for his father's or ancestor's debts or duties, whose heir he is, whereby the lands descended or given to him by covin, to defraud the King's execution of such land unto him or them from the said father or ancestor, is put in execution, that then such heir or heirs shall and may have his or their action of debt against the executors or administrators of his said father or ancestor, and shall have execution of the goods and chattels of the said father or ancestor being in the hands of the said executors or administrators at the time of the said action brought; in which said actions no essoin, protection, or wager of law shall be admitted or allowed.

This act not to extend to collectors of tonnage, &c.

VI. Provided alway, That this act shall not extend to the collectors of the King's custom, and of the subsidy of tonnage and poundage, which be accomptable yearly in the King's majesty's exchequer.

Nor to receivers paying pensions, fees, &c.

VII. Provided always, That this act, or any thing therein contained, shall not extend or be prejudicial to any the said general or particular receiver or receivers, to or for the payment of any pensions, fees, annuities, rents or other allowances, by them or any of them paid or to be paid to any person or persons, according to such allowance, order or decree, as be or hereafter shall be allowed, ordered or decreed in any of the said courts; any thing in this act to the contrary notwithstanding.

7 Ed. 6. c. 1.
1 El. c. 4.

CAP. III.

REP. 7 Ed. 6. c. 7.

Of what measure, assise and scantling, coals, talwood, faggots and billets shall be, and the forfeiture and penalty of them that shall not perform the same.

CAP. IV.

An act against such persons as do make bankrupts.

Ex. Edit. Rastal.
1 Bulstr. 134.
4 Inst. 277.

WHERE *divers and sundry persons craftily obtaining into their hands great substance of other mens goods, do suddenly flee to parts unknown, or keep their houses, not minding to pay or restore to any their creditors, their debts and duties, but at their own wills and pleasures consume the substance obtained by credit of other men, for their own pleasure and delicate living, against all reason, equity, and good conscience:* be it therefore enacted by authority of this present parliament, That the lord chancellor of England, or keeper of the great seal, the lord treasurer, the lord president, lord privy seal, and other of the King's most honourable privy council, the chief justices of either bench for the time being, or three of them at the least, whereof the lord chancellor or keeper of the great seal, lord treasurer, lord president, or the lord privy seal, to be one, upon every complaint made to them in writing by any parties grieved concerning the premisses shall have power and authority by virtue of this act, to take by their wisdoms and discretions, such orders and directions, as well with the bodies of such offenders aforesaid, wheresoever they may be had, or otherwise, as also with their lands, tenements, fees, annuities, and offices, which they have in fee-simple, fee-tail, term of life, term of years, or in the right of their wives, as much as the interest,

The chancellor, treasurer, &c. shall take order with bankrupt's bodies, lands and goods, for the payment of their debts. Altered by 13 Eliz. c. 7. 1 Jac. 1. c. 15. 21 Jac. 1. c. 19.

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tereſt, right and title of the ſame offender ſhall extend or be, and may then lawfully be departed with, by the ſaid offender, and alſo with their money, goods, chattels, wares, merchandiſes, and debts, whereſoever they may be found or known. And to cauſe their ſaid lands, tenements, fees, annuities, offices, goods, chattels, wares, merchandiſes and debts to be ſearched viewed rented and appraiſed, and to make ſale of the ſaid lands, tenements, fees, annuities and offices, as much as the ſame offender may then lawfully give, grant or depart with, or otherwiſe to order the ſame for true ſatisfaction and payment of the ſaid creditors: that is to ſay, to every of the ſaid creditors, a portion rate and rate like, according to the quantity of their debts. And that every direction, order, bargain, ſale and other things done by the ſaid lords authoriſed, as is aforeſaid, in writing ſigned with their hands, by authority of this act, ſhall be good and effectual in the law to all intents conſtructions and purpoſes againſt the ſaid offenders, their heirs and executors for ever, as though the ſame order, direction, bargain and ſale had been made by the ſaid offender or offenders, at his or their own free will and liberty by writing, indented, enrolled in any the King's courts of record.

