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Statutes of the Realm .

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CHAPTER III.

AN ACT concerning Monopolies and Dispensations with penall Lawes and the Forfeiture thereof.

The King's
Declaration
against Monopolies
and Grants of
Penalties and
Dispensations;

All Monopolies,
and Grants, &c.
thereof, or of
Dispensations,
and Penalties,
declared void.

FORASMUCH as your most excellent Majestie in your Royall Judgment and of your blessed Disposicion to the Weale and Quiet of your Subjecte, did, in the yeare of our Lord God One thousand six hundred and ten, publish in Print to the whole Realme and to all Posteritie, that all Graunte of [Monapolyes '] and of the benefitt of any penall Lawes, or of power to dispencc with the Lawe, or to compound for the Forfeiture, are contrary to your Majesties Lawes, wth your Majesties Declaracion is truly consonant and agreeable to the auncient and fundamentall Lawes of this your Realme: And whereas your Majestie was further graciously pleased expressly to comaund that noe Suter should psume to move your Majestie for matters of that Nature; yet nevertheles upon Misinformacions and untrue p^tences of publike good, many such Graunte have bene undulie obteyned and unlawfullie putt in execucon, to the greate Greevance and Inconvenience of your Majesties Subjecte, contrary to the Lawes of this your Realme, and contrary to your Majesties royall and blessed Intencion soe published as aforesaid: For avoyding whereof and p^venting of the like in tyme to come, May it please your most excellent Majestie at the humble Suite of the Lordes Spirituall and Temporall and the Comons in this p^sent Parliament assembled, That it may be declared and enacted, and be it declared and enacted by [the'] authoritie of this p^sent Parliament, That all [Monapolyes '] and all Comissions Graunte Licences Charters and tres patent^e heretofore made or graunted, or hereafter to be made or graunted to any pson or psons Bodies Politique or Corporate whatsoever of or for the sole buyinge sellinge makinge workinge or usinge of any thinge within this Realme or the Dominion of Wales, or of any other Monopolies, or of Power Libtie or Facultie to dispencc with any others, or to give Licence or Toleracon to doe use or e^xcise any thinge against the tenor or purport of any Lawe or Statute, or to give or make any Warrant for any such Dispensacon Licence or Toleracon to be had or made, or to agree or compound with any others for any Penaltie or Forfeitures lymitted by any Statute, or of any Graunt or p^mise of the Benefitt p^fitt or Comoditie of any Forfeiture Penaltie or some of Money that is or shalbe due by any Statute before Judgement thereupon had, and all Proclamacons Inhibicons Restraint^e Warrant^e of Assistance and all other Matters and Thing^e whatsoever any way tendinge to the institutinge erecting strengtheninge furtheringe or countenⁿcinge of the same or any of them, are altogether contrary to the Lawes of this Realme, and soe are and shalbe utterlie void and of none effecte, and in noe wise to be putt in ure or execucon.

II.
Validity of all
Monopolies,
and of all such
Grants, &c. shall
be tried by the
Common Law.

AND be it further declared and enacted by the authoritie aforesaid, That all Monopolies and all such Comissions Graunte Licences Charters tres patent^e Proclamacons Inhibicons Restraint^e Warrant^e of Assistance and all other Matters and Thing^e tendinge as aforesaid, and the force and validitie of them and every of them ought to be, and shalbe for ever hereafter examyned heard tryed and determyned by and accordinge to the Comon Lawes of this Realme & not otherwise.

III.
All Persons
disabled to use
such Grants,
Monopolies, &c.

AND be it further enacted by the authoritie aforesaid, That all pson and psons Bodies Politique and Corporate whatsoever, which now are or hereafter shalbe, shall stand and be disabled and incapable to have use e^xcise or putt in ure any Monopolie or any such Comission Graunt Licence Charters tres Patent^e Proclamacon Inhibicon Restraint Warrant of Assistance or other Matter or Thinge tendinge as aforesaid, or any Libtie Power or Facultie grounded or p^tended to be grounded upon them or any of them.

