, or Tobacco-pipe Clay, shall be laid on any Horse, Cart, or other Carriage, or conveyed to or from any place in England, Town of Berwick, Wales or Ireland, but at seasonable Hours, viz. from the 1st of March, to the 29th of September yearly, between the hours of four in the Morning, and eight in the Evening; and from the 29th day of September, to the 1st of March yearly, between 7 in the Morning, and 5 in the Evening, on pain to lose all such Goods, or the value thereof; the one Moiety of all which forfeitures mentioned in this Act, to be to the use of the King, the other Moiety to the Prosecutor.

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Prosecutor. This Act shall not make void any penalties or clauses in the Statute of 12 Car. 2. cap. 22.

Owners of any Vessels, or any Master or Mariners knowing of such Transportation, that within 4 Months after such knowledge, or after their return into England or Ireland, Town of Berwick or Wales, shall give the first Information thereof, before any of the Barons of the Exchequer of England or Ireland, or the Head Officer of any Port, where they shall first arrive, upon Oath of the number and quantity of the Goods so Transported, and by whom, where and in what Vessel, and afterwards shall be ready to prove the same, shall not be punished for Felony, but shall be subject to all other penalties in this Act contained; and all such Transportation or conveying of the Goods aforesaid, is declared to be a common Nufance. Justices of Assize, Justices of Goal-Delivery, and Justices of the Peace in their General Quarter-Sessions, may determine the premisses; and all Mayors and other Head Officers of Cities, Boroughs and Towns, not having Jurisdiction to try Felony, shall enquire of every Offence within this Act not made Felony.

By Stat. 13 & 14 Car. 2. cap. 19. An Act against Importing of Foreign Wool-Cards, Card-Wites, &c. see before Merchants and Merchandizes.

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*Stat. 12 W. & M. Sess. 1. cap. 32.* Owners of Wool, or their Agents, that shall at any time carry or cause to be carried, any Wool to any Port or place on the Sea-Coasts, to be conveyed to any other Port or place in *England, Wales, or Berwick*, from whence the same may be Transported into Foreign Parts, shall first cause a due Entry thereof to be made from the Port from which it shall be intended to be conveyed, containing the Weight, Mark, Numbers thereof, before they carry it within five Miles of any such Port or place, or else such Wool found, and the Beasts and Carriages conveying it, shall be forfeited; and the persons conveying, driving or abetting the same, shall forfeit and suffer as by the Laws and Statutes now in force against the Exportation of Wool.

The foregoing Clause shall not extend to hinder any person from carrying their Wool from the place of Shearing, to their own Dwelling House, &c. though within five Miles of the Sea, so as within ten days after the Shearing, and before they otherwise dispose of the same, they certify under their Hands to the Officers of the Customs in the next Port, the quantity thereof, *viz.* the number of the Fleeces, and where Housed, and do not remove the same without first certifying the Officer of the next Port, under their Hands of their intention to remove it, three days at least before such re-  
removal

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removal, the said Officers to keep and Register such Certificate; but persons neglecting to certify as aforesaid, or removing their Wool before such Certificate of their intention, shall be liable to the Penalties of the former Clauses.

Cocquets for carrying Wool from any Port in *England, Wales or Berwick*, shall be written upon Paper, and signed by three Officers of such Port at least, and Certificates of Landing them again at any other of the said Ports, or from *Ireland* shall be so signed; and all such Wool, both at Shipping and Landing shall be weighed in the presence of the said Officers, giving such Cocquets and Certificates; and the weight, marks and numbers of such Wool Shipped and Landed, shall be expressed in both Cocquets and Certificates. Officers not observing the directions of this Act, shall be adjudged Abettors of the Transportation, and suffer the penalties contained in the Statutes of the 12th and 14th years of King Charles the Second, against Transportation of Wool. No Wool shall be Shipt from *Ireland*, but from *Dublin, Waterford, Yough-ball, Kingsale, Cork and Drogheda*; nor imported from thence, but into *Liverpool, Chester, Bristol, Minehead, Barnstable, Biddiford and Exeter*.

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Clay.

Owners in-  
formers ex-  
cused.

Owners of Ships, Masters and Mariners knowing of the Exportation of any Sheeps Wool, Wool-fels, Morlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-earth or Tobacco-pipe-clay, contrary to the meaning of this Act, that shall within three Months after their knowledge thereof, or after their return into England, Ireland, Wales or Berwick, give the first information thereof, and by whom, where and in what Vessel, upon Oath before any of the Barons of the Exchequer in England or Ireland, or any three of the Commissioners appointed by this Act, or the head Officer of the Port, where they shall first arrive, and shall be ready to justify and prove the same, shall not be subject to the penalties of this or any other Act for the said Offence, but shall recover and receive such benefits and advantages as are appointed by any precedent Act.

The powers given to the said Commissioners shall not hinder any persons lawfully authorized from Seizing Wool, or Prosecuting Offenders against this or any former Act.

If any Prosecution shall be against any person, for what he shall do in pursuance of this Act, he may file a common Bail, or enter into a common appearance, and plead the general Issue, and give this Act in Evidence; and if the Plaintiff be Non-suit, or discontinue, or a Verdict pass against him,

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or Judgment upon a Demurrer, the Defendant shall recover treble Costs. A Register shall be kept at the Custom house London, of all Wool imported from Ireland; and of all Wool sent from any Port to another, in this Kingdom, the Weights and Numbers, Ships, Masters Name, Owners Name, and to whom consigned. This Act to continue for three years, and from thence to the end of the next Sessions of Parliament.

But any persons may buy Cloth, Stuffs, Stockings or other Woollen Manufactures, and export the same, paying the usual Customs. And nothing in this Act to avoid the Charters granted to the Levant, Eastland, Russia or African Companies.

Also, 1000 Tods of unkemb'd Wool allowed to be Transported from Southamp-ton to Guernsey, 2000 for Jersey, 200 for Alderney, and 100 for Sark, more than by the Act of 12 Car. 2. is provided, to be done according to the Directions, and under the penalties therein appointed and inflicted, and on the farther penalty of 20 l. for every Tod of Wool, and Forfeiture of the Wool it self, (one half to the King, one quarter the the Informer, and one quarter to the Poor of the said Islands) in case of Transporting or attempting to Transport any of the said Wool from the said Islands for every Offence therein, and that every person so offending, shall after the first Of-

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fence be incapable of any Grant of any Wool from the said Port of Southampton, nor ever after have any Warrant granted him for that purpose; the said Penalties to be recovered by him that will Sue for the same, by Action of Debt, Plaint or Information, &c.

By 4 & 5 W. & M. cap. 24. An Act made in the 1st year of their Majesties Reign, Entituled, An Act for the preventing the Exportation of Wool, and encouraging the Woollen Manufacture of this Kingdom (except such part thereof as relates to the free Exportation of the Woollen Manufacture,) shall be in force for three years, from the 13th day of February 1692, and from thence to the end of the next Session of Parliament.

Provided, That no Wool shall be imported from Ireland into the Port of Exeter, any thing in this or any former Act to the contrary notwithstanding.

Vessel.

By 4 & 5 W. & M. cap. 25. If any Vessel, whereupon Wool is Laden to be Transported contrary to Law, be taken by any Privateer, on Proof thereof in the Exchequer, the persons interested in the Privateer shall have a Moiety of the Vessel and Goods, and their Majesties the other Moiety.

Continuance.

By Stat. 7 & 8 W. 3. cap. 28. The Act made 1 W. & M. cap. 32. and every clause therein (except what is hereby altered, explained or repealed) is continued.

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And that so much of the Act of the 13 & 14 Car. 2. cap. 18. as relates, to the making the exportation of Wool Felony, Importation repealed. Wool may be imported from Ireland to these Ports, White-haven, Liverpool, Chester, Bristol, Bridg-water, Minehead, Barnstable and Biddiford, and none other.

That all Certificates for the Landing of Wool, shall be written upon Paper and not Parchment, and not obliterated or interlined. After the first day of May 1696, no Wool, Wool-fells, Mortlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-earth or Scouring-clay, shall be carried or conveyed by Land, to or from any place in the Counties next adjoining to the Kingdom of Scotland, or within five Miles of the Sea-coasts, but between the Sun-rising and Sun-setting, under penalty of Forfeiture of the said Commodities, and the Horses and Carriage employed in carrying the same. And no Ship or Vessel shall export the same, to any Port beyond the Seas, under the penalty and forfeiture of the said Vessel, and treble the value thereof, with treble Cost of Suit. And the Inhabitants of the Hundred, or place next adjoining to the said Kingdom of Scotland, or to the Sea Coasts, out or through which any of the said Commodities shall be carried or exported, shall forfeit 20 l. if the Wool so carried be under 10 l. value, if above, N. 3. then.

Certificates

Earth and Clay.

Penalty.

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then treble the value, and treble the Costs.

All which Forfeitures shall be recovered by him, who shall Sue for the same in any Court of Record at Westminster, where no Effoign, &c. shall be allowed, nor more than one Imparlance.

Execution.

Execution for the Informer may be had against two or more of the said Inhabitants; and after such Execution, the Justices of Peace (upon complaint of the party or parties so charged) may at their Quarter Sessions, Asses and Tax ratably, and proportionably all the Towns, Parishes and Hamlets in the said Hundred or place, in the same manner and form as a Hundred ought to be charged in case of Robbery, by the Stat. 27 Eliz. cap. 13. and thereby reimburse the parties charged.

Aiders in Exportation.

All persons who shall Aid, Abet or Assist in carrying or exporting any of the said Commodities out of this Realm, (being legally convicted) shall suffer three years Imprisonment; and the Owner of such Wool and other Commodities aforesaid, and all that shall be Aiding, Abetting or Assisting in Carrying any of them out of this Kingdom, shall answer and satisfy treble the value of all such Forfeitures and Penalties, which such Inhabitants shall be charged with, and treble costs of Suit to be recovered in any Court of Record at Westminster, wherein no Effoign, &c. to be

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be allowed, by and in the name of the Clerk of the Peace of such County (without naming his Christian or Surname) to the use of the said Inhabitants, and notwithstanding the Death or Removal of such Clerk of the Peace, the said Suit shall not discontinue, but be prosecuted to Judgment.

Such Actions and Informations shall be tried in any of the Kings Courts of Record, by a Jury of Freeholders of any other County, than that where the fact was committed.

The first three who have been Aiding, but not the Owners, who shall inform thereof to a Justice of Peace, shall not suffer any of the said Penalties and Forfeitures.

If any Action or Suit be brought against any Justice of Peace, or other person employed in the Execution of this Act, for any thing done by virtue of this Act, the Action shall be laid in the proper County, and the Defendant may Plead the General Issue, and give the Special Matter in Evidence; and if the Plaintiff shall be Non-suit or Discontinue, or the Jury find for the Defendant, he shall have treble Costs; and every Suit or Information by virtue of this Act, shall be commenced within one year after the Fact committed.

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Compounders punished.

If any person to whom any Forfeitures by this Act is given, shall compound for the same for less than what is hereby given, it shall be also lawful for any other person to Sue and recover the same in manner and form as aforesaid, and the person compounding shall suffer 5 years Imprisonment.

This Act to continue in force for 3 years, and from thence to the end of the next Session of Parliament.

Worstedmakers.

Weavers

Stat. 7 Eliz. 41. Concerns the Worsted-weavers in Norwich.

Calender.

By Stat. 5 H. 8. 4. None shall dry-calender any Worsteads, on pain to forfeit for every piece 5 l. neither shall any wet-calender any Worstead, unless he has served 7 years as an Apprentice in that Trade, and be approved by the Mayor of Norwich, and the two Masters of that Craft in Norwich or Norfolk, upon the like pain of 5 l. for every piece calendred contrary to this Act; to be divided betwixt the King, and the said Masters of the Craft of wet-calendring.

Apprentice.

Stat. 14 & 15 H. 8. 3. Is concerning the Worsted-weavers in Yarmouth and Lynn.

By 25 H. 8. 5. the Statute of 5 H. 8 & 4 is made perpetual, and none that dyeth Worsted, Stamins or Says, shall use to Ca-

concerning Tradesmen.

Calender them, on pain to forfeit for every piece 40 s. to be divided betwixt the King, the Mayor of Norwich, and the Prosecutor.

