

William Holloway

The History and Antiquities of the Ancient Town and Port of Rye, in the County of Sussex:

With Incidental Notices of the Cinque Ports. Compiled from
Manuscripts and Original Authorities.

Part I

The Political and Civil History of Rye

London: John Russell Smith, 1847.

Introduction to Part I

William Holloway (1785–1870) was a Rye antiquarian and public figure whose retirement from business in 1842 allowed him to devote himself to the study of the town's history. His *History and Antiquities of the Ancient Town and Port of Rye*, published in 1847, was the first substantial modern history of Rye and became the foundation on which all later local histories were built.

This edition is very much a draft. The starting point was OCR from the Stanford University Library's copy of the *History*, in all likelihood processed before 2009, when optical recognition software was still primitive. The text has been substantially proofed, but the many tables certainly have not – the type in these elements was smaller and not easily decipherable to the *human* eye, let alone early 21st century software. Any researcher who requires accurate numbers should consult a paper copy or original scan, of which there are at least four publicly available.

This edition also lacks the typographical niceties expected of a finished publication. It is ugly. At upwards of 600 pages, a meticulously proofed and polished reprint of Holloway seemed less meaningful than getting the text out there, for now. The perfect is the enemy of the good.

The work was divided into three parts by Holloway and is presented here as three separate files. This is Part I, The Political and Civil History of Rye. At first reading, the pages of impenetrable Medieval law that comprise the first two chapters seem gratuitous, but Holloway is building a case for the ancient rights and privileges that he believed had been eroded by the Rye political machine in the century or so before his time.

Chapter I speculates about the origin of the name Rye and then turns to the ancient Charters. A glossary of legal terms appears after the Charters, beginning on page 19 of this edition.

Chapter II is concerned with the Customal of Rye, a Medieval written record of the customs, privileges, rights and obligations concerning the town and its inhabitants. This section also has a glossary, beginning on page 93.

Chapter III is the Parliamentary History of Rye, from ancient times until Holloway's day. This includes the particularly interesting period before the passage of the Parliamentary Reform Bill of 1832, when the old political traditions came under increasing pressure.

This chapter is so carefully written, it would be easy to miss that Holloway himself was an important figure in the political struggle he describes. Many of the principal actors were still alive and events were vividly remembered when the *History* was published. As he implies in the opening paragraphs of this chapter, he was aiming for tact above clarity.

S.W. Cooper
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editor@ryelocalhistory.org

HISTORY OF RYE.

PART I.

CONTAINING THE ORIGIN OF THE NAME OF RYE, AND ITS POLITICAL HISTORY FROM THE EARLIEST TIMES DOWN TO THE PASSING OF THE PARLIAMENTARY AND MUNICIPAL CORPORATION REFORM BILLS, A.D. 1832 AND 1835.

CHAPTER I.

THE ORIGIN OF THE NAME OF RYE, AND THE CHARTERS.

MANY are the conjectures that have been hazarded as to the origin of the name of Rye; we have ourselves heretofore ventured on some, which we are free to confess we now think erroneous. We shall mention the various etymons that have been suggested, leaving our readers to decide for themselves as to their plausibility.

The modern name of this ancient town is always written Rye, formerly sometimes Rie, and sometimes Rhie, also in Latin Ria and Rhia. The old name seems to have been Rie or Rhie, probably previous to the Conquest, after which, when all public records were kept in Latin, the name was latinized into Rhia or Ria. Camden derives it from Rive, Norman, Ripa, Latin, a bank. Jeake has the following observations on this head: "I cannot conclude," says he, "to derive its name from Rie, the corn so called (as Rieton in Warwickshire, in the opinion of Dugdale), because as the soil thereabout is not very proper to bear it, so the people there are generally averse to it. Nor will I affirm the name came from the rivulet Rie running by the foot of Winchelsea Hill; nor from Rhe or Rey sometimes used for a river, though the river of Rother on the east, and the creek of the sea, like a river running up on the west into the country between Peasmarsh and Udimer, called yet Tillingham Water, from a farm on Peasmarsh side, which it washeth, meeting together with the said Ree and running out to sea at the south-east (and formerly more south) side of the town, might be supposed to have first occasioned the name. But it seems to me rather to take the name from the British word Rhy, signifying a ford, or as some say a bay; in reference to the former importing the place where the rivers of Rother and Ree were yet fordable; and to the latter the situation of the town in the bottom or middle of the bay made by the sea, between the cliff at Beachey and those at Folkestone, from whence the sea over against Rye, and near the shore, is still called Rye Bay."

The late Mr. Curteis, of Windmill Hill, derived it from the Greek word Reo, to flow.

Dr. Meryon is of opinion that it takes its name from the old French word Rie, a bank of the sea, and to this we give our adhesion. This word "Rie" also means water, as St. Mary Overy in London, is said to mean "over the rie," or water, a ferry having formerly been here, the profits of which were settled on the Priory at its original foundation, as we learn from Seymour's Survey of London. When Queen Elizabeth left Rolvenden, in 1573, she is said to have been bending towards "the Rye," in her way to Dover.

It may be observed here, that all these different etymons very nearly resemble each other in their original meaning. Thus, the Greek Reo, to flow, relates to water; Rive, Norman, Ripa, Latin, and Rie, old French, signify a bank adjoining to water; while Ree, Rhe, or Rey, Saxon, means a river, and Rhy, British, a ford or bay, all equally having relation to this element. But they are not all equally applicable to the site of the town as it was when it first had a name given to it. The original word Ripa, Latin (whence Rive, Norman, and then Rie, old French), would very well apply to its character of an insulated rock in the midst of the waters; but Ree, Rhe, Rey, Saxon, a river, would not be appropriate, as at that period the sea at all times of tide flowed round the base of the rock, and no river was then visible here; the Rother and Exden having flowed into the ocean at Lyra, and the Brede with the Tillingham, much higher up the country than Rye. The British word Rhy, a ford, was also inapplicable, as no ford in those early days existed; while the word Bay would not be so descriptive of the nature of the spot as Rie, a bank or cliff, which it really then was.

A rude isolated rock in its original state, having its base at all times washed by the salt-sea waves, the

site, on which the town of Rye now stands, ere the place rose into any importance, may be considered as having a resemblance to that of Tyre, when the latter city had lost its importance, at which time it was foretold it would be “a rock for the fisher to spread his net upon.”

Such a spot, as we have here described, was calculated by nature to be the abode of men whose occupation was on the deep waters, the frequent vicissitudes of which, from sudden changes of wind, from storms and tempests, served to call forth. All their energies both of body and of mind; and thus were the seeds then sown which produced in after times a race of men, who were, at an early period, thought worthy to be intrusted with the maritime defence of the country; in consequence of which Rye was eventually enrolled among the Cinque Ports, and admitted to the full enjoyment of all their rights and privileges. Their posterity bore their part in the late war, in carrying the flag of Great Britain in triumph over all the oceans that wash the earth; while their descendants, at the present day, form the bold and skilful mariners who navigate in these piping times of peace” the numerous vessels that belong to the port of Rye.

In accordance with the foregoing observations we find that Rye, at an early period, rose into some importance, though we are not bold enough to assert with some, that it had an existence, together with Old Winchelsea, in the time of the Romans; but this we may safely remark, that the rock on which Rye stands certainly reared its head above the waters for ages antecedent to the appearance of Romney or any other locality (not excepting that of Old Winchelsea), throughout the whole length and breadth of the marshes lying all around it.

There is a possibility of the existence of Rye when the Romans were in England, because the rock was there, and might have had inhabitants, but, as we hear nothing of it until some centuries after their departure, and Romney was created a Cinque Port full a century before Rye was admitted to the same honour, it is reasonable to conclude that if it had an existence at this time, at all events it enjoyed no distinction.

This rock certainly did exist for ages before the Romans came to England; on its rugged summit old Time may have stood and watched the growth of the surrounding country. From hence he may have seen the old Isle of Romney rear its head above the waters, and the accumulation of all the lands now constituting Romney Marsh. From hence he may have seen Old Winchelsea arise out of the deep and sink again beneath it. From this spot he may have marked the original birth of Promhill, its subsequent destruction and its regeneration; while at his feet he might behold the formation of those marshes which at this day so completely environ it.

But to leave the fanciful for the real, and to say no more on the question of the longevity of this rock, on which and of which we are now writing, we will carry this little history no farther back than the middle of the eleventh century, when Edward the Confessor gave Old Winchelsea and Rye to the abbot and monks of Fécamp, which was, and still is, a small sea-port on the coast of Normandy, in France.

Edward the Confessor was celebrated for his piety, on which account he was honoured, after his death, with the title of Saint. It may seem strange that the monarch of one kingdom should give up the custody of two towns to the subjects of another; but in this case it seems to be accounted for by his having been brought up in the Norman court, whence he became much more attached to the manners and customs of that country than to those of England, and also from his great sanctity, in the exuberance of which he presented the revenues of the towns of Rye and Old Winchelsea, together with a certain degree of surveillance over them, so far as might be necessary to secure to the monks the collection of such dues as were leviable from the commerce or other taxable sources which the towns might possess, reserving to himself only a nominal sovereignty.

In the lapse of time great inconveniences, not to say dangers, arose, in consequence of the close connexion which existed between Fécamp and Rye; for we find that in the 31st year of Henry III, A.D. 1246, that monarch, seeing that hence the friars aliens had too easy an access to the shores of England, which gave them a power, they were probably not slow to exercise, of conveying intelligence of the secret affairs of his kingdom abroad, resumed into his own hands, for the better defence of his realm, the towns of Rye and Winchelsea, giving to the abbot and monks of Fécamp, in exchange, the Manor of Chiltham, in Gloucestershire, and divers other lands in Lincolnshire; counties – too distant from the English Channel to allow of a very easy communication with the inhabitants of the other side of it.

It has been stated by Lambard that Rye and Winchelsea were added to the Cinque Ports soon after the king, Henry III, had taken these towns into his own hands; but this opinion is shown by Jeake to be

erroneous, for he asserts that, according to the Lord Coke, this union took place after the Conqueror and before King John, for he says, in a record in the first year of John, A.D. 1199, they are mentioned to be in aid of Hastings to do the service of the navy; and in the Charter of King John to Rye and Winchelsea, dated June 6, 1205, he mentions and confirms to them the Charter of his brother, King Richard I, who began his reign in 1189, and also of his father, Henry II, who reigned from the year 1154 to 1189, so that they must have been admitted in to the paternity of the ports some time between these last two dates, that is to say, about 100 years after Edward the Confessor had conferred the privileges on the original five ports, which were Sandwich, Dover, Hythe, Romney, and Hastings. But though thus admitted to the enjoyment of the same privileges as the Cinque Ports, and called upon to find their quota of shipping for the defence of the realm, for which purpose they were thus honorably endowed, they were distinguished from them by the appellation of the two ancient towns. In this name we have a recognition of the antiquity of these towns, and a proof that, although the former ones were recognized before them, still they only could boast a precedency of about one century, a short period in the existence either of nations or of towns.