IV.
Party aggrieved by
any Monopoly or
Grant, &c. shall
recover Treble
Damages by Action
in the Superior
Courts, with
Double Costs.

AND be it further enacted by the authoritie aforesaid, That if any pson or psons at any tyme after the end of fortie dayes next after the end of this p^sent Session of Parliament, shalbe hindred greaved disturbed or disquieted, or his or their Good^e or Chatteil^e any way seised attached distreyned taken carryed away or deteyned by occasion or p^text of any Monopolie, or of any such Comission Graunt Licence Power Libtie Facultie tres Patent^e Proclamacon Inhibicon Restraint Warrant of Assistance or other Matter or Thinge tendinge as aforesaid, and will sue to be releevd in or for any of the p^misses, that then and in every such case the same pson and psons shall and may have his and their remedie for the same at the Comon Lawe, by any Acccon or Acccons to be grounded upon this Statute, the same Acccon and Acccons to be heard and determyned in the Courte of King^e Bench Comon Pleas and Exchequer, or in any of them, against him or them by whome he or they shalbe so hindred greaved disturbed or disquieted, or against him or them by whome his or their Good^e or Chattell^e shalbe soe seised attached distrayned taken carryed away or deteyned, wherein all and every such pson and psons which shalbe soe hindred greaved disturbed or disquieted, or whose Good^e or Chattell^e shalbe soe seised attached distrayned taken or carryed away or detayned, shall recover three tymes soe much as the damages which he or they susteyned by means or occasion of beinge soe hindred greaved disturbed or disquieted, or by meanes of havinge his or their Good^e or Chattell^e seised attached distrayned taken carryed away or deteyned, and [in'] double Cost^e; and in such Suite, or for the staying or delaying thereof, noe Essoine Proteccon Wager of Lawe Aydeprayer Priviledge Injunccon or Order of Restraint shalbe in any wise prayed graunted admitted or allowed, nor any more than one Imperlance; And if any pson or psons shall, after Notice given that the Acccon dependinge is grounded upon this Statute, cause or p^cure any Acccon at the Comon Lawe grounded upon this Statute to be stayed or delayed before Judgement, by coulour or meanes of any Order Warrant Power or Authoritie, save onely of the Court wherein such Acccon as aforesaid shalbe brought and dependinge, or after Judgement had upon such Acccon, shall cause or p^cure the Execucon of or upon any such Judgement to be stayed or delayed by coulour or meanes of any Order Warrant Power or Authoritie, save onelie by Writt of Error or Attaint, that then the said pson and psons soe offendinge shall incurre and sustaine the Paines Penalties and Forfeitures ordeyned and provided by the Statute of Provision and Premunire made in the Sixteenth yeare of the Raigne of King Richarde the Second.

Penalty on unduly
delaying any such
Action, &c.
Premunire under
St. 16 Ric. II. c. 5.

PROVIDED nevertheless, and be it declared and enacted, That any Declaracion before menconed, shall not extend to any tres Patent^e and Graunt^e of Priviledge for the tearme of one and twentie yeares or under, heretofore made of the sole workinge or makinge of any manner of newe Manufacture within this Realme, to the first and true Inventor or Inventors of such Manufactures, which others att the tyme of the makinge of such Letters Patent^e and Graunt^e did not use, soe they be not contrary to the Lawe nor mischievous to the State, by raisinge of the prices of Commodities at home, or hurt of Trade, or generallie inconvenient, but that the same shalbe of such force as they were or should be if this Acte had not bene made, and of none other; And if the same were made for more then one and twentie yeares, that then the same for the tearme of one and twentie yeares onely, to be accompted from the date of the first tres Patent^e and Graunt^e thereof made, shalbe of such force as they were or should have byn yf the same had bene been made but for tearme of one and twentie yeares onely, and as if this Acte had never bene had or made, and of none other.