The 13 & 14 Car. 2. cap. 5. concerns the regulating the making of Norwich-Stuffs, and Sealing the same. And amongst other things tis Enacted, That he that counterfeit the Seal, or Seals Stuff with a counterfeit Seal, or removes the Seal from one piece to another foreits 20 s.

Also, they that use the said Trade, not having served as an Apprentice 7 years, forfeit 40 s. per Month, half to the King, and half to the Prosecutor.

So they that employ two Apprentices in the said Trade, shall likewise employ two Journy-men. No Master Weaver shall set on work above two Apprentices, or any Week-boy in a Loom, on pain to forfeit 5 l. for every Month.

Also, every Weaver that shall set any Loom on Work, from the 15 of August, to the 15 of Septemb. yearly, shall forfeit 40 s. for every Loom used within that time, &c.

Inf. Thus I have given you the Heads of the Penal Laws Relating to Men of Trade and Traffick, amongst which are added some things, though not directly tending to them, yet not unfit for your knowledge. It only remains now that I speak of Tradesmen and Artificers in general, and lastly concerning the Informer.

A View of the Penal Laws

Of Tradesmen and Artificers in general, and first concerning Aliens and Strangers.

Aliens.

By Stat. 1 R. 3. 9. An Alien Artificer (not made Denizen,) shall not remain nor exercise any Handicraft in England, unless as Servant to a Subject skilful in the same Art, in pain to forfeit all his Goods.

Cloth. Wool.

No such Alien shall here in England, make any Cloth, or put any Wool to work, in pain to forfeit the Cloath so made.

Apprentice. Servant.

Such an Alien shall here in England, sell his Wares in Gross, and not by Retail, in pain to forfeit the value of the wares otherwise sold. And being an Handicraft Man, and inhabiting a great House or Chamber, shall not take any Apprentice or Servant to work with him, unless it be his Son or Daughter, or else a Subject born, in pain to forfeit for every Apprentice or Servant otherwise taken 20 l.

The forfeitures of this Act are to be divided between the King and the Prosecutor.

Apprentice.

By Stat. 14 H. 8. 2. No Stranger Artificer (Denizen or not Denizen) shall take any Apprentice but such as is born under the Kings Obeisance, in pain to forfeit 10 l. for every Apprentice otherwise taken, to be divided between the King and the Prosecutor.

No

concerning Tradesmen.

No Alien shall keep above two Journey-men, except they be born under the Kings Obeisance, upon the like pain, to be divided as aforesaid.

All Strangers, (Denizens or not Denizens) dwelling within two Miles of London, shall be under the Reformation of the Wardens of Handicraft within that City, and of one Substantial Stranger, being an House-holder of the same Craft, to be chosen by the same Wardens.

The said Wardens, and that one Stranger shall assign a proper mark for Strangers Wares, without taking any thing for the same.

The said Wardens and Strangers, shall have power to Search, View, and reform the Wares of Aliens, made within the said precinct.

Smiths, Joyners, and Coopers (being Aliens, shall put such marks to their Wares before they sell or use them, as the said Wardens shall appoint, without taking any thing therefore, in pain to forfeit the double value thereof, to be divided between the King and the Prosecutor.

If upon Search, the Wardens and Strangers shall find any wares to be deceitfully made, they shall be forfeited, viz. the one half to the King, and the other half to the finder, and shall be recovered by Action of Detinue.

War-



A View of the Penal Laws

*Obedience.* Wardens and Masters of Fellowships of Handicrafts in other Corporations and Bailiffs, and other Head Officers in Towns, lacking Wardens, have like power to Reform Strangers; and Strangers are bound to yield Obedience unto them, upon the like pains as aforesaid.

*Redress.* Here if a Stranger be wronged, upon Complaint to the Chancellor and Treasurer of *England*, or to the Justice of Assise, he shall have Redress.

*Places excepted.* This Act shall not extend to Strangers dwelling in *Oxford, Cambridge, and St. Martin le Grand London.*

*Refusal to Mark.* If the Wardens with a Stranger, or the Officers of Corporations or other Towns, refuse to mark a Strangers Wares, being required so to do, in such case it shall be lawful for such a Stranger to sell his Wares, this Act notwithstanding.

*Pouchmakers.* This Act shall only extend to Joyners, Pouch-makers, Coopers, and Black-Smiths, and to no other craft.

*Joyner. Glazier.* Any of the Kings Subjects having Land worth 100 *l. per Annum*, may retain any Stranger that is a Joyner or Glazier to work for him; this Act notwithstanding.

*Stat. 21 H. 8. 16.* A Decree made in the Star-Chamber the 20th of *February, 20 H. 8.* concerning Artificers Strangers, was confirmed, the Substance of which Decree hereafter followeth. *vim.*

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concerning Tradesmen.

A Stranger Artificer, shall not keep in his House at one time, above two Strangers Servants; howbeit a Subject Artificer may retain as many Strangers as he pleaseth, to be his Servants or Apprentices.

Strangers Artificers may take as many English-Men to be their Servants or Apprentices, as they can get.

Strangers Artificers; shall be contributory with English Artificers, and in case they refuse, they shall not only lose the benefit of this Decree, but likewise be prohibited to exercise their Craft, in pain of incurring the forfeitures of the above said Statute.

Strangers Artificers, shall (upon lawful warning) go with the Wardens and other Governors of the same Company to make Search, which if they refuse, and that be proved before the Chancellor of *England*, Mayor of *London*, or (in other places before the Chief Officers) they shall no longer exercise their Profession in *England*, in pain of the forfeitures aforesaid.

Stranger Artificers shall (upon lawful notice) make Oath to be true to the King, and Obedient to his Laws, and to make due Search with others, and not to discover to any beforehand, the intention of Search; and being Sworn, shall pay for their Commission, as the Subjects of *England* do.

No

A View of the Penal Laws

House or Shop.

No Strangers but Denizens, shall keep House or Shop, in pain of incurring the penalties of the aforesaid Statutes.

Assembly.

Strangers shall not assemble, but in the Common Halls of their Mysteries, upon the penalties aforesaid.

Cordwainers.

This Decree and Act ( for so much as concerns Cordwainers ) shall extend as well to such as work old Stuff, as those that work new.

Places excepted.

This Decree and Act shall not extend to strangers (Denizens, or not Denizens) dwelling in Oxford, Cambridge, or St. Martin Le Grand London.

Baker, Brewer, Surgeon, Scrivener excepted.

By Stat. 22 H. 8. 13. No stranger being a Common Baker, Brewer, Surgeon or Scrivener, shall be accounted an Handicraft Man, within the Penal Statutes made against strangers Artificers.

Servants.

By Stat. 32 H. 8. 16. No Alien Artificer ( Denizen or not Denizen ) in Oxford, Cambridge, or St. Martin Le Grand London, shall keep above two strangers Servants at one time, in pain to incur the penalties of 14 Hen. 8. 2. every Alien (not Denizen) within the Kings Dominions, shall be bound to observe the Laws of this Kingdom.

No Subject or Stranger ( using no Handicraft ) shall Retain above four Servants strangers, in pain to forfeit for every Servant above that number 10 l.

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The above-said forfeitures shall be divided betwixt the King and the Prosecutor This Act shall not be prejudicial to a Proclamation published by the King, concerning the payment of Customs for strangers to endure for certain years. Lords of the Parliament may keep six strangers born at one time.

No stranger ( except Denizens ) shall take a Lease of any House or Shop, in pain to forfeit 5 l. And none shall let them such Leases upon the like pain; each of them to be divided betwixt the King and the Prosecutor, and such Lease to be void.

Stat. 2 & 3 E. 6. 15. Artificers, Workmen and Labourers, that conspire together concerning their Work or Wages, every of them so Conspiring, shall forfeit for the first Offence 10 l. to the King, and if he pay not within the six days after Conviction by witness, Confession, or otherwise, he shall suffer 20 days Imprisonment, and during that time, shall have no Sustenance but Bread and Water: For the second Offence, he shall forfeit 20 l. and that not paid within six days as aforesaid, shall suffer the Pillory; and for the third Offence, shall forfeit 40 l. and that not paid within the said time, shall again suffer the Pillory, lose one of his Ears, and ever after be taken as a Man Infamous, and not to be Credited.

Justices

A View of the Penal Laws

Justices of Assize, Justices of Peace, Mayors, Bailiffs and Stewards in Sessions, Leets and Courts have power to hear and determine these Offences: But *Quere*, Whether this Branch of this Statute be not repealed, by the general words of 5 Eliz. 4. following, *Revived and continued* 22 & 23 Car. 2. cap. 19 & 1 Jac. 2. cap. 17.

General Statute.

By the said Stat. 5 Eliz. 4. so much of all Statutes made, and every branch thereof, as touch or concern the hiring, keeping, departing, Working, Wages, or order of Servants, Workmen, Artificers, Apprentices and Labourers, or any of them, and Penalties and Forfeitures concerning the same are repealed: Howbeit the said Statutes and every Branch and Matter contained therein not repealed by this Act shall remain in force.

Clothiers, Weavers, Tucker, Fuller, Clothwork- &c.

That none shall Hire or be Hired for less than one whole year in the Arts of Clothier, Woollen-Weaver, Tucker, Fuller, Cloathworker, Shereman, Dyer, Hosier, Taylor, Shoemaker, Tanner, Pewterer, Baker, Glover, Cutler, Smith, Farrier, Currier, Sadler, Spurrier, Turner, Capper, Hat or Feltmaker, Fletcher, Arrow-Head-maker, Butcher, Cook, Miller.

Merchants, Mercers, Drapers, Goldsmiths &c.

Also, Merchants, Mercers, Drapers, Goldsmiths, Ironmongers, Embroiderers and Clothiers dwelling in Corporate Towns, shall take no Apprentices, but their own Children, or such whose Parents have Inheritance

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heritance or Freehold of 40 s. per annum, to be certified under the Hands and Seals of three Justices of Peace, of the County where such Lands lie, to the Head Officer of the said Corporation, who shall cause the same to be Recorded. Artificers in the Market Towns not Corporate, being Householders, and of the Age of 24 years, may take other Artificers Children to serve as Apprentices.

Merchants, Mercers, Drapers, Goldsmiths, Ironmongers, Embroiderers and Clothiers dwelling in Market-towns not Corporate, shall take no Apprentices but their own Children, or such whose Parents have Inheritance of Freehold worth 3 l. per annum, to be certified under the Hands and Seals of three Justices of Peace as aforesaid.

But Smiths, Wheel-rights, Plough-wrights, Smiths, Mill-wrights, Carpenters, Rough-masons, Wheel-Plasterers, Sawyers, Lime-burners, Brick-wrights, makers, Brick-layers, Tilers, Salters, He-Carpenters, lyers, Tilemakers, Linen-weavers, Turners, Brick-ma- Coopers, Millers, Earthen-potters, Woollen- weavers (of Housewives Cloth only) Full- kers, &c. lers, Wood-burners, Thatchers and Shing- lers may take Apprentices though their Pa- rents have no Land.

None which hath not served an Appren- tice 7 years, in any Art or Mystery now 7 Years used, shall use the same or set any to work therein, which hath not served out that time,

**A View of the Penal Laws**

time, in pain to forfeit 40 s. for every Month.

*Woollen Cloth-weavers* (other than such as Inhabit *Cumberland, Westmoreland, Lancaster* or *Wales*, or in Cities, Corporations or Market-Towns,) shall make no Apprentices, nor teach any their Art save their own Children, or such whose Parents have Inheritance or Freehold worth 3 l. per annum, to be certified under the Hands and Seals of three Justices of Peace, of the County where the Lands be, in pain to forfeit 40 s. for every Month, and the Indenture shall within three Months be Registered in the Parish where the Master dwells, the Fee of which Registering is 4 d. Every *Cloth-worker, Fuller, Sheer-man, Weaver, Tayler* and *Shoe-maker*, shall for every three Apprentices keep one Journeyman, and for every Apprentice above three, another Journeyman, in pain of 10 l.

This Act shall not prejudice *Worsted-makers* nor *Worsted-weavers*, in *Norwich* and *Norfolk*.

But note, That by *Stat. made 5 & 6 VV. & M. Sess. 2. cap. 3.* Reciting the Clause of the Act of 5 *Eliz. 4.* as to the *Woollen Cloth-weaver* taking Apprentices unless, &c. forasmuch as such part of the said Act hath been found prejudicial to the Clothing Trade, It is thereby Enacted, That so much of the said Act is thereby declared to be Repealed and made void, as if the same had never been made.

