

nesice, living or promotion ecclesiastical, in such sort to all intents and purposes, as if the party so inducted, invested or installed, had been or were naturally dead; any law, ordinance, qualification or dispensation to the contrary notwithstanding:

(5) The one moiety of all which forfeitures shall be to our sovereign lady the Queen, her heirs and successors, and the other moiety to him or them that will sue for the same, by action of debt, bill, plaint or information, in any of her majesty's courts of record, in which no essoin, protection, privilege or wager of law, shall be admitted or allowed. *Co. Lit.* 120. a.

Who shall have the forfeitures, and by what means.

C A P. VII.

An act against the erecting and maintaining of cottages.

FOR the avoiding of the great inconveniencies which are found by experience to grow by the erecting and building of great numbers and multitude of cottages, which are daily more and more increased in many parts of this realm; (2) be it enacted by the Queen's most excellent majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That after the end of this session of parliament, no person shall within this realm of England make, build or erect, or cause to be made, builded or erected, any manner of cottage for habitation or dwelling, nor convert or ordain any building or housing made or hereafter to be made, to be used as a cottage for habitation or dwelling, unless the same person do assign and lay to the same cottage or building four acres of ground at the least, to be accounted according to the statute or ordinance *de terris mensurandis*, being his or her own freehold [and] * inheritance lying near to the said cottage, to be continually occupied and manured therewith, so long as the same cottage shall be inhabited; (3) upon pain that every such offender shall forfeit to our sovereign lady the Queen's majesty, her heirs and successors, ten pounds of lawful money of England, for every such offence.

Penalty for building a cottage without four acres of land to it, and the like for placing or suffering inmates. 2 Bulltr. 264. Godbolt 383. pl. 470. 2 Inst. 736. Hob. 250. 1 Ventr. 107. 1 Sid. 359. 360.

* So in 2 Inst. 736. Raft. Pult. &c. and in the record, though in the later editions it is [or.]

II. And be it further enacted by the authority aforesaid, That every person which after the end of this session of parliament shall willingly uphold, maintain and continue any such cottage hereafter to be erected, converted or ordained for habitation or dwelling, whereunto four acres of ground, as is aforesaid, shall not be assigned and laid to be used and occupied with the same, shall forfeit to our said sovereign lady the Queen's majesty, her heirs and successors, forty shillings for every month that any such cottage shall be by him or them upholden, maintained and continued.

Cro. Jac. 603. The forfeiture for continuing of a new cottage.

III. And be it further enacted by the authority aforesaid, That all justices of assizes and justices of peace in their open sessions, and every lord within the precinct of his leet, and none others, shall have full power and authority within their several limits and jurisdictions, to enquire of, hear and determine all offences

Who may hear and determine the offences aforesaid, and by what means.

Con- 1 Salk. 195.

contrary to this present act, as well by indictment, as otherwise by presentment or information; (2) and to award execution for the levying of the several forfeitures aforesaid by *Fieri facias*, *Elegit*, *Capias* or otherwise, as the cause shall require.

Cottages in cities or market-towns, or for workmen in mineral works, quarries, &c.

IV. Provided always, That this statute, or any thing therein contained, shall not in any wise be extended to any cottage which shall be ordained or erected to or for habitation or dwelling in any city, town corporate, or ancient borough or market-town within this realm, (2) nor to any cottages or buildings which shall be erected, ordained or converted to and for the necessary and convenient habitation or dwelling of any workmen or labourers in any mineral works, coal mines, quarries or delfs of stone or slate, or in or about the making of brick, tile, lime or coals within this realm; so as the same cottages or buildings be not above one mile distant from the place of the same mineral or other works, and shall be used only for the habitation and dwelling of the said workmen; (3) nor shall in any sort prejudice, charge or impeach any person or persons for the erecting, maintaining or continuing of any such cottages, as are before in this proviso mentioned and specified.

Certain cottages to which this statute shall not extend.