V.
Proviso for
existing Patents
for 21 Years or
less, for new
Inventions.

PROVIDED alsoe and be it declared and enacted, That any Declaracion before menconed shall not extend to any tres Patent^e and Graunt^e of Priviledge for the tearme of fowerteene yeares or under, hereafter to be made of the sole working or makinge of any manner of new Manufactures within this Realme, to the true and first Inventor and Inventors of such Manufactures, which others at the tyme of makinge such tres Patent^e and Graunt^e shall not use, soe as alsoe they be not contrary to the Lawe nor mischievous to the State, by raisinge prices of Commodities at home, or hurt of Trade, or generallie inconvenient; the said fourteene yeares to be [accomplished'] from the date of the first tres Patent^e or Grant of such priviledge hereafter to be made, but that the same shall be of such force as they should be if this Act had never byn made, and of none other.

VI.
Proviso for
future Patents
for 14 Years or
less, for new
Inventions.

PROVIDED alsoe, and it is hereby further intended declared and enacted by the authoritie aforesaid, That this Act or any thing therein conteyned shall not in any wise extend or be pjudiciall to any Graunt or Priviledge Power or Authoritie whatsoever heretofore made graunted allowed or confirmed by any Act of Parliament now in force, so long as the same shall so continue in force.

VII.
Proviso for existing
Grants by Act of
Parliament.

PROVIDED alsoe, That this Act shall not extend to any Warrant or Privie Seale made or directed, or to be made or directed by his Majestie his Heirs or Successors, to the Justices of the Court^e of the King^e Bench or Comon Pleas, and Barons of the Exchequer, Justices of Assize, Justices of Oyer and Terminer, and Goale Deliverie, Justices of the Peace, and other Justices for the tyme being, having power to hear and determyne Offences done against any Penall Statute, to compound for the Forfeitures of any Penall Statute depending in Suite and Question before them or any of them respectively, after Plea pleaded by the Partie Defendant.

VIII.
Proviso for
Warrants to
Justices to
compound
Penalties.

PROVIDED alsoe, and it is hereby further intended declared and enacted, That this Act or any thing therein contayned shall not in any wise extend or be pjudiciall unto the City of London, or to any Cittie Borough or Towne Corporate within this Realme, for or concerning any Graunt^e Charters or tres Patent^e to them or any of them made or granted, or for or concerning any Custome or Customes used by or within them or any of them, or unto any Corporacions Companies or Fellowshipps of any Art Trade Occupation or Mistery, or to any Companies or Societies of Merchant^e within this Realme, erected for the mayntenⁿce enlargement or ordering of any Trade of Merchandize, but that the same Charters Customes Corporacions Companies Fellowshipps and Societies, and their Liberties Priviledges Power and Imunities, shalbe and continue of such force and effect as they were before the making of this Act, and of none other; Any thing before in this Act contayned to the contrary in any wise notwithstanding.

IX.
Proviso for
Charters of
London and other
Corporations.

PROVIDED also and be it enacted, That this Act or any Declaracion Provision Disablement Penaltie Forfeiture or other thing before menconed, shall not extend to any tres Patent^e or Grant^e of Priviledge heretofore made or hereafter to be made of for or concerning Printing; nor to any Comission Graunt or tres Patent^e heretofore made or hereafter to be made of for or concerning the digging making or compounding of Saltpetre or Gunpowder; or the casting or making of Ordinance or Shot for Ordinance; nor to any Graunt or Letters Patent^e heretofore made or hereafter to be made of any Office or Offices heretofore erected made or ordayned, and now in being and put in execucion, other then such Offices as have been decayed by any his Majesties Proclamacion or Proclamacions; but that all and every the same Graunt^e Comissions and tres Patent^e, and all other Matters and Thing^e tending to the maynteyning strengthening or furtherance of the same or any of them, shalbe and remayne of the like force and effect, and no other, and as free from the Declaracions Provisions Penalties and Forfeitures contayned in this Act, as if this Act had never ben had nor made, and not otherwise.