Having arrived at that period of time when Rye, with her sister Winchelsea, was admitted a member of the Cinque Ports, we shall now lay before our readers a copy of the Charters whereby their rights and privileges were originally granted and afterwards confirmed to them. And here we will remark, that as hitherto we have avoided loading our pages with notes which so sadly break the continuous thread of a story, and that, as at the same time, there are many words in these charters which require explanation, we shall place a glossary at the end of them, arranged in alphabetical order, so that their meaning may be better understood. Also to avoid all unnecessary verbiage and the too frequent legal repetitions, we shall merely mention the respective names of the king who first granted, and the sovereigns who confirmed, the charters of the Cinque Ports and ancient towns.

The original Charter was granted by Edward the Confessor, and confirmed by William the Conqueror; William II; Henry II; Richard I; John; Henry III; Edward I, with two additional charters; Edward II; Edward III; Richard II; Edward IV; Henry VII; Henry VIII; Edward VI; Mary; Elizabeth; James I; Charles I; Charles II; and finally by James II, though not mentioned by Jeake, as his work was written in the reign of Charles II.

The Charter of Charles II was signed by him on December 23, 1668; and, after reciting the preambles of several of the charters granted by his predecessors, commences with that of Edward I in the following words, viz.:

Edward, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine; to all archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts, ministers, and all his bailiffs and faithful subjects, greeting: Know ye, that for the faithful services which our Barons of the Cinque Ports have hitherto done to our predecessors, kings of England, and to us in our late army of Wales, and for their good services to us and to our heirs, kings of England, faithfully to be continued in time to come; we have granted, and, by this our Charter, have confirmed for us and for our heirs to the same, our barons and their heirs, all their liberties and freedoms, so that they may be quit of all toll and of all custom - that is to say, of all lastage, tallage, passage, carriage, rivage, from pontage and all wreck, and of all their selling, buying, and re-buying throughout all our land and dominion, with soc and sac and thol and them. And that they may have infangtheff. And that they may be wreck-free and wit-free, lastage-free and lovecope-free. And that they may have den and strond at Great Yarmouth, according to that which is contained in the ordinance thereof by us made, and perpetually to be observed. And also that they may be quit of shires and hundreds, so that if any will plead against them they shall not answer nor plead otherwise than they were wont to plead in the time of the Lord King Henry, our great-grandfather. And that they have their findals in sea and in land. And that they be quiet of all their goods and all their merchandize as our freemen. And that they have their honours in our Court and their liberties throughout all our land, wheresoever they shall come. And that they of all their lands, which, in the time of the Lord King Henry, our father, that is to say, in the forty-fourth year of his reign, they possessed, may be free for ever of common summons before our justices for all manner of pleas itinerant, in whatsoever counties such their lands be, so that they be not bound to come before the justices aforesaid, except any of the same Barons implead any, or if any be impleaded. And that they shall not be impleaded other where; but where they ought, and where they were wont, that is to say, at Shepway. And that they may have their liberties and freedoms from henceforth, as they and their ancestors them at any time better, more fully, and more honourably have had in the times of Edward, William I and II, King Henry, our great-grandfather, and in the times of King Richard and King John, our grandfather, and of the Lord King Henry, our father, kings of England, by their Charters, as the same Charters, which the same, our barons thereof have, and we have seen, do reasonably testify. And we forbid, lest any unjustly disturb them or their merchandize, upon our forfeiture of ten pounds, so nevertheless that when the said Barons shall fail in justice to be done and to be received the warden of us and of our heirs of the

Cinque Ports, which for the time shall be, the ports and their liberties, in default of the same may enter to do these full justice, so also that the said Barons and their heirs do to us and our heirs, kings of England, yearly, their full service of fifty-seven ships, at their cost, for fifteen days at the summons of us or of our heirs. We have also granted to them of our special grace, that they may have *utfrangtheff* in their lands within the ports aforesaid, in the same manner, which the archbishops, bishops, abbots, earls, and barons have in their manors in the county of Kent. And that they be not put in any assizes, juries, or recognitions, by reason of their foreign tenure against their will. And that of their proper wines, for which they trade, they be quit of our right prise (that is to say) of one ton of wine before the mast, and another after the mast. We have granted, moreover, to the said Barons, for us and our heirs, that they for ever may have this liberty, that is to say, that we or our heirs may not have the wardships or marriages of their heirs, by reason of their lands, which they hold within the liberties and ports aforesaid, of which they do their service aforesaid, and of which we or our ancestors have not had the wardships and marriages in times past. And our aforesaid confirmation of the liberties and freedoms aforesaid, and other our grants following, to them of our special grace, we of new have made, saved always in all things, our kingly dignity, and saved to us and our heirs pleas of our crown, life, and members. Therefore we will and firmly command for us and our heirs, that the aforesaid Barons and their heirs for ever may have all the liberties and freedoms aforesaid, as the Charters aforesaid do reasonably testify.”

This was the first Charter of Edward I, bearing date at Westminster, June 17th, A.D. 1277, and, before sealing it, was recited in the presence of the following witnesses and others, members of the King's Council, viz.: “The venerable Father Robert Portuensis, Bishop, Cardinal of the most holy Church of Rome; Friar William of South, Prior Provincial of the Friars Preachers in England; William of Valence; our Uncle, Roger of Mortimer; Roger of Clifford; Master Walter Stamell (Dean of Salisbury); Master Robert of Scardeburgh (Archdeacon of the East Ridings); Master Robert of Sexton; Bartholomew of Southley; Thomas of Wayland; Walter of Hopton; Thomas of Normannel; Stephen of Pencester; Francis of Bonona; John of Leveto; John of Metingham, and others.”

This same King Edward I granted a second Charter to the Cinque Ports, dated at St. Albans, April 28th, 1297, which contains the following additional privileges, viz.:

“To all our bailiffs and faithful subjects, to whom these present letters shall come, greeting: Know ye that, for the good and faithful service, which our beloved and faithful Barons and good men of our Cinque Ports, to us and to our progenitors, sometime kings of England, have done and, in time to come, may do, we have granted to them for us and our heirs, that they and their heirs, Barons of the said ports, from henceforth for ever, may be quit of all tallages and aids to us and our heirs, of the bodies of their proper ships and tackling thereof to be done. We have granted also to the said Barons and men, for us and our heirs, that of their lawful goods and merchandizes, which in due manner they shall happen to buy within our land of Ireland, no man be partner of those goods and merchandizes, nor with them, against the will of the said Barons and men, shall partake thereof in any wise. We have granted, moreover, for us and our heirs, as much as in us lies, to the Barons and good men aforesaid, that all they have born within the aforesaid Cinque Ports, although they shall hold lands or tenements without the liberties of the said ports by such service, that the marriage of them, by reason of their nonage to us or to our heirs ought to pertain, according to the law and custom of our kingdom, nevertheless, according to the liberty of the ports, they may marry themselves without occasion or impediment of us or our heirs for ever, saved the right of every other whatsoever. And therefore to you we command, that you do not molest in anything or grieve the aforesaid Barons and men, against these our grants.”

On the same day, and at the same place as the last Charter was dated, the same King Edward I granted a third, conferring a new privilege on the ports, contained in these words: “To all to whom these present letters shall come, greeting: Considering that our shipping of the Cinque Ports not without great costs and expenses can be maintained, lest that shipping should fail or perish for the future, we have granted for us and our heirs, that all they of the Cinque Ports aforesaid and others whosoever, calling themselves of their liberty, and willing to enjoy the same, shall contribute (that is to say) every of them, according to their faculties to do the service of us and our heirs with their ships when this, from us and our heirs, they shall have in commandment.”

Edward II granted the following Charter, dated at his Palace at Westminster, on July 26th, 1313, viz: “We also the grants and confirmations aforesaid having ratified, and freely them, for us and our heirs, as much as in us is, to the aforesaid Barons of the Cinque Ports, and their heirs and successors, for their good and faithful service, which to us hitherto they have done and in time to come shall do, do grant and confirm as the charters and letters aforesaid do reasonably testify.

Furthermore, willing to gratify the said Barons more largely, we have granted to them for us and our heirs that although they hitherto have not fully used any of the liberties or freedoms in the said

Charters and letters contained, notwithstanding the same Barons, their heirs and successors, the aforesaid liberties and freedoms, and every of them, in future times, without impediment of us or our heirs or ministers whatsoever, may enjoy and use.”

Edward III, in a Charter, dated at Westminster, July 1st, 1364, confirms all the former charters, and more particularly ratifies that of Edward II, in which he secures to the Barons of the Cinque Ports the enjoyment of all their privileges, though they may not have hitherto fully used them.

This same king did also, previously to the confirmation above mentioned, and which is alluded to in the same, confirm, in an especial manner, the third Charter of Edward I, adding to this confirmation these words, viz.: “And because, upon the general words in the aforesaid letters contained (that is to say) that every of them should contribute, according to their faculties, before these times have arisen various dissensions, we, that the Barons of the ports aforesaid, may be able more commodiously to do the service aforesaid, to us and our heirs, in times convenient, of the counsel of our Prelates, Earls, and Barons, and of the commonalties of our kingdom in our present parliament, called together, have granted, for us and our heirs, to the same Barons of the Cinque Ports, that all they of those ports and others whosoever, calling themselves of their liberty, and willing to enjoy the same, shall contribute to maintain and do the shipping and service aforesaid, of all their goods and chattels, as well without the liberty of the Cinque Ports as within being, and to this by the mayors and jurats of the ports aforesaid, and also by the constable of our Castle of Dover, if need shall be, they may be duly compelled. And that the goods and chattels of the said Barons and others, whether they shall be without the said liberty or within, which are taxed for, to maintain and do the shipping and service, in no wise shall be taxed to the tallages or other charges whatsoever, with the goods and chattels of foreign men. Dated at Westminster, February 25th, 1327.

A further ratification of the Charter above mentioned was made by Edward III, at St. Albans, Feb. 26th, 1328.

Richard II, in a Charter, dated at Westminster, January 22d, 1378, confirms all former grants in these words: “We the aforesaid grants and confirmations having ratified, and freely them, for us and our heirs, as much as in us is, to the aforesaid Barons of the Cinque Ports, their heirs and successors, Barons of the ports aforesaid, for their good and faithful service to us and our progenitors done, and to us and our heirs hereafter to be done, do grant and confirm, as the aforesaid Charters and letters do reasonably testify; and as the said Barons and their ancestors, Barons of the ports aforesaid, hitherto have used and enjoyed the liberties and freedoms aforesaid reasonably.”