II. And be it alſo further enacted by the authority aforeſaid, That if after any ſuch act or offence committed, and complaint thereof made to the ſaid lords as is aforeſaid, any party grieved concerning the premiſſes knowing, ſuppoſing or ſuſpecting any of the goods, chattels, wares, merchandiſes or debts of ſuch offender or offenders, to be in cuſtody, uſe, occupying, keeping, or poſſeſſion of any perſon or perſons, or any perſon or perſons to be indebted to any ſuch offender or offenders, do make relation thereof to the ſaid lords, to whom authority is given by this preſent act as is aforeſaid: that then the ſaid lords ſhall by virtue hereof have full power and authority to ſend for and convent afore them by ſuch proceſs, ways or means, as they ſhall think convenient by their diſcretions, all and every ſuch perſon and perſons ſo known, ſuppoſed or ſuſpected, to have any ſuch goods, chattels, wares, merchandiſes, or debts, in his or their cuſtody, uſe, occupation, keeping or poſſeſſion, or ſuppoſed or ſuſpected, to be indebted to ſuch offender or offenders: and upon their appearance to examine them and every of them as well by their oaths, as otherwiſe by ſuch ways and means, as the ſaid lords, by their diſcretions, ſhall think meet and convenient for and upon the ſpecialty, certainty, true declaration and knowledge, of all and ſingular ſuch goods, chattels, wares, merchandiſes, and debts, of any ſuch offenders as be ſuppoſed or ſuſpected to be in his or their cuſtody, uſe, occupation, or poſſeſſion, and of all ſuch debts as by them or any of them, ſhall be ſuppoſed or ſuſpected to be owing to any ſuch offender, and if any ſuch perſon or perſons upon ſuch examination do not diſcloſe, plainly declare and ſhew the whole truth of ſuch things as he or they ſhall be examined of, concerning the premiſſes: then every ſuch perſon or perſons ſo examined, and not declaring the

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plain and whole truth, concerning the premiſſes upon due proof thereof to be made, before the ſaid lords therefore authoriſed, as is aforeſaid, by witneſs, examination, or otherwiſe, as to the ſame lords ſhall ſeem ſufficient in that behalf, ſhall loſe and forfeit double the value of all ſuch goods, chattels, wares, merchandiſes, and debts by them or any of them ſo concealed and not wholly and plainly declared and ſhewed, which forfeiture ſhall be levied and recovered by the ſaid lords having authority as is aforeſaid, by ſuch ways and means as to them ſhall ſeem requiſite and convenient. And the ſame forfeiture to be diſtributed and employed to and for the ſatisfaction and payment of the debts of the ſaid creditor or creditors, in ſuch like manner rate and form as is above declared, concerning the ordering of the goods and chattels, of the ſaid offenders, keeping their houſes, or flying to places unknown, as is aforeſaid.

III. And be it alſo further enacted by the authority aforeſaid, That if after any ſuch perſon or perſons ſhall keep his or their houſes, or flee to parts unknown, as is aforeſaid, any perſon or perſons do fraudulently by covin or colluſion, claim or demand any debt, duty, or other thing by writing or otherwiſe, of any ſuch offender or offenders, other than ſuch as he or they can and do prove to be due by right and conſcience in form aforeſaid, before the ſaid lords having authority by this preſent act, as is aforeſaid, and the ſame to proceed *bona fide*, without fraud or covin: that then every ſuch perſon and perſons, ſo craftily demanding or claiming any ſuch debt, duty or other thing, as is aforeſaid, ſhall forfeit and loſe double as much as he or they ſhall ſo claim or demand. And the ſame forfeiture to be levied, recovered and employed, in manner and form as is afore rehearſed.

IV. And be it alſo further enacted, by the authority aforeſaid, That if any ſuch perſon or perſons, which ſhall keep his or their houſes, or flee to parts unknown, as is aforeſaid, or intend to delay or defraud their creditors deceitfully by covin or colluſion, ſuffer or cauſe any other perſon or perſons, to recover againſt him or them any debts, goods, chattels, wares, or merchandiſes, without juſt cauſe and title ſo to do, proceeding *bona fide*, without fraud or covin, that then upon complaint thereof made to the ſaid lords having authority by this preſent act, as is aforeſaid, the ſame lords ſhall have power and authority by virtue hereof to convent and call before them the ſaid recoverer or recoverers, and after ſuch fraud, deceit, covin or colluſion, ſhall plainly appear, or be duly proved before the ſaid lords authoriſed, as is aforeſaid, all the ſaid goods and chattels, of the ſaid offender ſo recovered, ſhall be chargeable, employed, ordered and delivered toward the payment of the true and due debts of the ſaid creditor, after the manner form and rate, as is afore ſpecified, by the diſcretion of the ſaid lords, having authority by this preſent act, the aforeſaid falſe and feigned recoveries notwithſtanding, ſo that always ſuch falſe and feigned recoveries ſhall not be in force, or any execution thereby had of or upon

any

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any goods, chattels, lands, or tenements of any such offender or offenders, until such time as all his or their true and due debts and duties, shall be fully satisfied, contented and paid to his or their creditors. And nevertheless after that the said true debts and duties, shall be fully satisfied and paid, as is aforesaid, as well the body of the said offender, as his lands, tenements, goods and chattels, shall be charged and liable to the execution of the said recovery according to the tenor, force, and effect of the same.