X.
Proviso for
Patents concerning
Printing,
Saltpetre,
Gunpowder,
Ordinance, &c.
and Grants of
Offices.

PROVIDED also and be it enacted, That this Act or any Declaracion Provision Disablement Penaltie Forfeiture or other Thing before menconed, shall not extend to any Comission Graunt tres Patent^e or Priviledge heretofore made or hereafter to be made of for or concerning the digging compounding or making of Allome or Allome Mynes, but that all and every the same Comissions Graunt^e Letters Patent^e and Priviledges shalbe and remayne of the like force and effect, and no other, and as free from the Declaracions Provisions Penalties and Forfeitures conteyned in this Acte, as if this Act had never byn had nor made, and not otherwise.

XI.
Proviso for
Patents, &c.
concerning
Allum Mines.

PROVIDED also and be it enacted, That this Act or any Declaracion Pvision Penaltie Forfeiture or other Thing before menconed, shall not extend or be pjudiciall to any Use Custome pscriptcion Franchise Freedom Jurisdiction Imunitie Libertie or Priviledge heretofore claymed used or enjoyed by the Governors and Steward^e and Brethren of the Fellowshippe of the Hoastmen of the Town of Newcastle uppon Tyne, or by the auncient Fellowship Guild or Fraternitie comonlie called Hoastmen; for or concerning the selling carrying lading disposing shipping venting

XII.
Proviso for
Customs, &c.
of Hoast-men
of Newcastle,
as to Coals.

Licences for
Taverns, &c.

or trading of for any Seacoales Stonecoales or Pitcoales forth or out of the Haven and Ryver of Tyne; or to a Graunt made by the said Governor and Steward^e and Brethren of the Fellowship of the said Hoastmen to the late Queene Elizabeth, of any Dutie or some of Mony to be paid for or in respect of any such Coales as aforesaid; Nor to any Graunt^e tres Patent^e or Cōmission heretofore graunted or hereafter to be graunted of for or concerning the licensing of the keepinge of any Taverne or Tavernes, or selling uttering or retayling of Wines to be drunke or spent in the Mansion House or Houses, or other Place, in the Tenure or Occupacōn of the Partie or Parties so selling or uttering the same; or for or concerning the making of any Composicōns for such Licenses, so as the Benefitt of such Composicōns be reserved and applyed to and for the Use of his Majestie, his Heirs or Successors, and not to the private Use of any other pson or psons.

XIII.
Proviso for
Grants for
Glaas making:

PROVIDED alsoe and be it enacted, That this Acte or any Declaracion Provision Penaltie Forfeiture or other Thing before mencioned, shall not extend or be pjudiciall to a Graunt or Priviledge for or concerning the making of Glasse by his Majesties tres Patent^e under the Greate Seale of England, bearing date the two and twentieth day of May in the One and twentieth yeare of his Majesties Raigne of England, made and graunted to Sir Robert Maunsell Knight, Vice Admirall of England; nor to a Graunt or tres Patent^e bearing Date the Twelveth day of June in the Thirteenth yeare of his Majesties Raigne of England, made to James Maxwell Esquire, concerning the Transportacion of Calves Skines, but that the said severall tres Patent^e last mencioned, shalbe and remaine of the like force and effect, and as free from the Declaracions Provisions Penalties and Forfeitures before mencioned as if this Acte had never byn had nor made, and not otherwise.

Exportation
of Calves Skins.

XIV.
Proviso for
Grants for
making Smalts.

PROVIDED alsoe and be it declared and enacted, That this Act or any Declaracion Provision Penaltie Forfeiture or other Thing before mencioned, shall not extend or be pjudiciall to a Graunt or Priviledge for or concerning the making of Smalt by his Majesties tres Patent^e under the Greate Seale of England, bearing date the sixteenth day of February in the Sixteenth yeare of his Majesties Raigne of England, made or graunted to Abraham Baker; Nōr to a Graunt or Priviledge for or concerning the melting of Iron Ewer and of making the same into Castworkes or Barres, with Seacoales or Pitcoales, by his Majesties tres Patent^e under the Great Seale of England, bearing date the Twentieth day of Februarie in the Nyneteenth yeare of his Majesties Raigne of England, made or graunted to Edward Lord Dudley, but that the same severall tres Patent^e and Graunt^e shalbe and remayne of the like force and effect, and as free from the Declaracions Provisions Penalties and Forfeitures before mencioned, as if this Act had never byn had nor made, and not otherwise.