By

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By the said Act 5 *Eliz. 4.* Every person unmarried, or under the Age of 30 years tho' Married, having been brought up in any of the Arts abovesaid, by the space of three years, and not worth in Lands 40 s. per annum, or in Goods 10 l. and so allowed under the Hands and Seals of two Justices of Peace, the Head Officer or two discreet Burgeses of the place, where the party so brought up hath lived by the space of one whole year, not already retained in Husbandry, the Arts abovesaid, or any other Art or Mystery, or in any Service, upon request of any person using the same Art, shall not refuse to serve for the Wages limited by the Statute, and being so retained, shall not depart from his or their Service, without one Quarters warning before two lawful Witnesses, or some lawful cause to be proved before one Justice of Peace or Head Officer, in pain of Imprisonment without Bail, but upon Submission to perform the Service, they shall be enlarged without Fees; which commitment and enlargement two Justices of Peace, the Head Officer or two Burgeses as aforesaid, unto whom Complaint shall be made, have power to command as in their discretion, upon due proof shall be thought fit; Every person between the Age of 12 and 60, not already retained in any Service, nor employed about Husbandry, Mines, Glass, Coal, Fishing, Sailing, Provison of Grain or Meal,

Persons compella- ble to serve in the said Act.

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Husbandry Meal for London, nor Gentlemen born, nor Scholars in any University or School, nor worth 40 s. per annum in Lands, or 10 l. in Goods, nor having a Father, Mother or other Ancestor (whose Heir he is) worth 10 l. per annum in Lands, or 40 l. in Goods, shall be compelled to serve in Husbandry, and shall not depart that service otherwise than afore limited, upon pain above expressed.

Also, none shall put away his Servant before the end of his Term, without a Warning. Quarters warning or some lawful cause, to be proved by two sufficient Witnesses, before the Justice of Oyer and Terminer, Justices of Assize, Justices of Peace in Sessions, a head Officer, or two discreet Aldermen or Burgeses, in pain of 40 s. No Servant having served in one City or Town, shall get to serve in another without a Testimonial, viz. in a Town Corporate, under the Seals of the Town, and two Housholders there, and in the Country under the Seals of the Constable or Constables, and two Housholders there: which Testimonial shall be made and delivered to the party, and also Registered by the Minister of the place where the Servant dwelt, for which the Minister is to have two pence.

The Form. The Form of the Testimonial is this Memorandum, That A. B. Servant to C. D. of J. in the County of E. Husbandman. (or

concerning Tradesmen.

(or Taylor, &c.) in the said County, is licensed to depart from his said Master, and is at his Liberty to serve else where, according to the Statutes in that case made and provided, in witness, &c.

The Servant which sheweth not such Testimonial to the chief Officer in a Corporation, or to the Minister, or some Officer in any other place where he is to dwell, shall suffer Imprisonment till he procure one, and if he procure not one within twenty one days after his Imprisonment, or shew a false one, he shall be punished by Whipping as a Vagabond, and the Master that retains a Servant without such a Testimonial shall forfeit 5 l.

Those that work by the Day or Week, shall continue at work betwixt the middle of March, and the middle of September, from five in the Morning, till betwixt seven and eight at Night, except two hours allowed for Breakfast, Dinner and Drinking, and half an hour for Sleeping, from the midst of May, to the middle of August, and all the rest of the year from Twilight to Twilight, except an hour and an half allowed for Breakfast and Dinner, in pain to have one penny defalked out of their Wages for every hours absence; none that takes work by great, shall leave the same before it be quite finished, except for not payment of his Wages, the Queens Service, License of the Work-master, or other lawful

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ful cause, in pain to suffer one Month Imprisonment without Bail, and to forfeit 5 l. to the party grieved, besides his Cost and Damages, to be recovered at the Common Law for the loss sustained.

**License to depart.** Also, none retained in Service to work shall depart without License, in pain of one Months Imprisonment.

**Wages.** Such Wages of Labourers, Artificers and others as have been formerly rated, or concern Husbandry, shall be yearly assessed for the County by the Sheriff and Justices of Peace in Sessions, and in Corporations by the Head Officer, at their *Easter* Sessions, or within six Weeks after, and before the 12th of *July* following, shall be certified under their Hands and Seals in the *Chancery*; whereupon the Lord Chancellor or Keeper shall send down printed Proclamations thereof into the County and Corporation, before the first of *September* then next following, which the said Sheriff, Justices and Head Officer shall before *Michaelmas* after, cause to be inrolled and proclaimed; but here where the old Rates shall be certified to stand, no Proclamation is needful.

**Certificate.** A Justice of Peace or Chief Officer, which shall be absent at taxing of Wages, (being not letted by sickness, or some other reasonable cause to be allowed by the Justices upon Affidavit,) shall forfeit 10 l.

None,

**concerning Tradesmen.**

None shall give greater Wages than those so rated as aforesaid, in pain of 5 l. and ten day Imprisonments without Bail; and if Taking any person shall be convicted before two more Justices of Peace or a Head Officer, of Wages, taking more Wages, he shall suffer twenty one days Imprisonment without Bail.

Every Retainer, Promise Gift, or Pay= Promise ment of Wages, or other things contrary void. to the true meaning of this Act, and every Writing and Bond to be made for that purpose, shall be void.

Also, if any Servant or other shall be convicted before two Justices of Peace, or a Chief Officer as aforesaid, by his own Confession or the Testimony of two honest Men, to have Assaulted his Master, Mi- Assault by stress, Dame or Overseer, he shall suffer Servant: one years Imprisonment or less, if the Justice or Chief Officer shall think fit; and if the party shall be thought to deserve a more severe Punishment, then to receive such open Punishment (Life and Member Punishment. excepted) as the Justices in Sessions, or the Chief Officer, and four of the discreetest Men in the Corporation, shall think convenient.

Artificers shall work in Hay time and Harvest Harvest, in pain of Imprisonment in the time. Stocks two days and one night, which the Constable shall inflict upon them, in pain of 40 s.

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Labourers  
Testimoni-  
al.

It shall be lawful for Labourers (other than such as are retained in Service according to this Statute) to go to other Shires to work in Hay time and Harvest, so that they bring with them a Testimonial under the Hand of one Justice of Peace or a Chief Officer, testifying that they have not sufficient work in the place where they lived the Winter before; for which Testimonial they shall only pay a peny.

Woman  
Married.

Every unmarried Woman fit to serve being 12 years old, and under 40, shall by two Justices of Peace, a Chief Officer or two Burgeffes, be compellable to serve for convenient time and wages, in pain of Imprisonment.

Apprentice  
to be taken  
in Husban-  
dy.

Husbandmen being Housholders, and using half a Plough-land at least in Tillage, may take by Indenture Apprentices above the Age of 21 years at least, or 24 years, as the parties can agree.

Houshold-  
ers.

Every Housholder at the Age of 23 years, dwelling in a Town Corporate, and using there any Art or Mystery, shall and may take an Apprentice for 7 years at least; Howbeit, the Term ought not to expire before the Apprentice accomplish the Age of 24 years.

Refusal to  
serve.

Also, if any person fit to make an Apprentice, refuse to serve upon demand, one Justice of Peace, Mayor or Head Officer, unto whom complaint thereof shall be made, have power to commit him to Ward,

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Ward until he shall be willing to serve accordingly.

And if there shall arise any difference betwixt the Master and the Apprentice, one Justice of Peace in the County, or Mayor, or Head Officer in a Corporation or Market-town, shall have power to reconcile it if he can, if not, then to bind over the Master to the next Quarter Sessions; where the Justices of Peace, or any four of them (one of the Quorum,) or the Head Officer, with the consent of three of the Brethren, shall upon default found in the Master, in Writing under their Hands and Seals, have power to discharge the Apprentice of his Service; and if the default be found in the Apprentice, then to inflict such Punishment upon him, as in their Discretion shall be thought fit.

Difference  
reconciled.

None shall be bound to enter into Apprentiship, other than such as be under the Age of twenty one years.

Justices of Peace in their several Divisions, and Head Officers in Towns Corporate, shall meet twice every year, viz. once betwixt Michaelmas and Christmas, and another time betwixt Lady-Day and Midsummer, to give order for the due execution of this Statute.

The Forfeitures aforesaid (except those otherwise limited) shall be divided betwixt the Queen and the Prosecutor, and all Justices of Peace, or any two of them (1 Qu.) and

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and every Head Officer shall have power to Hear and Determine the Breach of this Statute upon Indictment or otherwise, and to award Process and Execution accordingly; and shall yearly in Michaelmas Term by Estreat, certify into the Exchequer, the Fines which accrue upon this Statute, in manner as they ought to do in other cases.

This Act shall not Restrain the Cities of London and Norwich, from taking of Apprentices as in time past.

Indenture void.

None shall take Apprentices otherwise than is limited by this Act, in pain of 10 l. and all Indentures otherwise made, shall be void.

Note, An Apprentice shall be bound by his Indentures, notwithstanding his Non-age of 21 years.

The Inhabitants of Godalming in Surry, may take and use such Arts and Apprentices, as Market Towns may do by vertue of this Act.

The Fines accruing by this Act in Towns Corporate, shall be appointed by the Head Officer, to be Collected as other Fines and Amerciements, for the use of the same Towns.

Apprentice apprehended.

When an Apprentice departs from his Masters Service, into another County or Corporation, it shall be lawful for the Justice of Peace or Head Officer, there being no Justice of Peace to direct a Capias to the Sheriff, or other Chief Officer for his Apprehension,

prehesion, and being taken, the said Justice of Peace or Head Officer, shall commit him to Ward, until he give good Security that he will honestly serve out his Time.

Notwithstanding this Act, High Constables have power to keep their Statute Sessions, so that they there do nothing Repugnant thereunto.

Also by 1 Jac. 1. 6. the Statute of 5 Eliz. Wages 4. shall give power to the Justices of Peace, rated to have power to Rate the Wages of any Labourers, Weavers, Spinsters, and Work-Men, and Work-Women whatsoever.

Also, The Rating of such Wages in Sessions by more part of the Justices within any particular Riding or Division, (where General Sessions have been used severally to be kept) shall be as effectual as those Rated at the General Sessions of the whole County.

The Sheriffs and Head Officers within their severall Precincts, shall cause the said Rates to be proclaimed in such sort, as if they had been sent down printed from the Lord Keeper, which all Persons shall be bound to observe, upon the pains and penalties mentioned in the said Statute of 5 Eliz. 4.

A Clothier or other Convicted before the Justices of Assize or Peace in Sessions, or before two Justices of Peace (1 Qu.) by his own



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own Confession, or Evidence of two Witnesses, not to have observed the said Rates so appointed, shall forfeit 10 s. to the partygrieved, to be levyed upon Warrant from the same Justices by Distress and Sale of his Goods

None shall incur any Danger for not making Certificate of the Rates into the Chancery according to 5 Eliz. 4.

Clothier, Justice.

A Clothier being also a Justice of Peace, shall not be a Rater of Wages of any Artificer, that depends upon making of Cloth

It may also here be observed, That

Monopolies discouraged.

By Stat. 21 Jac. 1. cap. 3. All Monopolies and Commissions of, or for the buying, selling, making, working or using of any thing within the Kings Dominions, or any other Monopolies, or of Power, Liberty or Faculty, to dispence with any others, or to give License or Toleration to do, use or exercise any thing against the Tenor of any Law or Statute, or to give or make any Warrant for such Dispensation, License or Toleration, or to agree or compound for any Penalty or Forfeiture limited by any State, or for any Grant or Promise of any benefit, or profit of any such Penalty or Forfeiture, or Sum of Money, before Judgment thereupon had; and all Proclamations, Inhibitions, Restraints, Warrants of Assistance, and other matters and things whatsoever, any way tending to the erecting, strengthening or countenancing thereof, are contrary to the

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Laws of the Realm, and shall be void and of none effect.

And that all the matters and things aforesaid shall be examined, heard, tried and determined, by the Common Laws of this Realm and not otherwise; and all persons are prohibited to use, exercise or put them in Ure.

That the party grieved by pretext of any of the matters or things aforesaid, shall recover (in one of the Courts at Westminster) treble Damages and double Costs; in which Suit no Effoin, or other delay be shall be allowed, nor any more than one Imparlance, And if any person, after notice given, that such Action depending is grounded upon this Statute, shall cause it to be staid or

delaid before Judgment by any Order, Warrant, Power or Authority (save only of the Court where it is depending) or shall after Judgment had, cause or procure the Execution thereof to be staid, or delaid by colour or means of any such Order, Warrant, Power or Authority, save only by Writ of Error or Attaint, he or they so offending shall incur a Praemunire.