Edward IV, in the fifth year of his reign, on March 23d, 1465, at Westminster, granted the following Charter:

“We, by the humble information of the said Barons and good men of the aforesaid Cinque Ports and their members, understanding that, although in the great Charter of the liberties of England, among other things it is contained, that the Barons of the Cinque Ports shall have all their liberties and free customs, notwithstanding that of some liberties and free customs, freedoms also and privileges, which they in the ports and members aforesaid, from the time of the making of the Charters, letters, and confirmations aforesaid, freely, peaceably, and quietly were wont to use and enjoy, by occasion of certain ambiguities, obscurities, and doubts, and of sinister interpretations of certain words and general terms, in the aforesaid Charters, letters, and confirmations, contained, have been, and yet are hindered to the depressing and impoverishing of the said Barons and good men, also to the hurt and manifest loss, very likely, of our service of shipping there. We therefore, not only the premises, but also the good, ready, and grateful services, which the aforesaid Barons and good men of the Cinque Ports and members aforesaid, to all our progenitors, and chiefly to us, have done in the reduction of the right of our kingdom seriously considering, and their peace and tranquillity; also willing to respect the public good in this behalf. All the aforesaid gifts and grants, also all and singular the things in the aforesaid Charters, letters, and confirmations contained and specified, and all and every the liberties, freedoms, privileges, and free customs, which they and their ancestors and predecessors have had and exercised in the times of our progenitors, and which they were wont to use and enjoy, having ratified, and freely them, for us and our heirs, as much as in us is, we do accept, approve, ratify, and to the aforesaid now Barons of the ports and members aforesaid and their heirs and successors, by the tenour of these presents, so fully, plainly, and perfectly, as if word by word they had been expressed, declared, and manifested in these presents; we do give, grant, and confirm; willing moreover, and granting, for us and our heirs, that the aforesaid Barons and their heirs and successors, of the ports and members aforesaid, may have all their liberties, freedoms, privileges, and free customs, so perfectly and fully restored, as they, their ancestors or predecessors, the same, in the time of Saint Edward the Confessor and William the Conqueror, late kings of England, or any other of our progenitors, more freely, more fully, and more honorably have had. And although the said Barons and good

men or their ancestors or predecessors, Barons and good men of the ports and members aforesaid, or any of them, any of the liberties, freedoms, and privileges in the said Charters and letters contained, or of their free customs in any case happening, hitherto fully have not used, or perhaps have abused; notwithstanding the same Barons and good men, their heirs and successors, their liberties and freedoms, privileges, and free customs whatsoever, in such wise not used or abused, and every of them, from henceforth fully may enjoy and use, without occasion or impediment of us or our heirs, or of the justices, sheriffs, coroners, escheators, or other the bailiffs, or ministers of us or our heirs whosoever (any interruption in time past whatsoever to the contrary had or made notwithstanding). We have granted also, for us and our heirs, and by this our Charter have confirmed to the mayors, bailiffs, and jurats of every port, and member of the ports, and members aforesaid, in the aforesaid ports and members, by the commons of the same elected, that if any customs in the said ports and members, or in any of them hitherto obtained and used, in any part, be difficult or defective, or anything in the said ports and members, or in any of them happening of new, where before remedy was not ordained, and shall lack amendment, the same mayors, bailiffs, and jurats of every port and member of the ports, and members aforesaid, and their heirs and successors, with the assent of the commonalty of that port, or member of the port, and members aforesaid, where such amendment, defect, or difficulty shall happen to be made or had, may appoint and ordain meet remedy, according to good faith and reason, for the common profit of the Barons and good men, and inhabitants of the same port or member, also of other our liege people thither resorting so often, and when to them it shall seem expedient; so that, notwithstanding, such ordinance be to us and our people profitable and agreeable to good faith and reason, as is aforesaid; and that they may record their liberties and free customs before us, our justices, and other ministers whatsoever. And furthermore, that the same Barons may be encouraged in time to come to do to us and our heirs such services, as to our aforesaid progenitors, and to us, before these times they have done, or better according to their power, we have thought fit to grant of new to the same Barons and good men other liberties and freedoms plain and expressed. And of our more plentiful grace, also of our mere motion and certain knowledge, have granted, and by these presents do grant, for us and our heirs, as much as in us is, to the same Barons and good men of the Cinque Ports aforesaid, and to the Barons and good men of all and singular, the ports and towns of the members to the said Cinque Ports, or to any of them annexed, united, and appertaining; that they, their heirs and successors, and whosoever are resident within the ports and members aforesaid, or within any of them, contributing to the service and shipping aforesaid, may be quit for ever of toll, panage, pontage, kaiage, murage, passage, lastage, stallage, tallage, carriage, peisage, picage, terrage, and scot, and gild, hidage, scutage; also of suits of counties and hundreds (and lathes of hundreds), views of frank pledge, and of moneys appertaining to the views of frank pledge; also of whatsoever sums of money, rents, or payments for any of the premises to us, our heirs or successors, to be paid. And of fines for murder, and of common amerciamment, when it shall happen, the county or township before us or our heirs, or before us, or whatsoever our justices, officers, or ministers of us, our heirs or successors, to fall into the hand of us or our heirs, from all custom of this sort, throughout our whole realm and dominion. And also we have granted to the aforesaid Barons and good men, their heirs and successors, that they for ever may have all the goods and chattels waived, or which are called waife, and also all the goods and chattels, which are called stray; also treasure found or to be found within the ports aforesaid, or within any member of the same, and the goods and chattels, called maynour, taken or to be taken, with any person wheresoever, within the ports and members aforesaid, before whatsoever judge, by the same person disowned. And that they the said Barons and good men, their heirs and successors, Barons and good men of the ports and members aforesaid, may have the chattels of felons, howsoever condemned or convict, to be condemned or convicted of felons, and of escape of felons and fines whatsoever for the same escapes, in whatsoever Courts of us, our heirs and successors, before us or our heirs, the justices and judges of us or of our heirs, whatsoever adjudged or to be adjudged, and also the chattels of whatsoever persons put or to be put in exigent for treason or felony. Also the chattels of outlawed and waived persons, and to be outlawed and waived; and the chattels, by what means soever confiscate, of all and singular the Barons, and other residents whosoever, within the ports and members aforesaid, wheresoever those goods and chattels shall happen to be found within the ports or members aforesaid, or without, in the counties of Kent and Sussex, or either of them, although they, or any of them be officers or ministers of us or our heirs. And that the said Barons and good men, and their successors may for ever have wreck of the sea, howsoever happening, in whatsoever coasts and arms of the sea adjacent to the ports and members aforesaid, and all and singular things to such wreck appertaining or belonging. And that they, their heirs and successors, by themselves, or by their ministers, such chattels called waife, stray, treasure found, chattels called maynour, chattels of felons, however condemned and to be condemned, convicted and to be convicted, chattels of whatsoever persons put or to be put in exigent for treason or felony; chattels of them outlawed and to be outlawed, waived and to be waived, and the chattels by what means soever confiscated, and such wreck and all things to such wreck appertaining or belonging, may seize and take to their use, without disturbance, molestation, or impediment of us and our heirs, or the justices, escheators, sheriffs, coroners, or other, the bailiffs of us or of our heirs, or others whosoever, although the same were before seized by us or our heirs, or by any bailiffs, officers, or ministers of us or our heirs. We have also granted for us and our heirs, to the aforesaid Barons and good men, their heirs and successors, for the maintenance of the shipping and service aforesaid, that every mayor and jurats in every port

and member of the ports, and members aforesaid, where a mayor and jurats are; and every bailiff and jurats in every port and member, of the same ports and members, where such bailiff, by the commons of such port, or member of the ports and members aforesaid is elected; and also the jurats in every port and member of the aforesaid ports and members, where neither mayor nor bailiff, by the commons of such port or member is elected, and their successors for ever may have all and all manner of fines for trespasses, offences, misprisions, extortions, negligences, ignorances, conspiracies, concealments, regratings, forestallings, maintenances, ambidextries, champerties, falsities, deceits, contempts, and other offences whatsoever. And also fines for licence of concords and all amerciements, redemptions, issues, and penalties forfeited and to be forfeited, year, day, waste, strepe, and all things, which to us or our heirs may appertain of such year, day, waste, and strepe of all and every the Barons, and other the resciantes aforesaid, their heirs and successors wheresover, as well within the ports and members aforesaid, their heirs and successors, as without, in whatsoever Court of us and our heirs, the same Barons, and other resciantes shall happen to be adjudged to make such fines, and to be amerced and forfeit such issues, penalties, year, day, waste, strepe, and forfeitures; which fines, amerciements, redemptions, issues, penalties, year, day, waste, strepe, and forfeitures might appertain to us and our heirs, if the same had not been granted to the aforesaid Barons and good men, and their successors, so that the said mayor and jurats, bailiff and jurats, and also jurats in every port, and member of the ports, and members aforesaid, as is aforesaid, chosen by themselves or their ministers, such fines, amerciements, redemptions, issues, penalties, and forfeitures, and all things, which to us, our heirs and successors may appertain of the year, day, waste, strepe, and forfeitures aforesaid, may levy, perceive, and have to the common profit and use of the said Barons, their heirs and successors, without impediment of us or our heirs, our justices or their bailiffs, or our ministers whatsoever. And that the same Barons and good men, their heirs and successors within every port and member of the ports, and members aforesaid, as it shall please them, may have thewe, pillory, and tumbrel for the punishment of malefactors there. And also that they and their successors for ever may have leets and law days, with all profits to the leets and law-days in any wise appertaining or belonging, of whatsoever residents within the liberty aforesaid. And that the aforesaid Barons and good men, and their heirs and successors, from henceforth may have and every of them may have all their findals by land and sea freely, peaceably, and quietly, without any impediment or grievance of us or of our heirs, or of the constable of us or of our heirs of our Castle of Dover, warden of the Cinque Ports aforesaid, or of the admiral within the ports and members aforesaid, without partition thereof to be made for us, or any part thereof to be rendered to us or to our heirs, or to any other. And moreover, we have granted for us and our heirs as much as in us is to the aforesaid Barons and good men, and their heirs and successors, that they may erect gallows within every port and member of the ports, and members aforesaid, and judgment cause to be done on malefactors, which there shall happen to be taken and apprehended, according to the said liberty of infangtheff and utfangtheff, and according to the custom in the ports and members aforesaid of ancient time used, without occasion, let, or impediment of us or our heirs, or the justices, coroners, escheators, sheriffs, or other our bailiffs or ministers whatsoever. And that the aforesaid mayor and jurats, bailiff and jurats, and also jurats in every port and member of the ports, and members aforesaid, as above are limited, from henceforth for ever may have and hold before them, the said mayor and jurats, bailiff and jurats, and also jurats by plaint before them to be levied in the Court of every port or member of the ports, and members aforesaid, in the place within every such port or member most convenient, in the days and times there accustomed to be holden, all and all manner of pleas, of and upon all manner of actions, real, personal, and mixed, within every such port or member by land or by sea arising. And the person against whom such personal actions in the said Courts shall happen to be prosecuted and moved, to attach by their bodies and commit to prison, and to hear and determine all and singular the aforesaid pleas, and to make process and executions judicially, according to the custom of the ports aforesaid thereupon to be made: so that neither the constable of us and our heirs of the aforesaid Castle of Dover, nor the warden of the Cinque Ports aforesaid, nor the admiral of the same, nor any lieutenant of them, nor deputy from him, of or upon any such pleas within the ports and members aforesaid, or of any other plea or of any thing or matter done, or happening to be done or happen, or within the bounds and limits of the same ports and members by land nor by sea, nor by fresh water, or the limits or shores of the deep sea, may intermeddle in any wise, nor such port or member for that cause in any wise may enter, except in default of justice of such mayor, bailiff, and jurats; and if such default shall happen, then we will only the aforesaid warden of the Cinque Ports, for the time being, upon complaint or petition to him thereof to be made by the party thinking himself grieved, such port or member from time to time to enter, and the plea touching such default before him, within the same port or member, in the presence of such mayor, bailiff, and jurats, to cause to come, and there the plea aforesaid to examine, and such default, if any shall be, to correct and amend, and to all and singular whosoever interested therein, fullness of justice with speed to minister, according to the law and customs there. And that the aforesaid mayor and jurats, bailiff and jurats, and also jurats of every port and member of the ports, and members aforesaid, in manner and form above said elected, for ever may have cognizance, as well of all manner of pleas in the actions above said, as of all manner of pleas of the Crown, within every such port or member in any wise happening, and power of hearing and determining all pleas of the Crown of us and of our heirs, as well at the suit of us or our heirs, as at the suit of other complainants; pleas of all manner of treasons altogether only excepted, which before the warden of the Cinque Ports