Melting Iron Ore.

CHAPTER IV.

AN ACT for the Ease of the Subject concerning the Informacōns upon Penall Statut^e.

Oppression of
Proceedings, in the
Superior Courts,
upon Penal
Statutes.

WHEREAS the Offences against divers and sondry Penall Lawes and Statutes of this Realme may better and with more Ease and lesse Charge to the Subject be cōmenced sued informed against psecuted and tryed in the Countyes where such Offences shalbe cōmitted; And whereas the poore Cōmons of this Realme are greivouslie charged troubled vexed molested and disturbed by divers troublesome psons cōmonly called Relators Informers and Promoters, by psecuting and inforcing them to appeare in his Majesties Court^e at Westminster, and to aunswere Offences supposed by them to be cōmitted against the said Penall Lawes and Statutes, or else to compound with them for the same: For Remedy whereof be it enacted by the authoritie of this p̄sent Parliament, That all Offences hereafter to be cōmitted against any Penall Statute, for which any cōmon Informer or Promoter may lawfullie ground any popular Accion Bill Plaint Suite or Informacion before Justices of Assise, Justices of Nisi Prius or Gaole Delivery, Justices of Oyer and Terminer, or Justices of the Peace in their Generall or Quarter Sessions, shall after the end of this p̄sent Session of Parliament be cōmenced sued prosecuted tried recovered and determined by way of Accion Plaint Bill Informacōn or Indictement before the Justices of Assise, Justices of Nisis prius, Justices of Oyer and Terminer, and Justices of Gaole Deliverie, or before the Justices of Peace of every Countie Cittie Borough or Towne Corporate and Libertie, having Power to enquire of hear and determine the same within this Realm of England or Dominion of Wales, wherein such Offences shalbe cōmitted in any of the Court^e Places of Judicature or Liberties aforesaid respectivelie, onelie at the Choice of the Parties which shall or will cōmence Suite or psecute for the same, and not elsewhere, save onelie in the said Counties or Places usuall for those Counties, or any of them; And that like p̄cesse upon every popular Accion Bill Plaint Informacion or Suit to be cōmenced or sued or psecuted after the End of this p̄sent Session of Parliament by force of or according to the Purport of this Act, be had and awarded to all Intent^e and Purposes as in an Accion of Trespas Vi & Armis, at the Cōmon Lawe; And that all and all manner of Informacions Accions Bill^e Plaint^e and Suit^e whatsoever, hereafter to be cōmenced sued psecuted or awarded, either by the Attorney Generall of his Majestie, his Heirs or Successors for the tyme being, or by any Officer or Officers whatsoever for the tyme being, or by any Cōmon Informer or other pson whatsoever, in any of his Majesties Court^e at Westminster, for or concerning any [of'] the Offences Penalties or Forfeitures aforesaid, shalbe void and of none Effect; Any Law Custome or Usage to the contrary thereof notwithstanding.

Offences under
Penal Statutes
shall be prosecuted
before Justices in
the Counties
where such Offences
were committed.

II.
In all Informations,
&c. on Penal
Statutes the true
County where
the Offence was

AND be it further enacted by the Authoritie aforesaid, That in all Informacions to be exhibited and in all Bill^e Count^e Plaint^e and Declaracions in any Accion or Suit to be cōmenced against any pson or psons either by or on the behalf of the King or any other for or concerning any Offence cōmitted or to be cōmitted against any penall Statute, the Offence shalbe layed and alleged to have been cōmitted in the said Countie where such Offence was in