Action delaid.

Praemunire.

That Letters Patents of new Manufactures heretofore granted for twenty one years, or under, to the Inventers thereof, where they are not contrary to Law, or any way prejudicial to the Commonwealth are saved. So also where such as had been theretofore granted, for more than twenty

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one year; good for twenty one years from the date of their Patent, notwithstanding this Statute; neither shall this Act extend to Grants of new Manufactures hereafter to be made, to the inventors thereof for fourteen years or under, being not contrary to the Law, or Prejudicial to the Commonwealth, nor to Grants heretofore confirmed by Act of Parliament, so long as such Acts continue in force; nor to any Warrant of Privy Seal granted, or to be granted to the Justices of the Kings-Bench or Common-Pleas, to the Barons of the Exchequer, Justices of Assize, of Oyer and Terminer, Gaol-delivery, or Peace, or other Justices, to compound for the Forfeitures of any Penal Statute, depending in Suit before them, after Plea pleaded by the party Defendant.

That this Act should not be prejudicial to London, or any other Corporation, for any Grant made them concerning their Customs, nor any Corporation, Company, or Fellowship of any Art, Trade, Mystery; nor to any Company or Society of Merchants.

Neither shall it extend to any Grant of Privilege for Printing, Digging or Making, or Compounding of Salt-peter or Gun-powder, or Casting or Making of Ordnance, or Shot for Ordinance; nor to any Grant of any Office then in being, other than such as are decreed by the Kings Proclama-

concerning Trademen.

clamation, nor to the Liberties of Newcastle concerning the Sea-coals; nor to the Licensing of Taverns, so the King receive the benefit; nor to the Patent granted to Sir Robert Mansfield for making Glass; nor to that granted to James Maxwell Esquire, for Transportation of Calves-skins; nor to that of Abraham Baker for making of Salt; nor to that of Edward Lord Dudley, for melting of Iron Oar, and making the same into Castworks.

Of Informers and Informations.

Lastly, Landlord, Concerning Informers, that you may take the better heed thereto, and not think that I was willing to run them over in haste, and because you take me for such a person, (tho' it be only by Report) therefore I chose the rather to speak of them in the Conclusion.

By the Statute of 18 Eliz. 5. It is Enacted, That an Informer shall exhibit his Suit in proper person, and pursue it by himself, or by his Attorney in Court, and that by way of Information or Original Action, and shall have no Deputy, and all this in pain of 10 l. and the Pillory.

Also, That a note of the time of exhibiting the Information shall be truly taken, and from thenceforth it shall be taken to be of Record, before which time no Process shall issue out upon it.

How he shall exhibit, &c.

Pillory. Note of the time.

That

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Informers name indorsed.

That the Clark that makes out the Procefs shall Indorse the Informers name, and also the Statute upon which the Information is granted, in pain of 40s.

Tryal.

That no Jury shall appear at Westminster, for a Tryal upon any Penal Law, when the Offence was committed above 30 Miles from Westminster, except the Attorney General for some reasonable cause require the same.

Composition.

That no Informer shall compound with any Defendant before answer, nor then, but by consent of Court, in pain of 10 l. and the Pillory.

Pillory.

That where the Informer delays or discontinues his Suit, or otherwise is Non-suit or overthrown, the Court shall assign Costs to the Defendants, to be immediately levied by Execution issuing out of the same Court.

Costs to the Defendant.

Justices of Oyer and Terminer, Assize and Peace in their Sessions have power to hear and determine these Offences.

But this Act shall not restrain Actions brought for Maintenance, Champerty, buying of Title or Imbracery, nor any certain Person or Body politick, to whom any Forfeiture or Penalty is specially limited, nor certain Officers, who have lawfully used to exhibit Information.

By the Statute of 29 Eliz. 5. If any shall be sued upon any Penal Law in the Kings-Bench, Common-Pleas or the Exchequer,

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quer, where such person isailable by Law, or may appear by Attorney, the person so fitted, shall at the day contained in the first Procefs, appear by Attorney to defend the same, and shall not be urged to personal appearance, or to put in Bail to answer the same. Bail.

But by Stat. 31 Eliz. 10. The said Clause of 29 Eliz. 5. shall only extend to natural born Subjects, or free Denizens and none others. Subjects or Denizes.

Also by Stat. 31 Eliz. 5. It is Enacted, That Informers heretofore restrained by Order of any Court, shall not pursue Actions popular, (that is, an Action which is given to the King, and such other person as will Sue, and not to the party grieved.)

That in Popular Actions the Offence shall be laid to be done in the County, where indeed it was done; otherwise, if the Defendant Traverse and disprove that point, the Plaintiff shall be barred. Action Popular. Particular County.

But this Act doth not restrain Officers, which have lawfully used to exhibit Informations, nor Actions brought for Champerty, buying of Titles, Extortion, Offences against the Statute of 1 Eliz. 11. (concerning the right landing of Merchandize, and Custom of Sweet-wines) concealing of Customs, &c. corrupt Usury, Forestalling, Regrating or Ingrossing, when the penalty shall amount to 20 l. or above: For in all these Cases the Offence may be laid in any County. O. 5. Also.

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Time of Prosecution.

Also, Popular Actions where the King only hath the Forfeiture, shall be commenced within two years; where he hath only a part, and the Informer the rest, within one year: But this is to be understood, as where a shorter time is not limited by any Statute.

County, Leet.

Also, All Suits for using unlawful Games, or any Art or Mystery without being brought up in it, and for not having Bows and Arrows, according to the Statutes, shall be prosecuted at the Assizes or Sessions of the County, or at the Leet, within which the Offence was committed, and not elsewhere.

By Stat. 21 Jac. 4. Actions Popular which may be presented before Justices of Assize, Nisi prius, Gaol Delivery, Oyer and Terminer or of Peace, shall be prosecuted only in the Counties where the Offences were committed, except for Recusancy, Maintenance, Champerty, buying of Titles, concealing of Customs, &c. or Transporting of Gold, Silver, Wool, Woollens or Leather.

That upon default of proving, that the Offence was committed in the same County, the Defendant shall be found not Guilty.

Oath.

That the Informer shall make Oath, that the Offence was committed in the same County, where the Action is laid, and within one year before the Suit Commenced.

That

**concerning Tradesmen.**

That the Defendant in a Popular Action may plead the General Issue, and give the Special matter in Evidence.

Also, by a Stat. 4 H. 7. cap. 28. It is Enacted, That Recovery in an Action Popular, by Covin, shall be no Bar in an Action Sued for the same thing Bonâ fide. And here the Defendant attainted of Collusion, shall suffer two years Imprisonment, to be prosecuted within one year.

And that no Release of a Common person, shall in this case discharge an Action Popular.

Yet no Collusion is in this case averrable, where the point of the same Action, or the Collusion it self hath been tried by Verdict.

By Stat. 13 & 14 Car. 2. cap. 11. Concerning Customs, It is Enacted, That no Informer or Seizer shall compound under one third, of the appraised value, upon loss of his Office.

I also observed unto you before, when I spoke of French Goods, That if any Informer shall by Fraud or Collusion, desist or delay, Prosecution he shall forfeit 500 l. For the rest I refer you to the Table, &c.

Inform. Thus much, I suppose (Landlord) may be sufficient to satisfy you in these Matters, and I hope by this time you perceive the necessity of those persons, which are called Informers, who also, as others,

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others, are subject to Penalties and Forfeitures for their misdoings; And these things being made publick, what cause has any Man to complain, if he be taken in a Transgression, since that which gives others information to prosecute him, leaves him not without a caution how to prevent it.

Landlord, Sir, I yield my self convinced, and withal acknowledge these things are from time to time made publick, as well by the printed Statutes at large, as also in several of their Abridgments: Yet few Men are at leisure to Read over the first, and not many throughly to peruse the latter. Besides I observe, you have mentioned several that are lately Enacted, and that in the whole you have chiefly touch'd upon those which concern Men of Trade and Traffick, wherefore I think, you may do well to publish them as a necessary and short Collection, and thereby oblige such who cannot so readily bring them together, which thing, unless you be otherwise than indifferent, will easily be granted, but pre-engagement and self interest may hinder much.

Inform. Sir, I should gladly do any thing which may tend to the publick advantage, and therefore, that you may perceive I am neither prejudiced nor self-interested, I declare to you, that in these Matters I have not hitherto in any thing, either informed or been informed against, tho I have sometimes represented the Informer,

concerning Trademen.

mer, and spoke at large to others for Caution's sake. Thus far therefore I will agree, as to give you these Heads in Writing, with some few Additions, and leave you at Liberty to Publish them as you think fit;

Landlord, Sir, I give you many thanks for this favour, and being now fully satisfied of your well meaning, I shall hereafter rather give you the Title of a Reformer, than that of Informer, and will my self (with good leave) become Publisher, of what you shall commit to Writing from your former Discourse.

Inform. Agreed then in good time; I therefore leave you at present, to prepare them accordingly, only adding one word more of the Informer, viz.

By 4 & 5 W. & M. cap. 18. The Clerk of the Crown of the Kings-Bench, shall not without expresse order in open Court, receive or file any Information for Trespasses, Batteries and others Misdemeanors, or Issue any Process thereupon, before he shall have taken, or shall have delivered to him a Recognizance from the Informer, with the place of his Abode, Title or Profession, to be entred to the person prosecuted in 20 l. penalty, to prosecute with effect, and abide by such Order as the Court shall direct; Which Recognizance the Clerk of the Crown, or a Justice of Peace of the place, where the cause of any such Information shall arise, may take, and the Clerk of

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of the Crown shall Enter the same upon Record, and File Memorandum thereof in some publick place in his Office, that all persons may resort thereunto without Fee.

And if the person against whom such Information shall be exhibited, appear and plead to Issue, and that the Prosecutor shall not at his own charge, within a year after Issue joyned proceed to Trial; or if upon such Trial a Verdict pass for the Defendant, or the Informer procure a Noli prosequi to be entred, the Court shall award the Defendant Costs; unless the Judge before whom it shall be tried, shall at the Trial in open Court certify upon Record, that there was a reasonable cause for such Information: And in case the Costs be not paid within 3 Months after they are Taxed, the Defendant shall have the benefit of the said Recognizance, to compel the payment thereof.

This Act shall not extend to Informations, in the name of his Majesties Coroner or Attorney, common called the Master of the Crown Office.

Also upon the Demise of any King or Queen of this Realm, all Pleas to Informations shall stand, without calling the Defendants to plead anew, unless the Defendants request the Court for that purpose, within 5 Months after such Demise.

Here follows the Addition before mentioned

concerning Tradesmen.

Here follows the Addition before mentioned

ed. Attorney.

If he admits any person to follow a Suit in his name, he and the person that follows the Suit, forfeit each of them 20 l. to be divided between the King and the party grieved.

Champerty.

By Stat. 33 E. 1. Anno Domini 1304. Champartners are such as move Pleas and Suits, or cause them to be moved, either by themselves or others, and prosecute them at their own charge, to have part of the thing in variance, or part of the gains.

By Stat. 20 & 21 Ed. 1. made at Berwick, Any attainted of Champarty shall suffer 3 years Imprisonment, and be finable at the Kings Will.

Artic super Chart. 11.28. E. 1. none shall take upon him a business in Suit, with an intent to have part of the thing Sued for, neither shall any upon any such Covenant give up his Right to another; in pain that the taker shall forfeit to the King, so much of his Land and Goods, as do amount to the value of the part so purchased for such Maintenance, to be recovered by any that will Sue for the King in Court where the Plea hangeth. This

**A View of the Penal Laws**

This shall not prohibit any to take Counsel at Law for the Fee, or of his Parents or Friends.

*Stat. 33 Ed. 1. Anno Domini 1305.* None of our Court of Pleaders, Attorneys, Stewards, Bailiffs or any other shall take any Plea or Suit to Champerty, or for Maintenance, in pain that they together with the consenters thereunto, shall suffer three years Imprisonment, and be Fined at the Kings Will. See after Maintenance.