aforesaid, for the time being, calling to him the mayors, bailiffs, and jurats of the same ports, according to the custom in the same ports used, at Shepway, for us and our heirs, as much as in us is, we will there to be heard and determined, according to the law and custom of the Court aforesaid. And that such mayor and jurats, bailiff and jurats, and also jurats, as above are limited, all and singular the pleas above said (except before excepted) may have and hold before them within every such port or member, in the Court of the same port, or member, and shall hear and determine all such pleas and judgments, thereupon rendered, may execute according to law, and the custom of our kingdom of England, or the custom of the aforesaid Cinque Ports, at their choice. And, moreover, that none of the aforesaid Barons, good men, or their heirs or successors, or of the residents aforesaid, by any warrants, precepts, or mandates of the constable of the Castle aforesaid, or of the warden of the Cinque Ports aforesaid, or admiral within the ports and members aforesaid, to answer upon any such plea, from henceforth may be taken, arrested, or attached, nor for the same cause, before the same constable, warden, or admiral, or his lieutenant or deputy, be bound to appear in any wise, except in default of justice only, as is aforesaid. And that none of the Barons, good men, or their heirs, or such residents, to or for the service of us or our heirs, to be done upon the sea, except to the service of the same Barons to us and our heirs with their ships, as aforesaid, to be done by any officer or minister of us or our heirs, from henceforth may be taken, attached, or arrested in any wise. We have granted, moreover, to the aforesaid Barons and good men, that they, their heirs and successors, and other residents whosoever, their heirs and successors, within the ports and members aforesaid, contributors, or which shall be contributors to the service and shipping, aforesaid, may for ever be quit of all aids, subsidies, contributions, tallages and scots whatsoever, which from them, or any of them, by reason of their lands, tenements, and rents, or their goods and chattels, or of any of them, which now they may have, and from henceforth may have, by us or our heirs, or the bailiffs or ministers of us or our heirs, ought or might be exacted if the aforesaid grant to them had not been made. And that whensoever the commonalties of the counties of our kingdom of England, or the citizens and burgesses of the cities and boroughs of the said counties of the same kingdom have granted a tenth, fifteenth, or other scot or tax whatsoever, of their moveable goods, or their lands, tenements, or rents, to us, our heirs or successors, in any wise; or we, or our heirs shall make to be taxed our tenths throughout England, the Barons aforesaid, their heirs and successors, and the ports and members aforesaid, the lands, tenements, and the goods and chattels of the aforesaid Barons, their heirs and successors, and other residents, and every of them, whether within the liberty of the said ports and members they shall be, or without in the counties of Kent and Sussex, to the use of us or our heirs shall not be taxed, nor anything of the tenths, fifteenths, and other scots or tallages aforesaid whatsoever, to the use of us or of our heirs shall be levied, nor the same Barons, their heirs or successors, or other the residents aforesaid, in their lands, tenements, or goods aforesaid, by these occasions shall be distrained, molested, or in anything grieved, but that they, their heirs and successors, of all manner of tenths, fifteenths, and other such scots and tallages for ever may be quit, although they may be parties agents, or some one of them part agents, or granting to such grants. And further we have granted for us and our heirs to the aforesaid Barons and good men, that none of them, or their heirs or successors, from henceforth may be put in any assizes, juries, recognitions, attaints, or other inquisitions whatsoever without the ports and members aforesaid, although they touch us or our heirs; nor that he be, nor be made assessor, taxor, or collector of the tenths, fifteenths, or of any parcel thereof, or of other subsidies, tallages, taxes, or scots whatsoever, granted or to be granted to us or to our heirs, nor collector of the reasonable aid to make the first-born son of us and our heirs knight, or to marry the first-born daughter of us or our heirs; nor any of them shall be ordained or assigned constable, bailiff, or other officer or minister of us or of our heirs without the ports and members aforesaid against their will. And in case that any of the aforesaid Barons, good men, or their heirs or successors to any of the charges, offices, or occupations aforesaid, or to any other office, may for the time to come be elected, ordained, or assigned to undergo, do or occupy against the force, form, and effect of this our present grant, although he those offices or charges to undergo, do, or occupy, shall refuse, notwithstanding he by that occasion may incur by no means any fine, contempt, forfeiture, loss, or damage in his body or goods; but that these our present letters by him shown before whatsoever the justices and ministers of us and our heirs in whatsoever place of record throughout our whole realm of England, upon that showing they shall remain in their strength and efficacy, and be allowed to them without any writ or process thereupon further to be prosecuted; and that whensoever there shall happen any inquisitions before our constable of our Castle of Dover, or warden of the Cinque Ports aforesaid, or admiral of the same, such inquisitions may be had, taken, and made within that port, or member of the ports and members aforesaid, where those of the ports and their members, by whom those inquisitions shall be taken, are abiding and resident, and not elsewhere; and that they which are put and impanelled in the inquisitions aforesaid to take their charge, or to give their verdict, may not be bound, compelled, nor constrained in anywise to go out of such port or member, or to go to any other place, nor by that occasion may they incur, nor any of them incur in any wise any contempt, americiament, penalty, forfeiture, or loss towards us or our heirs. Wherefore we will and firmly command, for us and our heirs, that the aforesaid Barons and good men of the ports aforesaid, their heirs and successors, may have all and singular the liberties and freedoms aforesaid, and all the premises by us to them of new granted, and them and every of them in times to come, without impediment of us or our heirs, or of our ministers whatsoever, they may enjoy and use for ever.

“Witnesses to these presents, the Venerable Prelate, Thomas Archbishop of Canterbury, Primate of all England; our most dear brothers, George of Clarence and Richard of Gloucester, Dukes; the Venerable Fathers, George of Exeter, our Chancellor of England, and T. of London, Bishops; and Richard of Warwick and Salisbury, and John of Northumberland, Earls, our most dear Cousins; also our beloved and faithful Master Robert Stillington, Keeper of our Privy Seal; and Walter Blunt, Knight, our Treasurer of England, and others.”

Henry VII granted a Charter, by which he confirmed all those of his predecessors, bearing date at Westminster, Dec. 13th, 1487.

Henry VIII confirmed all the rights and privileges of the Cinque Ports by a Charter bearing date, at Westminster, March 5th, 1510.

Edward VI ratified all the Charters of his predecessors, by a Charter dated at Westminster, Nov. 20th, 1548.

Queen Mary confirmed all the preceding Charters by one bearing date at Westminster, Oct. 27th, 1553.

Queen Elizabeth ratified all former Charters by one granted by her, dated March 8th, 1559.

Besides ratifying all the previous Charters, Queen Elizabeth granted the following, dated Jan. 20th, 1601:

“Elizabeth, by the grace of God, Queen of England, France, and Ireland, Defender of the Faith, &c., to the Treasurer, Chancellor, and Barons of our Exchequer for the time being, and to all other the officers, ministers, and subjects of us, our heirs and successors, for the time being, or which hereafter shall be, to whom it shall or may appertain, and to every of them, greeting: Whereas it appears unto us, by one record remaining in our Exchequer, amongst the records of the term of Easter, in the sixth year of the reign of our most dear grandfather, King Henry VII, that John Convers of Winchelsea, and William Warwyn of Dover, combons of the Five Ports, did come before the Barons of the same Exchequer, the 7th day of May, in the same term of Easter, in their proper persons, and did exhibit to the said court there a certain letter of attorney, sealed with the common seal of the Mayors, Bailiffs, Jurats, and Barons of the Five Ports, and directed to the Treasurer and Barons of the same Exchequer; the tenor whereof followeth in these words: To the right Mighty and Noble Lord John Dynham, Knight, Lord Dynham, High Treasurer of England, and to the Full Honourable the Barons of our Sovereign Lord the King's Exchequer at Westminster that now is, we, the Mayors, Bailiffs, Jurats, and Barons of the towns and ports of Hasting, Winchelsea, Rye, Romney, Heth, Dover, and Sandwich, at our Brotheryeeld General, at the said town and port of Romney, the day of the date hereof holden, assembled, that is to say, William Nepsham, Bailiff of Hasting, Richard Martham, Mayor of Winchelsea, John Cheesman, Mayor of Rye, John Cheynew, Jurat of Romney, Thomas Walton, Jurat of Heth, Edward Hextall, Mayor of Dover, and Thomas Aldey, Mayor of Sandwich, which send due recommendations in all humble wise as appertaineth; and whereas it hath pleased our sovereign lord, and by the advice of his council is agreed, for the sustentation, subsidy, and maintenance of our navy, to do our old service to our sovereign lord the king, and to his heirs, Kings of England, that at every whole fifteenth and tenth hereafter, by the Commons of this his realm, to him and to his heirs to be granted, the collectors of the same and every of them, within the counties of Kent and Sussex, from thenceforth shall have deduction in their accompts betwixt by the certificates of the said Barons, so that they exceed not the sum of five hundred pounds sterling, for the allowance of all resciant and advocants of their allowance of all such fifteenths, as from thenceforth shall be granted to our said sovereign lord the king, and to his heirs. Kings of England, and from thenceforth to be gathered; and that his highness willeth in that behalf, that we nor our heirs shall not in any wise exceed the said sum of five hundred pounds, and that we should thereupon be bound by recognizance before his said Barons, in his said Exchequer, at Westminster, to the accomplishment of the same. We, the said mayors, bailiffs, jurats, and barons, certify by these presents that we, the day of the making hereof have given full power and authority to our right trusty and right well-beloved brethren and combons, Mr. John Convers; of the said town of Winchelsea, and William Warwyn, of the said town of Dover, our true and lawful attorneys, jointly and severally in that behalf, by the advice of learned council, to bind us to our said sovereign lord the king, and to his heirs, Kings of England, by recognizance in the said king's Exchequer before the said Barons, in all due and convenient form, and sum reasonable after the said wisdoms and discretions of the said High Treasurer and the said Barons for the accomplishment of the premises; that is to say, that we nor our heirs shall not from henceforth exceed the said sum of five hundred pounds. In witness whereof, we, the said mayors, bailiffs, jurats, and barons, the seal of our said brotheryeeld, used and accustomed, to these presents, have put at the said town and port of Romney, the 12th day of April, in the sixth year of the reign of our said sovereign lord, King Henry VII.”