V. And be it also enacted by the same authority, That if any such person or persons which shall be indebted, do withdraw himself out of this realm, and other the King's dominions, into any foreign realm, or country, to the intent thereby to abide and remain, in defraud of his creditors: that then upon complaint in writing concerning the premisses thereof made to the said lords having authority, as is aforesaid, the same lords shall by virtue and authority of this present act, have full power and authority to award proclamations to be made in such places as to them shall be thought meet and convenient, commanding by the same such offender in the King our sovereign lord's name, to return with all convenient speed into this realm, and to yield his body before the said lords, having authority as is aforesaid, or one of them. And if the said person within three months next after he shall have knowledge of such proclamation, or as soon after as he conveniently may, do not repair and yield his body as is aforesaid, that then the body of all and every such offender and offenders shall be judged taken and deemed to all intents and purposes out of the King's protection, and that also all goods, chattels, lands, tenements and debts of every such offender shall be by the order and discretion of the said lords employed and distributed amongst his creditors equally and indifferently rate for rate, in like manner and form as is afore declared. And that also every person or persons that shall willingly help to aid, imbezzle or convey any such person or persons, their said goods, chattels, wares, or merchandises out of this realm, and other the King's dominions, into any foreign realm or place, knowing the said person or persons to depart or withdraw themselves, or convey their said goods, chattels, wares and merchandises for the cause and intent aforesaid, shall suffer such pains by imprisonment of their bodies, or pay such fine to our sovereign lord the King, his heirs or successors, as to the said lords having authority by virtue of this present act, shall seem meet and convenient for their said offence or offences.

VI. Provided always, and be it enacted by the authority aforesaid, That if the creditors of any such offender or offenders, which shall keep his or their house or houses, or which shall absent or withdraw themselves into places unknown, for the cause aforesaid, be not fully satisfied and paid or otherwise contented for their debts and duties, by the ways and means afore specified and declared, that then the said creditor and creditors, and every of them, shall and may have their remedy for the recovery and le-

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vying of the reſidue of the ſame debts or duties, whereof they ſhall not be fully ſatisfied and paid, or otherwiſe contented in form aforeſaid againſt the ſaid offender or offenders in like manner and form as they ſhould or might have had, before the making of this act, and that the ſaid creditor and creditors, and every of them, ſhall be only barred and excluded by virtue of this act, of and for all and every ſuch part and portion of the ſaid debts and duties, as ſhall be paid, ſatisfied, diſtributed, or delivered unto him or them by the ſaid lords, having authority as is aforeſaid, and of no more portion or parcel thereof, any thing herein ſpecified that may be taken or conſtrued to the contrary notwithſtanding.

CAP. V.

The bill concerning the explanation of wills.

32 H. 8. c. 1. WHERE *in the laſt parliament begun and holden at* Weſtminſter *the thirty-eighth day of* April *in the thirty-firſt year of the King's moſt gracious reign, and there by divers prorogations holden and continued unto the twenty-fourth day of* July *in the thirty-ſecond year of his ſaid reign, it was by the King's moſt gracious and liberal diſpoſition ſhewed toward his moſt humble and obedient ſubjects, ordained and enacted how and in what manner lands, tenements, and other hereditaments might be by will or teſtament in writing, or otherwiſe by any act or acts lawfully executed in the life of every perſon, given, diſpoſed, willed or deviſed, for the advancement of the wife, preferment of the children, payment of debts of every ſuch perſon, or otherwiſe at his will and pleaſure, as in the ſame act more plainly is declared:* (2) *ſithen the making of which eſtatute, divers doubts, queſtions and ambiguities have riſen, been moved, and grown, by diverſity of opinions, taken in and upon the expoſition of the letter of the ſame eſtatute.*

II. For a plain declaration and explanation whereof, and to the intent and purpoſe that the King's obedient and loving ſubjects ſhall and may take the commodity and advantage of the King's ſaid gracious and liberal diſpoſition, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, moſt humbly beſeechen the King's majeſty, that the meaning of the letter of the ſame eſtatute, concerning ſuch matters hereafter rehearſed, may be by the authority of this preſent parliament enacted, taken, expounded, judged, declared and explained in manner and form following:

III. Firſt, Where it is contained in the ſame former ſtatute, within divers articles and branches of the ſame, that all and ſingular perſon and perſons having any manors, lands, tenements or hereditaments of the eſtate of inheritance, ſhould have full and free liberty, power and authority to give, will, diſpoſe or aſſign, as well by his laſt will and teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life, his manors, lands, tenements or hereditaments, or any of them, in ſuch manner and form as in the ſame former act more at large it doth appear. Which words *of eſtate of inheritance*, by the authority of this preſent parliament, is and ſhall be declared, expounded, taken and judged of eſtates in fee-ſimple only.

The words eſtate of inheritance how to be underſtood.

IV. And

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