V. Provided always, That this act shall not extend to any cottage to be made within a mile of the sea, or upon the side of such part of any navigable river where the admiral ought to have jurisdiction, so long as no other person shall therein inhabit but a sailor, or man of manual occupation to or for making, furnishing or victualling of any ship or vessel used to serve on the sea; (2) nor to any cottage to be made in any forest, chase, warren or park, so long as no other person shall therein inhabit but an under-keeper or warrener, for the good keeping of the deer, or other game or warren; (3) nor to any cottage heretofore made, so long as no other person shall therein inhabit but a common herd-man or shepherd, for keeping the cattle or sheep of the town, or a poor, lame, sick, aged or impotent person; (4) nor to any cottage to be made, which for any just respect upon complaint to the justice of assize at the assizes, or to the justices of peace at the quarter-sessions, shall by their order entred in open assizes or quarter-sessions, be decreed to continue for habitation, for and during so long time only as by such decree shall be tolerated and limited.

More families than one may not be placed in one cottage, &c.

43 Eliz. c. 2. s. 5.

VI. Provided also, and be it enacted, That from and after the feast of *All-Saints* next coming there shall not be any inmate, or more families or households than one, dwelling or inhabiting in any one cottage, made or to be made or erected; (2) upon pain that every owner or occupier of any such cottage, placing, or willingly suffering any such inmate, or other family than one, shall forfeit and lose to the lord of the leet, within which such cottage shall be, the sum of ten shillings of lawful money of *England* for every month that any such inmate, or other family than one, shall dwell or inhabit in any one cottage as aforesaid: (3) and that all and every lord and lords of leet

leet and leets, and their stewards, within the precinct of his and their leet and leets, shall have full power and authority within their several leets to enquire, and to take presentment by the oath of jurors, of all and every offence and offences in this behalf; (4) and upon such presentment had or made, to levy by distress to the use of the lord of the leet all such sums of money as so shall be forfeited: (5) and moreover, that it shall be lawful for the lord of every such leet where such presentment shall be made, to recover to his own use any such forfeiture, by action of debt, in any of the Queen's majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed. 35 *Eliz. c. 6.* 43 *Eliz. c. 2.*

The penalty for receiving an inmate. Coke Entr. 665.

CAP. VIII.

An act for the true gauging of vessels brought from beyond the seas, converted by brewers, for the utterance and sale of ale and beer.

WHERE beer and ale are now very commonly uttered, sold and put to sale by the beer-brewers and ale-brewers, as well within the city of London as elsewhere within the realm of England, in butts, pipes, punchcons, hogsheds, tierces, and such other vessels brought from beyond the seas, which were never lawfully gaged for that purpose within this realm, to the great loss as well of the Queen's highness, as of her subjects: (2) be it therefore enacted by the authority of this present parliament, That no brewer shall after the end of forty days next after the end of this session of this present parliament, sell, utter or put to sale any beer or ale in any such vessel or vessels, within the city of London or suburbs of the same, or in any other place or places within two miles compass without the same suburbs, before the same shall be lawfully gaged, and the true content of every such vessel set down upon the same, by the gallon appointed and allowed for beer and ale, according to that standard, by the master and wardens of the art or mystery of freemen of the coopers of the city of London, or their deputy or deputies; (3) nor shall (after the time before limited) sell, utter, or put to sale any beer or ale in any such vessel or vessels, in any other place or places within the realm of England and Wales, before the same shall be lawfully gaged, and the true content of every such vessel set down upon the same by the gallon aforesaid, according to the standard, by such as by the statute in that behalf made in the three and twentieth year of the reign of the late King of famous memory King Henry the Eighth, are to have the gaging of barrels, kilderkins and firkins, made for beer or ale to be put in, in such other place or places within the realm of England and Wales; (4) upon pain to forfeit all and every such vessel or vessels wherein any beer or ale shall be uttered, sold, or put to sale, contrary to the true meaning hereof, and also all the beer or ale which shall be at the time of such uttering, selling or putting to sale, therein contained, to him or them that will seize the same; (5) and upon pain also to forfeit for every such vessel wherein

Vessels brought from beyond the sea for ale and beer in London shall be gauged.

Vessels brought from beyond the sea to other parts of the realm. 23 H. 8. c. 4.