Whereupon the said John Convers and William Warwyn, being then present, in the said court, in their proper persons, and admitted there by the Barons to be the attorneys of the said mayors, bailiffs, jurats, and barons of the aforesaid ports, to execute and to do in all things according to the tenor of the said letter; and the said John and William taking upon them the same, did acknowledge the same mayors, bailiffs, jurats, and barons, to owe to our said

grandfather one thousand marks, to be paid to our said grandfather, in the Feast of the Nativity of St. John the Baptist then next coming. And, except they did perform it, the said John and William, in the stead and name of the same mayors, bailiffs, jurats, and barons, did grant that our said grandfather should cause to be levied the said money of the lands and tenements of the said mayors, bailiffs, jurats, and barons, whereof they or any others, or any other than they, were seized, and of their goods and chattels to whose hand soever they should come. And made that this recognizance was under such condition that if the collectors of the fifteenths and tenths to our said grandfather, then, or to his heirs, Kings of England, in the counties of Kent and Sussex, and elsewhere within this realm of England from henceforth to be granted, should not have deductions in their accompts to our said grandfather of such whole fifteenth and tenth to be yielded by the certificates of the mayors, bailiffs, jurats, and barons, or their successors, from thenceforth to be above the sum of £500. And if the said mayors, bailiffs, jurats, and barons, their heirs and successors, by their certificates to such collectors in the said counties of Kent and Sussex, and elsewhere within this realm of England, of and for such whole fifteenth and tenth for the same mayors, bailiffs, jurats, and barons, and the resciantes and advocants of the said ports to be made and directed, should not exceed the sum of £500, at every such fifteenth and tenth thenceforth to be granted; that then the said recognizance should be void, otherwise it should remain in its strength and effect as by the said record remaining in the custody of our Remembrancer in our Exchequer more at large appeareth. And whereas further it appeareth unto us, by letters under the privy seal of our said most dear grandfather, King Henry VII, directed to Mr. Treasurer and the Barons of the Exchequer, bearing date at Westminster, the 23d of June, in the ninth year of his reign, that whereas our grandfather was then informed, that of old time accustomed, at every fifteenth granted to the Barons of the Five Ports and their advocants and members of them, and every of them, they were wont to be allowed in the Exchequer of our said grandfather of as much and as large sums of money as they would ask by sufficient billet thereof, at every fifteenth granted till then of late, by agreement thereof taken, and as between our said grandfather and them, they were cessed at a certain sum £500; and thereupon they were bound in a recognizance before the Treasurer and Barons of our said grandfather in his Exchequer unto our said grandfather in one thousand marks, that they should not exceed the said sum of £500 in asking allowance by billet, upon forfeiture to our said grandfather of the said thousand marks. And whereas our said grandfather being informed that the Treasurer and Barons of his Exchequer did then deny to receive and allow the bills and billets under the seals either of the towns of Winchelsea or Rye, and of the members of the said Five Ports, and of every of them, for discharging of divers of the collectors of our said grandfather for divers fifteenths that then were past; our said grandfather willing the said Five Ports, the said towns of Winchelsea and Rye, and the members of them, and every of them, to be partners of the said discharge of £500, as they be charged to our said grandfather in service; and for divers and many other great considerations our said grandfather specially moving, did, by the said letters under the said privy seal, will and charge the said Treasurer and Barons of his Exchequer, and every of them, that they, immediately after the sight of the said letters, should receive and take of the collector or collectors of our said grandfather of any such fifteenth all such bills and billets for discharging of the said fifteenths before that time granted and thereafter to be granted, as well them that were under the seals of the said towns of Winchelsea and Rye, parcel of the head ports, or any of them, as them that were under the seals of any of the members, to what manner of sum that the said bills or billets should amount to. And if the said bills or billets should amount to the sum of £500, or beneath, at a fifteen, then our said grandfather willed and charged them, and every of them, to allow all the sum of £500, or any sum beneath that sum. And if the said bills or billets should amount above the sum of the said £500, then our said grandfather willed the said Treasurer and Barons that they allow to the said collectors the said sum of £500 and no more. And then our said grandfather willed, that the said Treasurer and Barons should make as hasty process, as they lawfully might against the said Five Ports for the said thousand marks by them unto our said grandfather to be forfeited, for their exceeding the said sum contrary to their said recognizance, as by the said letters, under the privy seal of our said grandfather, more at large appeareth. And whereas divers of the most ancient charters and letters patents made to the Barons of the said Cinque Ports in that behalf, as also in the inolment of the same, by length and track of long time and many ages, or otherwise, are perished and utterly worn out, lost, or decayed; we, considering the good services which the said Barons of the Cinque Ports, and of the said towns of Eye and Winchelsea and their members, have done unto us, and the great charges which they have been at in our late services, and elsewhere against the Spaniards, in the year of our Lord 1588 and 1596, and willing that the said Barons of the Cinque Ports, and of the said towns of Rye and Winchelsea, and the members of them, and every of them, and the resciantes of the said ports, towns, and members, and the advocants of the said ports and towns, and every of them, should be discharged of the sum of £500 at every fifteen, and be partners of the said discharge of £500, according to such rate and proportion as the Cinque Ports, towns, and members be charged to us, our heirs and successors, in service and in finding and maintaining of the navy of the said ports, towns, and members; in consideration of the said services, and for the better maintenance and sustentation of the navy of the said ports, and for divers other good considerations us specially moving, of our special grace, meer motion, and certain knowledge, do for us, our heirs and successors, grant unto the said Barons of the Cinque Ports, and of the said towns of Rye and Winchelsea, and of the members of the same ports and towns, and every of them, and their successors, Barons of the Cinque Ports, towns, and

members, that at every fifteen heretofore to us granted, and hereafter to be paid, and also at every fifteenth hereafter to us, our heirs and successors, to be granted, they, the said Barons of the said Cinque Ports, and of the said towns of Rye and Winchelsea, and of the members of the said ports and towns, and every of them, and their successors, Barons of the said Cinque Ports, towns, and members, for themselves and the resciantes of the said ports and towns, shall have thereof, and be allowed in the Exchequer of us, our heirs and successors, at and of every such fifteenth so granted or to be granted, as is aforesaid the said sum of £500, and no more. And therefore for us, our heirs and successors, we do will and charge the Treasurer, Chancellor, and Barons of the Exchequer of us, our heirs and successors, and of every of them, for the time being, for ever hereafter, that they do, from time to time, receive and take of the collector and collectors of any fifteenth at any time heretofore to us granted and yet payable, and heretofore granted to us and hereafter to be paid, and hereafter to us, our heirs and successors, to be granted, all such bills and billets for the discharge of the said Barons of our said Cinque Ports, and of the said towns of Rye and Winchelsea, and of the members of them, and every of them, and of the resciantes of the said ports, towns, and members, and the advocants of the same ports and towns, and of every of them for the time being, of the sum of £500, part or parcel of every such fifteenth before this time granted and yet payable, and heretofore granted unto us and hereafter to be paid, and hereafter to us, our heirs or successors, to be granted, as well all those bills and billets that be, or hereafter shall be, under the seals of any of the Cinque Ports and towns of Rye and Winchelsea, or any of them, as all those which be, or hereafter shall be, under the seals of any of the members of the said Cinque Ports and towns, or any of them. And if the said bills or billets do or shall, at any time hereafter, of or for any fifteenth, amount above the said sum of £500, then for us, our heirs. And successors, we will and charge the said Treasurer, Chancellor, and Barons of the same Exchequer, and every of them, from time to time, to allow to the said collector and collectors of us, our heirs and successors, for the time being, for the said Barons of the said Cinque Ports and towns of Rye and Winchelsea, and their successors, and for their and every of their members, and the resciantes of the said ports, towns, and members, and the advocants of the said ports and towns, the said sum of £500 and no more. And then for us, our heirs and successors, we will and command that the said Treasurer, Chancellor, and Barons of the Exchequer of us, our heirs and successors for the time being, make as hasty process, as lawfully may be made against the said Barons of the said Cinque Ports, and of the said towns of Rye and Winchelsea, and their successors, for the levying of the 1000 marks by them to us, our heirs or successors, to be forfeited for their exceeding the said sum of £500, contrary to their said recognizance. And further, for us, our heirs and successors, we do will and charge all and every collector and collectors of us, our heirs and successors, of every fifteenth to us granted, or hereafter to us, our heirs and successors, to be granted, that they and every of them do receive of the said Barons of the Cinque Ports, and of the said towns of Rye and Winchelsea, and their successors, for them, their, and every of their members, and the resciantes of the said ports, towns, and members, and the advocants of the said ports and towns, all and every such bills and billets as have been, or hereafter shall be, tendered unto the said collector or collectors, or any of them, according to the purport and true meaning of these presents. And moreover for us, our heirs and successors, of our meer grace and certain knowledge, we do grant to the said Barons of the said Cinque Ports, and towns of Rye and Winchelsea, and of the members of the said ports and towns, and their successors, that neither they nor their successors, nor any of them, nor the resciantes of them, nor the advocants of the said ports and towns, or of any of them, or their successors, at any time hereafter by us, our heirs or successors, or by the Treasurer, Chancellor, or Barons of the said Exchequer of us, our heirs or successors, or by any collectors, or other officers or ministers of us, our heirs or successors, shall be distrained, impeached, impleaded, or molested, in anything contrary to the tenor and purport of these presents; although express mention of the true yearly value or certainty of the premises, or of any of them, or of any other gifts or grants by us or any of our progenitors to the aforesaid Barons of the said Cinque Ports, and of the said towns of Rye and Winchelsea, and their members, heretofore made, in these presents is not made, or any statute, act, ordinance, provision, or restraint, to the contrary made, ordained, or provided, or any other thing, cause, or matter to the contrary notwithstanding.”

James I confirmed all the previous Charters, at Westminster, January 30th, 1605.

Charles I did the same, at the same place, on June 16th, 1634.