*Chancery.*

By *Stat. Car. 2.* (Not printed but yet in the Abridgment,) Masters in *Chancery* that take above the Fees mentioned in that Statute, forfeit to the party grieved so much Money as they take contrary to the Statute, and 100 l. to the King, and the party grieved, and to be disabled from the Execution of his Office.

*Chirographers.*

By *Stat. 2 H. 4. 8.* If the Chirographer or Deputy take more than 4 s. for a Fine, he forfeits treble Damages to the party grieved, (to be sued for in the same Court,) also he forfeits his Office, and is to be fore-judged the Court, and suffer a years Imprisonment.

*Cite*

**concerning Tradesmen.**

*Citation.*

By *Stat. 23 H. 8. 9.* None shall be cited out of Diocess, contrary to that Statute, in pain of 10 l. to be recovered against him that Cites

Eccliaistical Judge shall take but 3 d. for a Citation, under the like pain; the Forfeitures are between the King and the Prosecutor.

*Corporation.*

Corporation shall take but 2 s. 6 d. for 22 H. 8. 4. the first Entry of an Apprentice, and 3 s. 4 d. for entring his Freedom, in pain to forfeit 40 l. between the King and the Prosecutor.

If they by Oath or Bond restrain any 28 H. 8. 5. Apprentice or Journyman from keeping Shop, or take more Money for their Freedom, or the Occupying their Profession, than 22 H. 8. cap. 4. allows, they forfeit 40 l. to be divided between the King and the Prosecutor. But by the Act 5 & 6. W. & M. Sess. 2. cap. 14. concerning Orphans Money, Apprentices in London are to pay at Binding 2 s. 6 d. and a Freeman admitted 5 s. above the usual Fees.

In Acts to be done by Corporations, the 33 H. 8. 27 consent of the greater part shall Bind, and the Oath taken by them to the contrary shall not be observed.

Persons

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Persons that give such Oath forfeit 5 l. between the the King and the Prosecu-  
tor.

Children sent to Rome, &c.

Stat. 1 Jac 4. If any person sends any Child, or other person being under their Government, beyond Seas, to be instructed in the Popish Religion, forfeits 100 l.

If the Officers of the Ports permit any Woman or Child under 21 years of Age, (except Souldiers, Ship-boys, Merchants, Factors or Apprentices) to pass the Seas without License from the King, or of six of the Privy Council under their Hands, they forfeit their Offices and all their Good; the Owner of the Ship forfeits his Ship and Tackle, and every Master or Mariner in the Ship all their Goods, and to suffer a years Imprisonment without Bail.

None out of the Universities shall keep School, except a Freeschool, or in some persons House that is no Recusant, or by the Bishops License, in pain of 40 s. a day; the Forfeitures of this Act are to be divided between the King and the Prosecu-  
tor. Vide antea School-masters.

Customs and Customers.

By St. 3 H. 6. 3. No Customer, Collector or Controller shall conceal Customs duly entred and paid, in pain to forfeit treble value of Mer-

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Merchandize so Customed, and to make Fine and Ransom to the King, of which Penalties the Prosecu-  
tor shall have a third part.

By 20 H. 6. 5. No Customer, Controller, Searcher, Surveyor of Searcher, or their Clerks, Deputies, Ministers, Factors or Servants, shall have any Ship of their own, use Merchandize, keep a Wharf, Inn or Tavern, or be a Factor, Attorney, or Host to a Merchant, in pain of 40 l. between the King and the Prosecu-  
tor.

3 H. 7. 19. None shall be a Customer, Controller or Searcher in any City, Burrough or Town, while he is a Common Officer or Deputy to a Common Officer there, in pain to forfeit 40 l. for every 6 Months, he so Executes both Offices, to be divided between the King and the Prosecu-  
tor.

By Stat. 1 H. 8. 5. He that so Customs Good, that the King thereby loseth his Customs or other Duties, shall forfeit the Goods to the King, and as much to the party grieved as the Goods are worth.

An Action of Debt is given to the party grieved, against him that Customs Goods in his own Name, when they are another Mans, to recover the value of the Goods Customed.

By Stat. 2 & 3 Ed. 6 22. If any offend contrary to the Statute of 1 H. 8. 5. they shall forfeit all their Goods and Chattels, to be divided betwixt the King and the Prosecu-  
tor,



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tor, if the Action be prosecuted within 3 years.

False information.

If the Information, whereupon any House shall be Searched prove false, the party injured shall recover full Damages and Costs against the Informer in an Action of Trespas. By Stat. 12 Car. 2. cap. 19.

By 13 & 14 Car. 2. cap. 11. Officers making false Certificates of Goods, that should have been landed, shall lose their Employment, and forfeit 50 l. and suffer one years Imprisonment, and be incapable of any place of Trust concerning the Customs; and liable to such Corporal Punishment, as the Court of Exchequer shall think fit; Persons Counterfeiting, Rasing or Falsifying any Cocquet Certificate, or Return, Transire or other Custom-house Warrant, shall forfeit 100 l. and the Cocquet &c. shall be void.

Station.

If any person employed in the Customs demand, or take greater Sums than are due by Law, or put any Merchants or others, out of his turn without order before, or approbation after, from the persons appointed to manage the Custom, or the Superior Officers for the same, or illegally detain the Goods of any, or neglect to make repayments and allowances, or after notice do not give out or execute his Warrant, he shall be liable to double Costs and Damages.

In

**concerning Tradesmen.**

In every Suit wherein any Officers of the Customs, or persons authorized to put in Execution the Act of 12 Car. 2. cap. 18. for encouraging Navigation, or others Acting in Aid of them, shall be prosecuted, they may plead the General Issue, and give this or the said Act in Evidence.

If any Officer shall prosecute to effect the Ship and Goods by him seized or informed against, the persons managing the Customs, or Officers of the Customs, or others deputed by them, or authorized by the Lord Treasurer, or under Treasurer may make Seizure, or inform against such Goods, or bring his Action by *Devenerunt*, and shall have the benefit of Informers or Seizers.

No Informer or Seizer shall compound under one third of the appraised value, upon loss of of his Office.

If any employed about the Customs and Subsidies take any Bribe, or connive at any false Entry, they shall forfeit an 100 l. and be incapable of any Employment under the King, and the person giving such Bribe shall forfeit 50 l.

All Suits &c. upon the Act for Encouraging Shipping and Navigation, may be prosecuted in the Exchequer, in Suit upon the Act of Tunnage and Poundage, and the said Act or any other Act concerning Importation of Goods, and if the property

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perty be claimed by any as Importer, the *Onus probandi* shall be upon such Owner or Claimer.

If the Seifure or Suit be upon the Statute of 12 Car.2. cap. 18. The Defendant may have the Commission outof the *Chancery*, to examine Witnesses beyond Sea, which shall be Evidence at Law.

No Writ of Delivery shall be granted outof the *Exchequer* for Goods seifed, but upon good Security, and that for Goods perishable only, or where the Informer shall delay the Trial; one Moiety of all the Forfeitures by this Act shall be to the King, the other to the Informer.

See more of these penalties about Customs, in this last mentioned Statute at large, and also in the Abridgment Tit. Custom.

Egyptians.

1, 2. P. C. No. 4.

If any Transports into *England* or *Wales*, any lewd People, calling themselves *Egyptians*, they forfeit 40 l.

Felony (without Clergy) for such lewd People or *Egyptians* to remain above one Month in *England* or *Wales*; they shall not be tried *per medietatem linguæ*, but by the Inhabitants of the County where they are taken.

If any person Sues for any License or Passport, for any *Egyptians* to stay in *England* or *Wales*, he forfeits 40 l. and such License

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License or Passport shall be void, extends not to such persons under the Age of 13 years: The Forfeitures are between the King and Queen and the Prosecutor.

Elections.

If persons having Election, Voice or Nomination of any person to have a place in any Church, College, School, Hospital, Hall or other Society, take any Reward for their Election, such place shall be void; and he that hath power to dispose of the same, may dispose thereof, as if the person before elected were actually dead.

If any person of such Societies take reward, or assurance thereof for resigning such place, the party giving the reward, forfeits double value, and the party taking it is made incapable of such place.

An Incumbent of a Benefice with cure of Souls, that corruptly resigns or exchanges the same, or for resigning or exchanging takes reward, both the giver and the taker thereof forfeit double value.

If any person takes a Reward (lawful Fees excepted) to make a Minister, or to give Licence to Preach, he forfeits 40 l. and the party so made Minister, or Licensed to Preach 10 l. and if he within 7 years after be inducted in any other Benefice, the Induction is void, and the Patron may dispose of the place as if he were dead.

The

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The severall Forfeitures of this Act are between the Queen and the Prosecutor. *Vide postea Tit. Residence and Spiritual persons.*

*Embracery.*

By Stat. 38 E. 3. 12. If a Juror take any thing of either party to give his Verdict, and be attainted thereof by Process, contained in the Article of Jurors, of the 34 Ed. 3. 8. he shall pay ten times so much as he hath taken, to be divided betwixt the King and the Prosecutor, and all that procure such Inquest, shall incur the like punishment.

If the Juror or Embracer have not wherof to make gree, he shall suffer a years Imprisonment; but no Justice or other Officer shall inquire of this Offence, *ex Officio.*

*Fairs.*

3 H. 7. 9. An Ordinance made in London, to prohibit Citizens to carry their Wares to Fairs and Markets out of the City, is by this Act made void, and none shall trouble any Citizen for so doing, in pain of 40 l. between the King and the Prosecutor.

By 31 Eliz. 12. Every false Voucher of a Horse Sold in a Fair, and the Book Kepeer that suffers such Sale to pass, forfeits 5 l. betwixt the Queen and the Prosecutor, and the Sale shall be void. *178-*

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*Insuring to Import Goods Prohibited.*

Whereas by an Act made 4 & 5 W. & M. A penalty of 500 l. is laid upon persons Insuring to Import prohibited Goods, or Goods without paying Duties and Customs; and also a penalty of 500 l. upon any person who shall be so insured; for the more easy and certain Recovery of the same, by Act made 8th and 9th of this King, It is Enacted, That it shall and may be lawful for any person or persons to Sue for, or Prosecute, and to Recover the said penalty by Action of Debt, Bill, Plaint or Information in any of his Majesties Courts of Record at *Westminster*; wherein no Essoign, Protection, Priviledge or Wager of Law shall be allowed, nor more than one Imparlance.

*Justices of Peace.*

None shall be Justice of Peace, unless he hath Lands worth 20 l. per annum, in pain to forfeit 20 l. between the King and the Prosecutor. Extends not to Men learned in the Law, or Inhabiting Corporations. *18 F.C.H.*

P

*Lect*

**A View of the Penal Laws**

*Lect.*

**94.1.5.** If any Steward or Deputy Steward of a Lect or Court Baron, makes benefit to the value of 12 *d.* or more by colour of any Grant made of the Profit or Perquisites of any such Court whereof he is Steward, he forfeits 40 *l.* to the King and the Prosecutor.

**Linnen Cloth.**

By **1 Eliz. 12.** None shall use any means whereby *Linnen Cloth* shall be deceitful or made worse for use; in pain to forfeit the same, to suffer a Months Imprisonment, and to be fined by the Justices, before whom he shall be condemned.

Justices of Oyer and *Terminer*, and of Affize, and Justices of Peace, or any three of them (1 *Qu.*) have power to hear and determine these Offences.

Also, The Informer that shall at the next Sessions of the Peace (after the Seizure) to be kept in the County where such Seizure is made, or before two Justices (1 *Quor.*) make due Information of the Offence and Seizure, or procure the Offender to be there Indicted, and bound by Recognizance before the said Justices to pursue the same Matter with effect, and give Evidence as of right appertaineth, and

**Concerning Trade-Linen**

and pay the one Moiety of what he recovers to the Sheriff, or other Accomprant for the Queens use, shall have the other Moiety for his pains; and the Justices before whom these Offences are tried, shall by *Estreat* certify the Forfeiture into the *Exchequer*. See before *Tir. Clothiers.*

Also, **Stat. 28 H. 8. 4.** says, No person whatsoever shall put to Sale any piece of *Douglas* or *Lockram*, unless the just length be expressed thereupon, in pain to forfeit the same, or the value thereof, to be divided betwixt the King and the Seizor.

**Maintenance.**

By **Stat. 1 Eliz. 3. Par. 2. 14.** None shall Maintain Quarrels and Parties in the Countrey, to the Let and disturbance of the Common Law.

By **Stat. 20 E. 3. 4.** None shall maintain any Quarrels save their own, in pain to have their Body, Lands and Goods to be at the Kings pleasure.

By **Stat. 1 R. 2. 4.** No great Officer of the King shall maintain Quarrels in the County, in pain of a Fine to be imposed by the King and his Council; and no other person, in pain of Imprisonment, and to be fined at the Kings will; and if he be the Kings Officer or Household-servant, he shall also lose his Office.

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By Stat. 32 H. 8. 9. All Statutes which concern Maintenance, Champerty and Embracery, shall be duly put in Execution. None shall buy any pretended Right or Title to any Land, unless the Seller hath taken the profits thereof, one whole year next before such bargain, in pain that both buyer and seller shall each of them forfeit the value of such Land, to be divided betwixt the King and the Prosecutor.

None shall unlawfully maintain any Suit or Action, retain any person for Maintenance, embrace Jurors, or suborn Witnesses to the hindrance of Justice, or the procurement of Perjury, in pain to forfeit for every such Offence 10 l. to be divided betwixt the King and the Prosecutor.

Howbeit, purchasing of a pretended Title by him, that is already lawfully possessed of the thing, whereunto Title is made, is lawful.

Proclamations shall be made at the Assizes of the Statutes made against Maintenance, Champerty, Embracery, and unlawful Retainers.

The Offenders against this Act shall be prosecuted within one year.

Oaths

By Stat. 1 W. & M. Sess. 1. cap. 8. It is Enacted, That from thenceforth the Oaths of Allegiance and Supremacy, by 1 Eliz.

3 Jac.

concerning Travellers.

3 Jac. or any other Statute are abrogated, and other Oaths by the said Act appointed.

By the 3 & 4 W. & M. cap. 2. The Oath of Supremacy primo Eliz. is Repealed, as to persons residing in Ireland, and others appointed.

That if any person before he hath taken the said Oath in the Kings-Bench in Ireland, or at the General Quarter Sessions of the Peace where he Inhabits, and procured the same to be Recorded, and obtain'd a Certificate thereof, shall practise his Calling or Profession, he shall forfeit 500 l. to such as will Sue for the same, and be incapable to use or exercise such Profession or Calling.

By Stat. 7 & 8 W. 3. cap. 24. If any person should at any time after the 25th of May 1696, act as a Serjeant at Law, Counsellor at Law, Barister, Advocate, Attorney, Solicitor, Procter, Clerk or Notary, by practising in any manner as such in any Court or Courts whatsoever, not having before the time of such acting taken in the Court of Chancery or Kings-Bench, or Quarter Sessions of the County where he lives, the Oaths mentioned and appointed to be taken in the Act made 1 W. & M. cap. 8. and made and subscribed the Declaration appointed to be made, and subscribed in the Act made, 25 Car. 2. cap. 2. such persons shall incur all the Pains, Penalties and Forfeitures mentioned in the Statute of Provision and Præmunis made 16 R. 2.

P 3 By

**A writ of the Penal Law**

By Stat. 7 & 8 W. 3. cap. 27. It is enacted, That all and every person and persons, who shall refuse to take the Oaths mentioned and appointed to be taken in an Act made, 1 W. & M. Entitled, An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, or either of them when tendered by any persons lawfully Authorised to Administer the same, or shall refuse or neglect to appear, when lawfully summoned for that purpose, shall until he or they have duly taken the said Oaths be liable to Incur, forfeit, pay and suffer the Penalties, Forfeitures, and disabilities which by the Laws and Statutes now in Force are inflicted on Popish Recusants Convict; and the persons so tendering the said Oaths, shall upon every refusal or default of Appearance as aforesaid, Record in Parchment the Christian and Surname, and place of Abode of the person or persons so refusing, or not appearing, with the time of tender, and shall certify the said Record to the Justices of Assize at their next Sessions in the same County, who shall forthwith Estreat and certify the same into the Exchequer, to be there entered of Record, that the said Court of Exchequer may thereupon issue out Process, against the Lands and Goods of the said person and persons, as against Popish Recusants Convict; This Act provides further, For several persons to subscribe the late Association.

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**Association.** Provided, That it shall not extend to make void, or take away any Office of Inheritance in Fee-simple or Fee-tail, or any Salary for executing the same, enjoyed by any person that shall neglect or refuse to subscribe the Association as aforesaid, if such person shall substitute a sufficient Deputy, which said Officer is hereby impowered to do, any usage to the contrary notwithstanding, who shall subscribe the said Association in manner as appointed by this Act, so as such Deputy shall from time to time be approved of by the King under his Privy signet.

**Pannels.**

By 3 H. 8. 12. Justices of Gaol-delivery, or Justices of Peace (one of the Quorum,) may reform Pannels Returned by Sheriffs, to inquire for the King; and the Sheriff shall return the Pannel so reformed, in pain of 20 l. between the King and the Prosecutor; and in this case the Kings Pardon shall be no bar against the Prosecutor.

**Pardon.**

By 5 H. 4. 2. If an Approver shall commit Felony after he is Pardoned, he that procured his Pardon forfeits 100 l. whose name for that purpose shall be inserted in the said Pardon.

A View of the Penal Laws

Note, An Approver is one that confesseth Felony done by himself, and also accuseth another, or more, to be guilty of the same.

Parliament.

By 23 H. 6. 11. Wages for Knights serving in Parliament, must (upon a Writ directed to the Sheriff) be assessed in the County Court.

Sheriffs shall not levy more than is assessed, in pain to forfeit 20 l. to the King, and 10 l. to the Prosecutor; for the Recovery of which 10 l. the Prosecutor shall have a Scire facias, and if the Defendant make default, or appear and be convict, the Prosecutor shall recover the 10 l. to his use (over and above the 20 l.) and treble Damages for Costs of Suit.

By 8 H. 6. 7. Knights in Parliament shall be chosen by the more Voices of People dwelling in the Counties, each of them having Lands or Tenements to the yearly value of 40 s. Also the Knights so chosen, shall be resident within the same Counties.

Here none shall be Choosers or Voters, but such as can expend 40 s. per annum. See after.

Sheriffs doing contrary to this Act, shall forfeit 100 l. to the King, &c.

By 1 R. 2. 1. 1. Months after the beginning of the Parliament, or in his default another person may prosecute.

concerning Cradefmen.

By 23 H. 6. 15. Sheriffs upon Receipt of Writs, shall make Precepts to Mayors, and Bailiffs of Cities and Burroughs infra Comitatum to choose Burgeses to serve in Parliament, and such Head Officers shall return such Precepts to the Sheriff by Indentures, and of the Names of the Burgeses so chosen, and thereupon the Sheriff to Return the Writ, and the Return made by the said Head Officers.

Sheriffs doing contrary to this Act, or any other Act, incur the pain contained in 8 H. 6. 7. and besides forfeit to the person so chosen, and not duly returned 100 l. more, to be recovered by Action of Debt, &c. against the Sheriff, his Executors and Administrators (or in default) by any other Prosecutors, in which no Essoign, &c. shall be allowed. And if such Head Officers make a false Return, they forfeit 40 l. to the King, and 40 l. more to the person so chosen and not returned, if he prosecute, or else by other Prosecutors as aforesaid.

Sheriff not making due Election of Knights, between the Hours of 8 and 11 in the Forenoon, and a good Return in manner aforesaid, forfeits 100 l. to the King, and 100 l. more to him that will Sue for the same.

The party grieved must Sue in three Months, after the beginning of the Parliament, or in his default another person may prosecute.

### Of Writs of Habeas Corpus

If any Knight, Citizen or Burgeſs returned by the Sheriff be put out, and another be put in his place, the perſon ſo put in (if he take the place upon him) forfeits 100*l.* to the King, and 100*l.* more to the perſon ſo put out, who ſhall have an Action of Debt for the ſame, if he ſue in three Months, after the beginning of the Parliament.

By 35. H. 8. 11. Sheriffs of the 12 Shires, in Wales and County of Monmouth, having levied the Fees of Knights in Parliament, ſhall pay them to Knights within two Months after the Knights ſhall have delivered unto them their Writs *de ſolutione Feodi militis Parliamenti*, in pain of 20*l.* for the firſt two Months, and 20*l.* for every other Month that they detain them, to be recovered by Action of Debt, Bill, Plaint, &c. by the King and the Proſecutor.

The Head Officers alſo for Cities and Burroughs in the ſaid 12 Shires and County to do the like, for Burgeſſes after their Writs delivered under the ſame pain, and in the ſame manner to be recovered, or to be levied upon their Goods and Chattels.

By Stat. 7. W. 3. cap. 4. If any perſon hereafter to be elected to Service in any County, City, Town, Borough, Port or Place within England, Wales or Berwick upon Tweed, after the Teſte of the Writ

of

### concerning Tradesmen.

of Summons to Parliament, or Iſſuing out ordering of the Writ or Writs of Election, or after any ſuch place becomes vacant in the time of the preſent or any other Parliament, ſhall or do by himſelf, or by any other ways or means on his behalf, or at his charge before his Election, for any County, City, Town, &c. directly or indirectly, give, preſent, or Allow to any perſon or perſons having Voice or Vote to ſuch Election, any Money, Meat, Drink, Entertainment or Proviſion; or make any Preſent, Gift, Reward or Entertainment, Promiſe, Agreement, Obligation or Engagement to give or allow any Money, Meat, Drink, &c. to, or for any ſuch perſon or perſons, or to any ſuch County, City, Town, &c. in General, or to or for their Uſe, Advantage, Benefit, &c. in order to be elected to ſerve in Parliament for ſuch County, City, Town, &c.

Every perſon or perſons ſo doing, ſhall be diſabled and incapacitated upon ſuch Election to ſerve in Parliament, and deemed no Member, and ſhall not Act, Sit or have any Vote in Parliament, but be as if he were never returned or elected.

By Stat. 7 & 8 W. 3. cap. 7. All falſe Returns wilfully made of any Knight of the Shire, Citizen, Burgeſs, Baron of the Cinque-ports, or other Member, to ſerve in Parliament, are againſt Law and hereby prohibited; and if any perſon ſhall Return a

Mem-



Member to serve in Parliament, contrary to the last determination in the House of Commons, of the right of Election for such place, the Return so made shall, and is thereby adjudged to be a false Return, and the party grieved (viz. the party duly elected) by such false Return, may Sue the Officers and persons making or procuring the same, or any of them at his Election, in any Court of Record at *Westminster*, and shall recover double Damages with costs of Suit.

Also, If any Officer shall wilfully, falsely and maliciously Return more persons than are required to be chosen by the Writ or Precept, the like remedy may be had against him, and the party or parties that procure the same, or any of them, by the party grieved.

That all Contracts, Promises, Bonds and Securities hereafter made or given, to procure any Return of any Member to serve in Parliament, shall be adjudged void; Whoever makes such Contract, &c. or any Gift or Reward to procure such false or double Return, shall forfeit the Sum of 300 l. one third part thereof to the King, another to the Poor of the place concerned, and the other to the Informer, with costs to be recovered in any Courts of Record at *Westminster*, by Action, Bill, &c. wherein no Effoign, &c. to be allowed, nor more than one Impar lance.

The

The Clerk of the Crown shall enter in a Book kept for that purpose, every single and double Return of any Member or Members to serve in Parliament, which shall come into his Office, or to his Hands, and also every alteration and amendment as shall be made in every such Return, to which Book all persons shall have free access to Search, and take Copies for reasonable Fees, and the party prosecuting such Suit, may at any Tryal give in Evidence such Book, or a true Copy thereof, relating to such false or double Return, and shall have the like advantage thereby, as if he produced the Record itself; and if the Clerk of the Crown wilfully omit to perform his Duty in the Premises, he shall for every such Offence forfeit to the party grieved 500 l. to be recovered as aforesaid, and shall forfeit his said Office, and be forever incapable of holding the same.

All Actions upon this Statute to be brought within two years after Cause, and not after. This Act to continue for the space of seven years, and from thence to the end of the next Sessions of Parliament, and no longer.

By 7 & 8 W. 3. cap. 25. Every Freeholder before he be admitted to Poll, if required by any of the Candidates, shall take the Oath therein mentioned, to be Administered by the Sheriff, Under Sheriff, or Sworn Clerk.