Charles II granted the following Charter, dated at Westminster, Dec. 23d, 1668, and which begins thus:

“And whereas our town and port of Hasting, in our county of Sussex, and our towns and ports of New Romney (otherwise Romene), Hithe, Dover, and Sandwich, in our county of Kent, are, and time out of mind have been, the Cinque Ports of us and our progenitors, Kings and Queens of England; and whereas also our towns of Rye and Winchelsea, in Sussex, are, and from all the time abovesaid have been, ancient towns and within the liberties of the Cinque Ports aforesaid; and whereas also the town and lowey of Pevensey, and the town of Seaford, in Sussex, and the towns or places called Bulverhithe, Petit Iham, and Hidney, in Sussex, and the towns and places called Beaksbourne and Graunge (otherwise Grenche), in Kent, are, and from the time abovesaid have been, members of the said town and port of Hasting, and the town of Bromehill, in Sussex and Kent, and the towns of Lydd and Old

Romney, in Kent, and certain other towns or places, called Dengemarsh, Oswaldstone, or Orwelstone, in Kent, are, and from the time aforesaid have been, members of the same town and port of New Romney; and also the town of West Hithe, in Kent, is, and from all the time abovementioned hath been, a member of Hithe; and also the towns of Folkstone and Feversham, in Kent, and the towns and places, called Margate, St. John's, Goresend, Birchington-Wood (otherwise Woodchurch and St. Peter's in the Isle of Thanet, in Kent; and Kingsdown and Ringwolde, in Kent, are, and from all the time abovesaid have been members to Dover, and also the towns of Fordwich, Deal, Walmer, Ramsgate, and Stoner, in Kent; and Sarr in the Isle of Thanet, in Kent, and Brightlingsey, in Essex, are, and from all the time abovesaid, have been members of Sandwich; and also the town and hundred of Tenterden, in Kent, is a member of Rye. And whereas also the Barons and inhabitants of the aforesaid Cinque Ports, ancient towns, and their members, and their predecessors; and the mayor, jurats, and commonalty of Hasting, and their predecessors, and the mayor, jurats, and commonalty of New Romney, and their predecessors; and the mayor, jurats, and commonalty of Hithe, and their predecessors; and the mayor, jurats, and commonalty of Dover, and their predecessors; and the mayor, jurats, and commonalty of Sandwich, and their predecessors; and the mayor, jurats, and commonalty of Rye, and their predecessors; and the mayor, jurats, and commonalty of Winchelsea, and their predecessors; and the bailiff, jurats, and commonalty of the town and lowey of Pevensea, and their predecessors; and the bailiff, jurats, and commonalty of Seaford, and their predecessors; and the bailiff, jurats, and commonalty of Lydd, and their predecessors; and the mayor, jurats, and commonalty of Folkstone, and their predecessors; and the mayor, jurats, and commonalty of Feversham, and their predecessors; and the mayor, jurats, and commonalty of Fordwich, and their predecessors; and the mayor, jurats, and commonalty of Tenterden, and their predecessors; diverse liberties, franchises, privileges, jurisdictions, freedoms, and immunities, in times past, as well by reason of the abovesaid letters patents, above recited, and of several other charters and letters patents, by other our predecessors, Kings and Queens of England, to them and their predecessors before this time respectively given, granted, or confirmed, as by reason of diverse prescriptions and customs, in the same ports, towns, and members respectively used and accustomed, have had, held, and enjoyed, and yet have, hold, and use. We, considering that the Barons of the Cinque Ports, and the Barons of the ancient towns of Rye and Winchelsea, and the members of the said ports and towns, great services with their ships from time to time have performed and done to very many of our progenitors and predecessors; Kings and Queens of England, at their great cost, and to the great honour, and commodity of our progenitors and of our realm. And graciously and piously contemplating that the said Cinque Ports, ancient towns, and members of the same ports and towns, lie subject continually to the injuries, violences, spoils, and sudden oppressions of our enemies; also willing and greatly desiring that the navy of the said ports and towns, and members of the same, may not perish or fail (which without great charges and expenses cannot be sustained, charged, and maintained) but may be found the better and more ready to serve us, our heirs and successors; and that those Cinque Ports and ancient towns, and the members thereof, by more frequent recourse and access of people, may be made more strong and forcible, for the better safety and defence of the same and the country adjacent; also in consideration of the most grateful and acceptable service which the Barons of the Cinque Ports and ancient towns have done to us in our inauguration to the Crown of this our kingdom of England; as also in times past to our progenitors, Kings and Queens of England, at their coronations respectively, from all the time, whereof the memory of man is not to the contrary, have done and ought to do; and to our heirs and successors, Kings of England, at their coronation, according to their privilege and honour, ought to do; and we the several letters patents, as well of our famous predecessor, the aforesaid Lady Elizabeth, late Queen of England, as of the aforesaid, our most dear grandfather, and our most dear father; and all and singular in the same respectively contained and specified; also all and singular other donations, grants, charters, confirmations, and letters patents whatsoever, by any of our ancestors or predecessors, Kings or Queens of England, to the Barons of the Cinque Ports and their heirs, and to the men of the Cinque Ports, or to any calling themselves of the liberty of the same, and to the Barons of the Cinque Ports, their heirs and successors; and to the Barons of the Cinque Ports and members of the same; and to the Barons and good men of the Cinque Ports and their members, and to the mayors and jurats, bailiffs and jurats, or to the jurats of the Cinque Ports and their members, and of every and of any port and member aforesaid, by whatsoever names, or by whatsoever name, or by whatsoever incorporations, or by whatsoever incorporation, they have heretofore been, now are, or hereafter may be known, called, or named; all and singular the liberties, privileges, franchises, customs, immunities, freedoms, exemptions, jurisdictions, feasts, fairs, markets, tolls, tholls, stallage, piccage, custom, easements, fines, amerciaments, and other profits and hereditaments, in the said letters patents, or any of them (by these presents not revoked, diminished, or changed) contained or specified, and the same having ratified, and freely all and singular the same for us, our heirs and successors (as much as in us is), we do ratify, approve, accept, and confirm by these presents, as hitherto they have reasonably used them.

“And of our more abundant special grace, and of our certain knowledge and meer motion, we have given, granted, and confirmed, and by these presents for us, our heirs and successors, do give, grant, and confirm to the aforesaid Barons of the Cinque Ports and ancient towns aforesaid, and members of the same ports and towns, and to their successors respectively, that every mayor and jurats of every port of the aforesaid Cinque Ports, and their successors

respectively, within every port aforesaid, for every port aforesaid, and whatsoever other places or towns, and whatsoever other place or town, to any port aforesaid appertaining, or being a member of any port aforesaid, and not having within themselves, or within itself, a mayor or bailiff, by the commonalty of those places or towns, or of the same place or town elected, may have and hold before them, the said mayor and jurats, and mayor, and bailiff and jurats, and bailiff respectively in the place, within every such of the Cinque Ports, ancient towns, and members aforesaid, most convenient, in the days and times then respectively accustomed, one Court of Record. And that the same mayors and jurats, and mayors, and bailiffs and jurats, and bailiffs, and their successors respectively, in every court of those courts severally and respectively, may have and shall have, more fully and more freely than heretofore in the same they have had, full power and authority by these presents, of hearing and determining in the several courts aforesaid respectively, by plaint in the same to be levied, and to hold, all and singular, pleas of and upon all, and all manner of debts, accompts, covenants, contracts, trespasses by force and arms, or otherwise in contempt of us, our heirs, and successors, done, covenant, determine, contempt, deceit, withernam; and of and upon all and all manner of other actions, real, personal, and mixed, whatsoever complaints of assize, of novel disseisin or mortdancer, or of redisseisin, within every such port, and the bounds, limits, and precincts of the same port, and all other places or towns, and every other place or town to any of the ports aforesaid appertaining or belonging, or being member of any such port of the ports, where neither mayor nor bailiff is elected respectively, and within every ancient town aforesaid, and within the aforesaid town of Feversham, and within every other member aforesaid, and the bounds, limits, and precincts of such ancient towns, town of Feversham aforesaid, and other member aforesaid, respectively in any wise arising or to arise, or happening or to happen. And that the same mayors and jurats, and mayors and bailiffs, and jurats and bailiffs, and their successors respectively, upon such pleas, actions, complaints of assize of novel disseisin, or mortdancer, or of redisseisin in the said courts or any of them, moved or levied, or to be moved or levied, may have power, authority, and faculty, the person and persons against whom such pleas, actions, complaints of assize of novel disseisin or mortdancer, or of redisseisin, in the aforesaid courts, or in any of them, shall happen to be levied or moved, to draw and bring to plead by summons, attachments, or distresses to be directed to the serjeants at the mace of the same mayor and jurats, and mayor and bailiffs, and jurats and bailiffs, of every port, ancient town, and member of the ports and ancient towns aforesaid, or any of them respectively thereunto especially deputed or to be deputed, or to other ministers of the courts aforesaid, or of any of them; or by attachments of the body of the person or persons by such serjeants at the mace, or other ministers to be made, according to the law and custom of our kingdom of England, or the custom of every port or ancient town aforesaid, and of every member of the ports and ancient towns respectively, or according to the custom in any borough or any of our cities within our kingdom of England used and accustomed. And all and singular the aforesaid pleas, actions, complaints, and assize of novel disseisin, mortdancer, or redisseisin, to hear and determine in every court of the courts aforesaid respectively, and by such like process, considerations, judgments, and executions of judgments, to order and determine, by which the like pleas, actions, complaints of assize of novel disseisin, mortdancer, or redisseisin, by the law of our kingdom of England, in any of our courts, or by the custom in any such port, ancient town aforesaid, or in any member of the ports or ancient towns, or in any borough or city, or liberty within our said kingdom of England, are ordered and determined, or may be ordered and determined, at the liberty of the same mayors and jurats, mayors, bailiffs, and jurats, and bailiff's respectively, and executions and process of the judgment thereupon to make and execute by the aforesaid serjeants at the mace or other ministers aforesaid.

“And that every mayor, jurats, and commonalty of every of the Cinque Ports, ancient towns, and members aforesaid, where a member is and their successors respectively, and every bailiff, jurats, and commonalty, and the bailiff and commonalty of every member of the ports, where such bailiff by the commonalty of the said member is elected, and their successors respectively, may have and perceive, and shall have and perceive to their proper use and commodity respectively, all and singular fines, amerciaments, redemptions, issues, forfeitures, and other profits whatsoever of and in the courts aforesaid respectively growing, arising, happening, or contingent. And all and singular those fines, redemptions, amerciaments, issues, forfeitures, and profits to their own use and commodity respectively, from time to time, by their ministers, to levy, perceive, seize, and retain, by action or action of debt, or such other suits, actions, means, ways, and process, in any court or courts of record within the Cinque Ports or ancient towns, or members of the same, or any of them, to be had and prosecuted, by which such fines, amerciaments, redemptions, issues, forfeitures, and profits in any court of us, our heirs and successors, through our whole kingdom of England are wont, or may be levied, perceived, or recovered, without impediment of us, our heirs or successors, or any of our ministers whatsoever. And further, for the better regulating and governing of the Cinque Ports, ancient towns, and members aforesaid, of our special grace, and of our certain knowledge and meer motion, we have given, granted, and confirmed, and by these presents for us, our heirs and successors, do give, grant, and confirm to the same Barons and good men of the Cinque Ports, and ancient towns, and members of the same ports, and to their successors, that every mayor and jurats of every port of the Cinque Ports respectively, within the ports aforesaid, the bounds, limits, and precincts of the same, and also within all other places and towns, and every other place and town to any port appertaining or belonging, or being member of any port, in which places or towns, or in which place or town a mayor or bailiff is not elected by the