In

**An Act of the Great Laws**

In Case any person taking the said Oath, shall thereby commit Perjury, and be thereof convicted, or if any person Suborn any person to take the said Oath, whereby he shall commit Perjury and be thereof convicted, he and they shall incur the pains and penalties Enacted in the Act made 5 Eliz. cap. 9.

That every Sheriff, Mayor, Baliff or other Officer, to whom the Execution of any Writ or Precept shall belong, for Electing Members of Parliament, shall forthwith deliver to such person or persons as shall desire it, a Copy of the Poll taken at such Election, paying reasonable for Writing the same; and every such Officer as aforesaid, for every wilful Offence contrary to this Act, shall forfeit to every party aggrieved the sum of 500 l. to be recovered by him or them, his or their Executors or Administrators, with full costs of Suit, for which he or they may Sue by Action of Debt, Bill, Plaint, &c. in any of the Kings Courts at Westminster, where in no Elton, &c. shall be allowed.

No person shall be allowed to have any Vote in Election of Members to serve in Parliament, for, or by reason of any Trust or Mortgage, unless such Trustee or Mortgagee be in actual Possession, or receive the Rent and Profits of the Estate, but the Mortgagor, or (vestui que Trust) in Possession, shall and may Vote for the same

**concerning Tradesmen**

same Estate; and all Conveyances of Lands, Tenements and Hereditaments in any County, City, Town Corporate or place, in order to multiply Votes, or Split and divide the Interest in any House or Lands among several persons, to enable them to Vote at Election of Members, shall be void and of none effect; and no more than one Vote shall be admitted for one and the same House and Tenement.

That no person whatsoever under the Age of twenty one years, shall be admitted hereafter to Vote in the Election of any Member to serve in Parliament; and no person hereafter shall be capable of being Elected a Member to serve in Parliament, who is not of the Age of twenty one years; and every Election and Return of any person under that Age, is thereby declared null and void. If any such Minor hereafter chosen presume to Sit or Vote in Parliament, he shall incur such penalties, as if he had presumed to Sit and Vote without being chosen or returned.

By 7 & 8 W. 3. cap. 7. No person who shall refuse to take the Oaths, directed by the Act of 1 W. & M. cap. 8. or being Quakers, to subscribe the Declaration of Fidelity, directed by the Act of 1 W. & M. cap. 16. shall be admitted to give any Vote, at the Election of any Knight of the Shire, Citizen, Burgess or Baron of the Cinque ports, to serve in Parliament.

Perjury

Perjury.

By 5 Eliz. 9. None shall Suborn Witnesses to commit Perjury, or to give Testimony in any Court of Record concerning Lands, Goods, Debts or Damages, in pain of 40 l. and if the Offender (being convicted thereof) hath not wherewithal to satisfy the Forfeiture, he shall suffer six Months Imprisonment without Bail, stand upon the Pillory one hour, in the same or next Market Town where the Offence was committed, and be for ever after disabled to give Testimony in any Court of Record, till the Judgment given against him be reversed by Attaint or otherwise; He that commits wilful Perjury forfeits 20 l. shall suffer six Months Imprisonment, &c. (as above) be set in the Pillory, and have both his Ears nailed. The Forfeitures are between the King and the party grieved.

Pillory.

Judges of Courts where the Offences shall be committed, Justices of Assize, Gaol-delivery and of Peace, may hear and determine the same Offences.

This Act to be proclaimed at every Assize.

Extends not to Courts Ecclesiastical, but they may proceed as in time past.

Plays.

Plays.

By 16 Car. 2. 7. If any person of what degree soever, shall by any Fraud, Shift, Couzenage, Circumvention, Deceit or Unlawful Device, or Ill practice whatsoever, in playing at, or with Cards, Dice, Tables, Tennis, Bowls, Kittles, Shovel-board, or in, or by Cock-fighting, Horse-races, Dog-matches or Foot-races, or other Pastimes or Games whatsoever, or by bearing share or part in the Stakes, Wager or Adventures, or by Betting on the sides of such as do, Win or acquire any Sums of Money or other valuable things, he forfeits treble the value of the Money or things; one Moiety to the King, the other to the party grieved, if he prosecute in six Months after; and in default of such Prosecution any other person may Prosecute, and shall recover treble Costs against the party Offending.

Note: The Offender must be prosecuted within one year by an Informer, or not at all.

If any wins by playing or betting, &c. above 100 l. in Money or other things, he forfeits treble value of the things above 100 l. Half to the King, and the other half to him that Prosecutes; and also treble Costs.

This

**A view of the Penal Laws**

This must be prosecuted in a year after the Offence committed.

Contracts, Assurances, Bonds or other Securities for Money won, exceeding 100 l. shall be void, and this Statute is a good Plea in Bar of such Bonds, Contracts, &c.

Stage Players, &c.

By 3 Jac. 21. None shall in any Stage-play, Show, Maygame or Pageant, profanely use the name of God, Jesus Christ, the Holy Ghost or Trinity, in pain of 10 l. between the King and the Prosecutor.

Post-Letters, &c.

None but the Post-Master General, his Agents and their Servants shall have the receiving, sending and delivering of all Letters and Pacquets, Except Letters sent by Coaches, Carriers, Letters of Merchants and Masters, by Masters of any Vessel of Merchandize, or others employed by them, and Letters sent by Friends, and Messengers sent on purpose; and Except Messengers carrying proceedings out of any Court, &c. or Affidavits.

None shall carry or employ others to carry Letters and Pacquets other than before excepted, or provide Horses for Thorough Posts, or persons riding Post, on pain to forfeit 5 l. for every offence, and 100 l.

**concerning Crademen**

100 l. for every Weeks continuance.

But if any Post-Master do not furnish Persons riding Post, with Horses in half an hours time after demand, such Persons may provide for themselves, and such Post-Master shall forfeit 5 l. if it happen through his neglect.

Nothing in this Act shall prohibit the carrying of Letters or Pacquets to or from any place to or from the next Post-Road or Stage. If the Mail be carried out of England to any Vessel, not English built, and Navigated with English Seamen, the Post-Master General shall forfeit 100 l. No person shall be capable of any Employment relating to the said Office, but such as shall have taken the Oath of Supremacy and Allegiance, before two Justices of Peace, of the Counties where they are resident.

The Post-Master General, shall continue constant Posts to all places throughout of the Post-Roads, as hath been used three years last past at the Rates therein set down, under the Penalty of 5 l. for every Omission.

No Horses may be seized for this Service without the Owners consent, Inland Letters shall pay at the Stage where they are last delivered, unless the party that delivers the same, desireth to pay else where. Letters and other things may be sent to and from the two Universities, as hath been used. The one Moiety of

A View of the Penal Laws

of all forfeitures imposed by this Act is given to the King, the other to the Informer. Confirmed 13 Car. 2. cap. 7.

Residences

By 21 H. 8. c. 13. Spiritual persons promoted to an Arch Deaconry, Deanry, or Dignity in a Monastery or Cathedral Church, or other Church Conventual, Collegiate or being Beneficed with any Parsonage or Vicarage, are to be personally Resident in their Dignity, Prebend or Benefice, or at one of them, in pain to forfeit for not being Resident for a Month together, or of two Months, to be accounted at several times in one Year, 10%.

None shall obtain from Rome, any Licence to be Non-Resident, in pain of 20%. Neither shall they get Licenses from Rome, to receive a Benefice, or to do contrary to this Act, in pain of 20%.

No Spiritual Person shall take in Farms, any Parsonage or Vicarage in pain to forfeit 40% for every Week that he occupies the same, and also ten times the value of the Profit, or Rent thereof. Both forfeitures, and all former forfeitures to be between the King and the Prosecutor.

He shall not keep a publick Brew-house, or Tan-house, in pain to forfeit 10% per mensem, to be divided as aforesaid. See before, pag. 91. tit. Farmers.

Sheriffs.

concerning Tradersmen.

Sheriffs.

By 23 H. 6. c. 10. No Sheriff shall let to Farm their County or Bayliwick; neither shall he, his Under-Sheriff, or any other Bayliff return upon Enquest, any Bayliff, Coroner, Steward or Servant of theirs. Neither shall they take any thing for arresting, or for omitting Arrest, save only the Fees, that follow, viz. 20 d. for the Sheriff, and 4 d. for the Bayliff that makes the Arrest, and 4 d. for the Gaoler, (if the party be committed) — Neither shall any Sheriff, Under-Sheriff, Sheriffs Clerk, Steward, or Bayliff of Franchise Servant, Bayliff, or Coroner, take above 4 d. for the Copy of a Pannel.

Sheriffs and other Officers shall let to Bayl. Bayl persons by them arrested, upon reasonable Sureties, having sufficient within the County (Persons in Ward by Condemnation, Execution, Cap Utlagat' or Excommunication, Surety of Peace, or committed by the Justices, and Vagabonds refusing to serve only excepted.)

Exception.

Shall take no Bond of arrested Persons, but for Appearance, and to themselves only. And shall take but 4 d. for such Bands; and Bonds otherwise taken (colore officii) shall be void.

Shall have their Deputies at Westminster, to receive Writs.

40% penal-ty.

Sheriffs

**A Statute of the Penalties**

Sheriffs, Under Sheriffs, Clerks, Bayliffs, Gaolers, Coroners, Stewards, Bayliffs of Franchises, and all other Officers that do contrary to this Act, forfeit 40*l.* to the King and the Prosecutor, and treble Damages to the party grieved.

This Statute extends not to the Warden of the Fleet, or the Gaoler of the Kings Pallace at Westminster.

By Stat. 1 Ed. 4. 2. Sheriffs are to deliver all Indictments taken in their Turns, unto the Justices of Peace at their next Sessions, in pain of 40*l.* By 11 H. 7. 15. neither, he, his Under-Sheriff or Clerk shall enter into the County, Court any Plaint in the absence of the Plaintiff or his Attorney, nor have above one Plaint for one Cause, in pain of 40*l.* to be divided betwixt the King and the Prosecutor. Also a Justice of Peace may Examine these Offences, and certify them into the Exchequer, and the Officers shall be convicted to pay it without further Inquiry.

By 27 El. 12. No Bayliff of a Franchise, Deputy Clerk of a Sheriff, or Under-Sheriff shall intermeddle with their several Offices before they have taken the Oath provided by the Statute, in pain of 40*l.* between the King and the Prosecutor.

By 29 El. 4. No Sheriff, Under-Sheriff, Bayliff of a Liberty, or any of their Deputies shall take for serving an Extent or Execution more than after 12*d.* per pound, for every pound

**concerning Tradersmen**

under 100*l.* and 6*d.* for every pound above 100*l.* in pain of treble Damages to the party grieved, and 40*l.* to the King and the Prosecutor.

Extends not to Fees of Executions in Cities or Corporations.

By 43 Eliz. If the Sheriff makes Warrant for Summons, &c. for any Arrest or Attachment, for Body or Goods, to appear in any of the Queens Courts (not having the Original Writ or Process, warranting the same,) he may upon complaint to the Justices of Assize, or Judges of the Court out of which the Process Issued, be sent for by Attachment, to be examined upon Oath.

If the Offence shall be confessed or proved by sufficient Witnesses, the said Justices or Judges shall forthwith commit him to the Gaol of the County or Court where examined, until he pay the party grieved 10*l.* and all his Costs and Damages, to be Assessed by the same Justices or Judges, and likewise 20*l.* to the Queen.

See before in Parliament.

**Usuries and Extortion**

By 12 Car. 2. 13. None shall take for Loan of Money, Wares or Merchandizes, above the Rate of 6 per Cent. per Annum, in pain to forfeit treble value of the Money or things so lent; and all Bonds and Contracts, &c. whereupon more shall be reserved shall be void.

Scri-

A View of the Penal Laws

Scriveners, Brokers, Solicitors, &c. that shall take for Brokage, directly or indirectly above the Rate of 5 s. for the Loan, or forbearing of 100 l. or 12 d. for making a Bond or Bill concerning the same, shall forfeit 20 l. and half a years Imprisonment; the one half of the Forfeitures to the King, the other half to the Prosecutor. Confirmed by 13 Car. 2. cap. 14.

Extortion.

By 23 West. 1. 27 E. 1. Clerks shall not commit Extortion, in pain to lose the Service of their Master for one year.

By West. 1. 30. 3 Ed. 1. Officers Criers of Fee, and Marshals of Justice in Eyre, shall not commit Extortion, in pain to render the treble, and to be otherwise punished at the Kings Will.

By 28 H. 6. 5. Merchants being distrained or arrested by Officers of the Custom, for undue Charges and Impositions, may have their General Actions of Trespas against such Offenders, and shall in that case recover 40 l. Damages, if they pursue their Action within two Months; and if they pursue them not within that time, any other may do it by Action of Trespas also, wherein they shall also recover 40 l. Damages, to be divided betwixt the King and such Officer.

Vide antea Sheriffs.

Weights

Weights and Measures.

By Stat. 8 H. 6. 5. Every City, Borough and Town within England, shall have a Common Balance with Common Weights sealed, and according to the Standard of the Exchequer, upon the common Costs of the said Borough or Town, in the keeping of the Head Officer or Constable there; on pain that the City for such default shall forfeit 10 l. to the King, the Borough 5 l. and every other Town 40 s.

Justices of Peace, Mayors, Baliffs and Stewards of Franchises have power to hear and determine those Offences.

By Stat. 11 H. 6. 8. In every City, Borough and Town, there shall be a Common Bushel Sealed, and according to the Standard, in like manner and pain, as in the said Statute of 8 H. 6. 5. is specified for a common balance.

By 7 H. 7. 4. If a Mayor, or chief, Officer refuseth or delayeth to Seal Measures and Weights according to this, he shall forfeit 40 s. to be divided betwixt the King and party grieved; to be recovered by Action of Debt, wherein no Wager of Law shall be admitted.

Justices of Peace have power to hear and determine the said defaults.

Q

By

A view of the Penal Laws

By Stat. 22 Car. 2. cap. 8. A Clause in a Statute made in the 17th year of Car. 1. That such Measure as is commonly called Water-measure, shall be used as formerly hath been, shall be Repealed as to measuring Corn, Grain or Salt; and if any sell Corn, Grain or Salt by other Bushel or Measure, than according to the Standard, and the said Bushel stricken even by the brim, and sealed as this Act directs, shall forfeit 40 s. to be levied in such manner; and such penalties for want of Distress to be inflicted, as by the said Act is directed by Warrant of a Justice of Peace.

If Head Officers of Cities, Boroughs or Corporations, or Liberties, willfully suffer any to sell or buy Corn, Grain or Salt by other Measure, or Strucken in other manner, or shall suffer other Measure to be used than this Act directs; or upon complaint of the breach of this Statute, shall not punish and reform the same; upon conviction thereof at the General Sessions of the Peace, shall forfeit 5 l. one Moiety to the Informer, the other to the Poor of the Parish where the Offence is committed; to be levied by Distress and Sale of Goods, and for want thereof, by Imprisonment till payment.

See before for the Measure of Sale. Tit. Salters 217, &c.

At

concerning Travellers.

At their charge who shall have the Toll, or Profit of the Market where no Toll is, within any City, Corporation, or Market-Town, there shall be one Measure of Brass provided, and chained in the publick Market place, on pain to forfeit 5 l. to be recovered, and levied as by this Act is directed; one Moiety to the Poor of the Parish, another to him that will Sue for the same.

Constables may search and examin, if any use other Measures, or Strike them in other manner than this Act directs; and if they find any unsealed Measure may break the same, and for that and every other Offence against this Act, shall present the Offender at the next Quarter Sessions.

None punished by virtue of this Act, shall be questioned for the same Offence, by virtue of any other Act.

By Stat. 22 & 23 Car. 2. cap. 12. They that sell or buy Corn or Salt without measuring, being thereto required, or in other manner than by 22 Car. 2. cap. 12. is directed, and that without shaking the Measure by the buyer, shall forfeit besides the penalty of the former Act, all the Corn or Salt, or the value thereof to the persons complaining.

Upon complaint to one or more Justices of Peace, the Proof shall lye upon the Defendant to make appear by Oath of one or more Witnesses, That they did buy or

Q 21 sell



A View of the Penal Laws

sell according to this, and the said Act; wherein if he fail he shall forfeit as by this Act is directed, to be levied by distress and sale of Goods; under Hand and Seal of one or more Justice, before whom such Conviction shall be, which penalties shall be distributed, one half to the Poor of the Parish where the Offence was committed, the other to the Informer.

In Markets where there is not a Clerk of the Market, the Mayor or Head Officer, or others having the benefit of such Market, shall Seal Measures duly gauged brought for the purpose, taking no more than by the former Act is appointed.

All they to whom any Salt, Rent-Corn or Tyth-corn is due, may take them by the like Measures as they were paid by before the beginning of this Parliament.

Note, The former Act 22 Car. 2. cap. 8. gives a Forfeiture upon those, who are authorized to Mark and Seal Measures duly gauged, viz. 5s. for the first Offence, and 10s. for every other, to be levied as aforesaid.

Note, The Fee for Sealing a Bushel is 1d. for a Half-bushel or Peck a half-penny, and for a Gallon, Pottle, Quart, Pint or Half-pint, one Farthing.

Apprentice, Receiving him and causing him to spend his Masters Money  
Adultery, endeavouring to live therein  
Here

Here follows a Table of such Misdemeanors, Offences and Nuisances as are relievable in the Crown Office, as the same were Digested in the President Book of an Eminent Clerk of that Office.

Here follows a Table of such Misdemeanors, Offences and Nuisances as are relievable in the Crown Office, as the same were Digested in the President Book of an Eminent Clerk of that Office.

- A Assault and Wounding, &c.
- A Ale-selling without License
- Affault, and offering Money not to appear as Evidence.
- Artificer not made Denizen, and using Trade.
- Artificer playing at Bowls against the Statute.
- Ale-selling it, not having its Measure, &c.
- Arresting one not being Sworn Bailiff, of the County, &c.
- Arresting a Man without Plaintiffs Assent
- Apprentice, Receiving him and causing him to spend his Masters Money
- Adultery, endeavouring to live therein.
- Affault, with intention to Ravish.

The Table.

B

**B**eggars, For lodging them in his Barn, &c.  
 Buggery  
 Bawdy-house keeping  
 Barrator Common  
 Butcher Selling Cattle *contra Statute*  
 Blasphemy  
 Bayliff of a Liberty having Return of Writs practising as an Attorney  
 Bond Cancelling  
**C**onstable not presenting one for not going to Church  
 Constable not presenting a Nufance  
 Constable refusing to Serye, &c.  
 Conspiracy, to charge one with a Rape  
 For charging one to be the Father of a Bastard  
 For accusing a Man to have spoken Treason  
 Conspiracy to Murder one, &c.  
 Champarty  
 Challenges to Fight, &c.  
 Cockpit, keeping it, &c.  
 Cart carrying above 100 Weight  
 Cellar, Leaving it open in the Streets by day and night, *ad magnum periculum, &c.*  
 Cockpit erecting it  
 Cottages erecting them  
 Constable neglecting his Office  
 Refusing to assist him in Executing his Office

The Table.

Office  
 Carrier, For cheating the Carrier of Writings  
 Coneys, Destroying them in a Warren  
 Church, Entertaining one not going there to  
 Church-wardens not giving in their Accounts  
**D**eceipt in Cards  
 Deceit in Dice  
 In Selling Sea Coals by the Chaldron, under 36 Bushels per Chaldron  
 — In Kidnapping or drawing one into a Ship, to Transport him  
 — In Selling Shoe-buckles for Silver, not marked with the *Leopards-Head*, &c.  
 — In putting a False Sign and Seal, &c.  
 Delivery of Coals not made by a Carman, but carried away by Deceit, &c.  
 Disorderly House  
 Disorder in shewing his Secret-parts  
 — In Selling infected Flesh  
 — In putting Hides into a River, and spoiling the Water  
 — In erecting a Furnace, and terrifying the People by making great Fires, &c.  
 Deceit in pretending a Man to be a Lunatick  
 — In putting in Bail in a Wrong name  
 Deceit in a Midwife  
 Deceit in seducing Women into a Tavern

The Table.

vern and making them pay Money  
Deceit in getting a Mans Wife from him,  
and Living in Adultery  
Deceit for agreeing for a Sum of Money  
to Swear, &c.  
Dog, Mastiff, for keeping him unmuz-  
led, *Ad mordend' & Terrorem Ligeo-  
rum, &c.*

E

**E**Xtortion in an Attorneys Fees  
— In a Serjeant at Mace  
— In Marshal-Court Officers  
— In a Bayliff  
— In a Parrator of the Prerogative  
Court  
— By the Warden of the Fleet, for one  
Evicted and Committed for Misdemeanors,  
&c.  
Extortion in the Keeper of a Prison.

F

**F**elony compounding for it  
Forging a Warrant of Attorney, to  
confess a Judgment  
Forging the sign of the *Common-Pleas*  
Forging a Bill of Exchange  
Forging a Will  
Forging a Mans Hand to a Bond  
Forestalling a Market  
Forging a Bond, &c.  
Forceable Entry  
Fish, destroying them  
Felons Goods, receiving them  
Felony, having three Wives

G

The Table.

**G**Aiming-houses, keeping of it  
Keeping a Billiard Table  
Game, Destroying it with Dogs, Nets,  
Engins, &c.  
Gaoler making false Certificate  
Gunpowder, keeping it, &c.  
Gun, carrying it not having 100 l. per  
*annum*

Goldsmith Selling Gold less than Stand-  
ard

H

**H**ides, Selling them before Search  
Hogs, Feeding, &c.  
Household-stuff, for carrying it away

I

**I**nformer, compounding it  
Inmates, keeping them  
Idle persons, for harbouring them, &c.  
Incontinently living  
Justices refusing to suppress a Riot

K

**K**idnapping

L

**L**eather, Buying it not signed  
Leather-seachers taking Exortion  
Libelling

M

**M**aim and Riot  
Maintenance  
Miller buying Grain Unground  
Misdemeanors in Arrest, &c. and getting  
Bill

The Table.

- Bill of Sale, and getting Money from him when none due
- Monopoly, in City of London
- Misdemeanor in Forefalling
  - In concealing prohibited Goods
  - In procuring a Maid to be debauched
  - In altering a Bond
- N**
  - On Residence at his Vicaridge for above four Months
  - Nufance in not scowring Highway
    - In Overseers of Highway
    - In Digging Pits, &c.
    - In making a Dunghil, &c. in the Highway
    - In putting Filth in the Highway
    - In diverting a Water course
    - In erecting a Cataract
    - In not Repairing Highways
    - In keeping Hogs
    - In putting Filthy Water in the Highway
    - In putting Filth in a Shed
    - In not Scowring the Sewers and Ditches, &c.
    - In Inclofing part of the Highway
    - In feeding and keeping Poultry near a Highway
    - In erecting a Brewhofe
    - In erecting a Brick-killn
    - In not building a Bridge
    - In putting Filth in a Pond

For

The Table.

- For building a House over a River
- Nufance in putting a Post in the Highway
- In continuing a House of Office in a Common Sewer
- Neglect in a Mayor of a Town, in not providing Measure and Chain, &c.
- Nufance in putting a Cart in the Highway
- In not repairing Pavements, &c.
- O**
  - Offices, Selling of them
  - Officers not taking Oaths of Allegiance
- P**
  - Pawns, Receiving them, viz. Silk delivered to a Woman to Wind, and the pawn'd it
  - Perjury
  - Pigeons, Shooting them
  - Possession, keeping one out
  - Pickpocket against him
  - Parson, Plurality
  - Pound-breach and Park-breach
- R**
  - Riot
  - Rape
  - Regrating
  - Rescue and Riot
  - Riot and unlawful Assembly
  - Riot and Force
  - Retailers selling Goods
  - Riot and Riding Skinnington

Riot

*The Table.*

Riot and turning School-master out of Possession of School

S

**S**ubornation  
School-master bringing up Children in Romish Religion, &c.

Scould, Common

Sheriff in Office above a year

Sheriff false Return

Shoos, Selling them, the Leather not Tanned

Simony

Scrivener taking Procuration Money

Surgery, practising without allowance

T

**T**enements dividing them

Trade not serving Apprentice

Tiles, Selling them not according to the Statute

V

**V**agabonds, Hawking Whippes, &c.  
Vintners Selling false Measures

Virgin, Stealing her

Virgin, Seducing her Under-age

Usury unlawful

— Against a Pawn-broker for the same

W

**W**atch, refusing it, &c.

Whore being Common

Wheat, Selling it wanting Weight

Wine, Selling it without License

Wool, Transporting it, &c.

Wood-ground, Turning it into Pasture

F I N I S.