commonalty of those places or towns, or of the same place or town, and their successors respectively; and every mayor and jurats of the ancient towns of Rye and Winchelsea, and of every of the members of the ports and ancient towns, where a mayor is and their successors respectively; and also every bailiff and jurats of every member of the ports, where such bailiff by the commonalty of the same member is elected, and their successors respectively, within the ancient towns and members aforesaid, and the bounds, limits, and precincts of the same severally as above is limited, from henceforth for ever may be, and shall be, keepers of the peace and justices of us, our heirs and successors, to keep the peace of us, our heirs and successors. And every one of them may be, and shall be, a keeper of peace, and a justice of us, our heirs and successors, to keep the peace of us, our heirs and successors, within every of the Cinque Ports, ancient towns, members, and places aforesaid, and the liberties and precincts of the same, and every of them severally and respectively. And the same mayors, bailiffs, and jurats, and every of them, and their successors respectively keepers of the peace and justices of us, our heirs and successors, within the Cinque Ports, ancient towns, members and places aforesaid, and the liberties, bounds, limits, and precincts of them respectively, we do create, make, constitute, ordain, and confirm by these presents, and to keep, or to cause to be kept, all the ordinances and statutes for the good of the peace of us, our heirs and successors, and for preservation of the same, and quiet rule and government of the people of us, our heirs and successors, made, or hereafter to be made, in all and singular the articles thereof, within every of the Cinque Ports, ancient towns, members, and places aforesaid, and the liberties, bounds, limits, and precincts of the same, according to the force, form, and effect of the same. And to chastise and punish all delinquents there against the form of those ordinances and statutes, and every of them respectively delinquent as after the form of those ordinances and statutes shall be to be done. And all those which have threatened any of the people of us, our heirs and successors, concerning their bodies, or concerning the burning of their houses, to cause to come before the said mayors, bailiffs, and jurats respectively, to find sufficient security for the peace, or for their good behaviour toward us, our heirs and successors, and the people of us, our heirs and successors; and, if they shall refuse to find such security, to cause them to be kept safe in prison until they shall find such security. "And moreover we will, and for us, our heirs and successors, by these presents grant and confirm to the said mayors, jurats, and commonalties, bailiffs, jurats and commonalties, and bailiffs and commonalties, and their successors respectively, that every two or more of the aforesaid mayors and jurats, and their successors respectively within the ports aforesaid and the liberties, bounds, limits, and precincts of the same, and also within all other places and towns, and every other place and town, to any port aforesaid appertaining or belonging, or being member of any port, in which places or towns, or in which place or town a mayor or bailiff is not elected by the commonalty of the same places or towns, or of the same place or town (of whom we will the mayor or his deputy, for the time being, always to be one). And that every two or more of the aforesaid mayors and jurats of every of the ancient towns of Rye and Winchelsea, and of every member of the said Cinque Ports and ancient towns, where a mayor is and their successors respectively (of whom we will the mayor or his deputy always to be one). And every two or more of the aforesaid bailiffs and jurats of every member, when such bailiff by the commonalty of the same is elected, and their successors respectively (of whom we will the bailiff or his deputy to always to be one), within the ancient towns and members aforesaid, and the liberties, bounds, limits, and precincts of the same severally and respectively, from henceforth for ever may be and shall be justices of us, our heirs, and may have from henceforth for ever full power and authority to inquire by the oath of good and lawful men of the aforesaid Cinque Ports, ancient towns, and members of the same respectively, by whom the truth of the thing may the better be known, of all and all manner of felonies, murders, homicides, sorceries, enchantments, art-magic, trespasses, forestallings, regratings, ingrossings, and extortions whatsoever, and of all and singular other crimes and offences whatsoever, of which the justices of the peace of us, our heirs and successors, within the said Cinque Ports, ancient towns, and members of the same, or within any county of our kingdom of England lawfully may, or ought to inquire, and also of all those who, within the Cinque Ports, ancient towns, members or places aforesaid, have gone or rode in troops, or by force, armed, or hereafter shall presume so to go or ride, to the disturbance of the people of us, our heirs or successors, against the peace of us, our heirs or successors; and also of all those, who respectively there have, or hereafter shall presume to lie in wait to maim or kill the people of us, our heirs or successors; and also of hucksters, and all and singular those persons, who by abuse of weights and measures, or in the sale of victuals, against the form of the ordinances or statutes made, or to be made, thereupon, have trespassed, or attempted, or hereafter shall presume to trespass or attempt, within the Cinque Ports, ancient towns, members, or places aforesaid: and also of whatsoever constables, petty constables, keepers of the gaol, and other officers and ministers, which, in the execution of their offices, unduly have behaved themselves, or hereafter shall unduly behave themselves, or have been, or hereafter shall be, careless, remiss, or negligent, within the Cinque Ports, ancient towns, members, or places aforesaid; and of all and singular articles, circumstances, and other things whatsoever, by whomsoever, and in what manner soever, within the Cinque Ports, ancient towns, members, or places aforesaid, done or committed, or which hereafter there respectively shall happen to be done or attempted, in any manner of wise, concerning the truth of the premises, or any of them more fully: and the indictment whatsoever so before the said mayors and bailiffs or their deputies, and the jurats or their successors, respectively taken or to be taken, or before other our late justices of the peace within the said Cinque Ports, ancient towns, and members of the same, and not yet determined, to inspect and to direct, make, and

continue the process thereon, against all and singular so indicted; or whom before the said mayor or his deputy and jurats, bailiff, or his deputy and jurats, or their successors respectively, hereafter shall happen to be indicted, and those who may be taken or render themselves to their proper ministers, and to hear and determine all and singular felonies, murders, homicides, sorceries, enchantments, divinations, magic-art, trespasses, forestallings, regratings, ingrossings, extortions, unlawful assembly, and indictments aforesaid and all and singular other the premises, according to the laws and statutes of our kingdom of England, made, or hereafter to be made; and those delinquents, and every of them, for their crimes, by fines, ransoms, amerciaments, forfeitures, and otherwise, as according to the law and custom of our kingdom of England or the form of the ordinances and statutes aforesaid, made, or hereafter to be made, hath been accustomed, or ought or shall be due to be done, to chastise and punish, and to do, execute and perform all other things within the said Cinque Ports, ancient towns, and their members, so fully, freely, and perfectly, and in as ample manner and form as the justices of us, our heirs and successors, to keep the peace of us, our heirs and successors, in the counties of Kent, Sussex, and Essex, or in any of them, or in any other county within the realm of England, by virtue of any commission, Act of Parliament, statute, law, or custom, or in any other lawful manner, whatsoever, heretofore have done, performed, or executed, or hereafter may or can do, perform, or execute, and in as ample manner and form as if all those things, in these our letters patents, specially, and by special words had been contained, declared, recited, or expressed.

“And that every two or more of the aforesaid mayors and jurats of the Cinque Ports, and of the ancient towns of Rye and Winchelsea (of whom we will the mayor, or his deputy for the time being, to be one), and every two or more of the aforesaid bailiffs and jurats of every member of the same (of whom we will the bailiff, or his deputy for the time being, to be one), from time to time henceforth for ever may be and shall be justices of us, our heirs and successors, to deliver the gaols within the Cinque Ports, ancient towns, members, and other places aforesaid respectively, from time to time, according to the laws and customs of this our kingdom of England, of the prisoners in the same being and to be. And every two or more of the same mayors, bailiffs, and jurats, and their successors respectively (of whom we will the mayor and bailiff, or his deputy for the time being, always to be one) justices of us, our heirs and successors, to deliver the gaols within the aforesaid Cinque Ports, ancient towns, members, and places, from time to time, according to the custom of this kingdom of England, of the prisoners in the same being to deliver, we do create, constitute, make, ordain, and confirm by these presents, and to do, execute, and perform all things whatsoever from time to time within the aforesaid Cinque Ports, ancient towns, members, and places respectively, so fully, freely and perfectly, and in as ample manner and form as the justices of us, our heirs and successors, in the aforesaid counties of Kent, Sussex, and Essex, and in any of them or in any other county within the realm of England, by virtue of any commission, act of parliament, statute, law, or custom, or in any other lawful manner whatsoever, heretofore have done, performed, or executed, or hereafter may or can do, perform, and execute, to deliver the gaols, and in as ample manner and form, as if all things, in these our letters patents specially, and by special words, had been contained, declared, recited, or expressed.

“And that none other justice of us, our heirs or successors, assigned, or to be assigned to keep the peace of us, our heirs and successors, within the counties of Kent, Sussex, and Essex, or any of them, nor any justice of us, our heirs or successors, to inquire, hear, and determine divers felonies, trespasses, and other crimes, or assigned or to be assigned, to deliver the gaols within the counties of Kent, Sussex, and Essex, or in any of them; nor any sheriff, under sheriff, coroner, escheator, nor any other officer of us, our heirs or successors, of the said counties of Kent, Sussex, and Essex, or any one of them, to do, act, or perform any thing or any things within the aforesaid Cinque Ports, ancient towns, members, or places, may hereafter in any wise intermeddle, nor have or exercise any authority or jurisdiction of any causes, things, or matters whatsoever, to the justices of us, our heirs and successors, assigned or to be assigned, to keep the peace, or to inquire, hear, and determine divers felonies, trespasses, and other offences, or to deliver the gaols in any wise appertaining, belonging, or incumbent, or which hereafter shall happen to appertain, belong, or be incumbent within the said Cinque Ports, ancient towns, members, and places, for whatsoever cause, or in whatsoever time they shall arise and happen.

“And that every mayor, bailiff, jurat, and commonalty of every of the Cinque Ports, ancient towns, and members aforesaid, and their successors respectively, may have and perceive, and shall have and perceive, to their proper use and commodity respectively, all, and all manner of fines, issues, redemptions, amerciaments, forfeitures, and profits whatsoever, before the aforesaid justices of us, our heirs or successors, to keep the peace, also to inquire, hear, and determine divers felonies, trespasses, and other offences, or to deliver the gaol within the said Cinque Ports, ancient towns, members, and places, and before every or any of them respectively, from time to time, for ever hereafter, to be assessed, forfeited, adjudged, growing, happening, or arising, and all the same by their proper and several ministers, to their proper use respectively, they may levy and perceive, without any estreat thereof to be made into the Exchequer of us, our heirs or successors, and without any impediment of us, our heirs or successors, or our ministers whatsoever.

“We will, notwithstanding, and our intention is and by these presents, for us, our heirs and successors, we do grant and confirm to the aforesaid mayors, bailiffs, jurats, and commonalty,

and their successors respectively, that every mayor, bailiff, and jurat aforesaid, which now is, or hereafter shall be, respectively, before he or they be admitted to the execution of the office of justice of the peace, by virtue of these our letters patents, or of the aforesaid letters patents of our said dear grandfather King James, such corporal oath upon the Holy Evangelists, to execute that office in and by all things faithfully, shall and may make from time to time in such manner and as by the constitution and ordinance thereupon to be made by the aforesaid mayors, bailiffs, jurats, and commonalties, or the greater part of them respectively, in this behalf shall be constituted and ordained, without any other warrant, writ, or commission to be procured or obtained from us, our heirs or successors; that is to say, that every mayor and bailiff, which now is or hereafter shall be respectively, from time to time such oath shall and may make before the said jurats, which now are, or hereafter shall be, or two or more of them respectively; and that every jurat which now is or hereafter shall be, from time to time such oath before the said mayors and bailiffs, which now are, or hereafter shall be respectively, shall and may make without any other warrant, writ, or commission, from us, our heirs or successors, to be procured or obtained, the which said constitutions and ordinances, from time to time, to ordain and make, to the said mayors, bailiffs, jurats, and commonalties, and to their successors respectively, full power and authority for us, our heirs and successors, we give and grant by these presents.

“And moreover we will, and by these presents for us, our heirs and successors, do give, grant, and confirm to the said mayors, bailiff, jurats, and commonalties, and to their successors respectively, that the said mayors, bailiffs, and jurats, which now are, or hereafter shall be respectively, from time to time, from henceforth for ever, and every of them, may have full power and authority to administer such oath, as aforesaid to all and singular the persons now elected, or hereafter to be elected into the office of mayor, bailiff, or jurat of the Cinque Ports, ancient towns, or members aforesaid, or any of them respectively, without any other warrant, writ, or commission from us, our heirs or successors, in that behalf to be procured or obtained.

“And further we will, and by these presents for us, our heirs and successors, grant to the said mayors, bailiffs, jurats, and commonalties, that if it shall happen that any mayor or any bailiff at any time or times hereafter so labour with sickness or infirmity, or of any other just and reasonable cause to be detained or rendered unable, that they or he cannot intend the office of mayor and bailiff, and the necessary affairs thereof at present, or for any reasonable cause go forth of the port, ancient town, or member aforesaid, that then and so often, it may and shall be lawful to every mayor and bailiff, for the time being respectively, to make and constitute one of the jurats of the same port, ancient town, and member, where the same mayor or bailiff shall be, to be the deputy of the same mayor or bailiff so, as aforesaid, labouring with sickness or infirmity, or for cause reasonable, so absent, detained, or rendered unable, which said deputy may be and shall be deputy of the said mayor or bailiff from time to time, so often and as often as the said mayor or bailiff respectively shall happen so to labour with sickness or infirmity, or of other reasonable cause to be detained or rendered unable, or be absent as aforesaid, during all the time in which the said mayor or bailiff should have continued in the office of mayor or bailiff respectively; except, in the mean time, the said mayor or bailiff shall make or constitute another jurat his deputy, and that every such deputy, so to be made and constituted, all and singular the things, which to the office of mayor or bailiff respectively appertain, or ought to appertain, to be done and executed from time to time during which time he shall be and continue deputy of the said mayor or bailiff, may do and execute by force of these letters patents, so fully, freely, and perfectly, and in as ample manner and form, as the mayor or bailiff aforesaid, if he were present, might or could do them (a corporal oath upon the Holy Evangelists by such deputy first to be taken, before one or more of the other jurats, well and faithfully to execute all and singular the things, which appertain to the office of deputy) and so often and as often as the case shall so happen.

“And moreover we will, and by these presents for us, our heirs and successors, grant and confirm to the same mayors, bailiffs, jurats, and commonalties, and to their successors respectively, that every such one or more of the jurats, from time to time, from henceforth for ever, may have full power and authority to give and administer such corporal oath upon the Holy Evangelists, as is above said, to every deputy of the mayor or bailiff in such case as aforesaid to be constituted without any writ, commission, or further warrant in this behalf from us, our heirs or successors, to be procured or obtained.

“And furthermore, that the Barons of the Cinque Ports and ancient towns, and the members of the same ports and towns, their service, of their ships aforesaid, to us, our heirs and successors, more commodiously may do in times opportune; and also for the better ruling, governing, and supporting of the said Cinque Ports and ancient towns and members of the same, we do grant and confirm to the same Barons and to their successors, and to the aforesaid mayors, bailiffs, jurats, and commonalties and to their successors, for the service of their ships aforesaid, to us, our heirs and successors, to be done or for the liberty, franchise, customs, privileges, and charges of every port and ancient town, and of every member of the ports and ancient towns aforesaid respectively, to be maintained and defended; as also for whatever necessity, and for the officers of the said ports, towns, and members, or any of them respectively, as above limited; that every mayor, bailiff, jurats, and commonalties respectively, in and upon themselves, and all other the inhabitants and residents within every such port, the bounds, limits, and precincts of the same, and within whatsoever other places or towns, or whatsoever other place or town, to any port aforesaid appertaining, or being a member of any

such port; and upon all and singular lands, rents, and hereditaments; and also in and upon all and singular goods, chattels, and merchandizes of all and singular the inhabitants and residents, or occupiers and tenants of any such lands or hereditaments, may set down, assess, and impose, from time to time, as often as to them it shall seem necessary, reasonable and rateable taxations, scot, shot, and lot, tallage, and the reasonable taxations, commonly called common fines, impositions, and sums of money to be paid within certain times, or within a certain time, by them respectively limited and ordained thereunto, and to be perceived and levied by them respectively, of the inhabitants and residents aforesaid, or of the goods, chattels, and merchandizes, lands, rents, and hereditaments aforesaid respectively, by distress and sale of the same, or imprisonment of the bodies of the persons aforesaid, and every of them upon whom such taxations, scot, lot, shot, tallage, taxations, called common fines, impositions, and sums of money as aforesaid, may be, or shall be put, imposed, or assessed, or otherwise by action and actions of debt in any Court of Record of the said Cinque Ports, ancient towns, or members of the same, against such person and persons respectively, to be prosecuted, or in other legal manner whatsoever, to be recovered and obtained, as to them shall seem best; without any impediment of us, our heirs or successors, justice, or other minister of us, or our heirs or successors, whatsoever; to have, hold, and enjoy, all and singular the premises aforesaid above, by these presents granted or confirmed, or mentioned to be granted or confirmed to the aforesaid Barons of the Cinque Ports and ancient towns, and members of the same, and to their successors; and to the aforesaid mayors, bailiffs, jurats, and commonalties, and to their successors respectively for ever; rendering and doing to us, our heirs and successors, so many, so much, such, the same, and such like fee-farms, services, rents, sums of money, and demands whatsoever, as to us or our predecessors heretofore have been or are due, accustomed, or payable. Wherefore we will, and by these presents for us, our heirs and successors, firmly enjoining, command that they, the aforesaid Barons of the Cinque Ports and ancient towns, and members of the same, and their successors; also the mayor, bailiffs, jurats, and commonalties of the same, and their successors, and every of them and their successors respectively, may have, hold, use, and enjoy for ever, all and singular the liberties, authorities, jurisdictions, franchises, freedoms, lands, tenements, feasts, fairs, markets, tolls, tholls, customs, and privileges aforesaid, according to the form and tenor of these, our letters patents, and other grants to them made, without action or impediment of us, or our heirs or successors, the justices, sheriffs, escheators, or other bailiffs or ministers of us, our heirs and successors, whatsoever. Unwilling that they or their successors, or any of them, by us or our heirs, the justices, sheriffs, escheators, or other bailiffs or ministers of us, our heirs or successors, whatsoever, by action against the liberties or franchises aforesaid, or any of them, should be actioned, molested, vexed, or grieved, occasioned, or in anything disturbed; we will, and by these presents commanding and charging, as well our Treasurer, Chancellor, and Barons of our Exchequer at Westminster, and other justices of us, our heirs and successors, as our Attorney and Solicitor General, for the time being, and every of them, and all other our officers and ministers whatsoever, that neither they or any of them, any writ or summons of quo warranto, or any other writ or writs, or process of us whatsoever, against them or any of them, for any causes, things, matters, claims, or offences aforesaid, or any of them respectively, due, claimed, attempted, used, had, or usurped, in the time of the late apostacy and defection, or at any other time before the day of the making of these presents, may prosecute or continue, or may or shall, or any of them may or shall, make or cause to be prosecuted or continued. Willing also, that they or their successors, or any of them, by any of the justices, officers, or ministers of us, our heirs or successors, in or for the due use, claim, or abuse of any the liberties, franchises, or jurisdictions aforesaid, in the time of the aforesaid apostacy and defection, or at any other time before the day of making these our letters patents, be not hindered or molested, or compelled to answer to the same, or anything thereof. Provided always, and our royal intention is, that these our letters patents, or anything in them contained, may not in anything be prejudicial to the warden or keeper for the time being of the aforesaid Cinque Ports, ancient towns, and members of the same, as to any jurisdictions, authorities, liberties, or privileges, within the aforesaid Cinque Ports, ancient towns, and members of the same, heretofore lawfully used and exercised. Provided also, that these letters patents, or any thing or things in the same contained or mentioned, extend not, or in anywise be extended, to confirm, strengthen, establish, approve, or ratify certain letters patents, or any thing or things in the same contained or mentioned, made by the Lord Henry late King of England the Sixth, bearing date under his great seal of England, the 28th day of November, in the 25th year of his reign, to the mayor of the town of Feversham, and to the Barons and commonalty of the same town, and to their successors, or by whatsoever other name of incorporation heretofore made or granted, or mentioned to be granted; nor to confirm, strengthen, establish, approve, or ratify any liberties, franchises, immunities, privileges, exemptions, grants, thing or things whatsoever, in the same letters patents of the said late King Henry the Sixth, given, granted, confirmed, contained, specified, or mentioned, nor any other letters patents whatsoever, as to the confirmation, corroboration, or approbation of the aforesaid letters patents of the said late King Henry the Sixth, or of any thing or things in the same letters patents of the said king contained or mentioned, any thing in the patents to the contrary notwithstanding.

“And furthermore, we will, and by these presents for us, our heirs and successors, ordain, and firmly enjoining, command, that all and every the mayors, bailiffs, jurats, recorders, coroners, common clerks, constables, and all other officers and ministers of the aforesaid Cinque Ports, ancient towns, and members of the same, and every of them respectively, and their deputies;

also all our justices, to keep the peace of us, our heirs and successors, within the same Cinque Ports, ancient towns, or their members, or any of them, by virtue, or according to the tenor of these our letters patents, or of any other letters patents or Charters heretofore made, now constituted, or hereafter to be nominated, elected, or constituted, before they, to the execution or exercise of the office or offices of the place or places to which they are now so respectively nominated, appointed, elected, or constituted, or hereafter shall be nominated, elected, or constituted, be admitted, or in any wise intermeddle in that behalf, or any of them intermeddle respectively, they shall take, and every of them shall take, as well the corporal oath, commonly called the oath of obedience, as the corporal oath, commonly called the oath of supremacy, upon the Holy Evangelists, before such person or such persons, as to give and take such oaths by the law and statute of this our kingdom of England, are at present appointed and designed, or hereafter shall be appointed or designed.

“And furthermore, we will, and by these presents for us, our heirs and successors, ordain and declare, that when from henceforth any election shall be made of any person or persons whatsoever into the office of recorder, or into the office of common clerk of any of the ports, towns, members, or places aforesaid, other than such like person and persons, which now in such office and offices, or in either of them respectively now officiate, if we, our heirs or successors, by any writing or warrant under the sign manual of us, our heirs or successors, shall declare and signify to the Barons of the Cinque Ports aforesaid, or to the mayor, jurats, and commonalty, or bailiff and commonalty of the ports and ancient towns aforesaid, and their members, or to the other officers and members of the ports, and those towns and members of the same respectively, to whom such election and elections respectively appertain to be made, the non-approbation of us, our heirs or successors, of such person or persons respectively so elected, to officiate in such office or offices, to which he or they shall be so, as aforesaid, respectively elected; that then, and so often, and from and after such declaration and signification in form aforesaid made, the election and elections of such person and persons, even so, as aforesaid, not approved, are void and of none effect. And that from thenceforth it may and shall be lawful to the Barons of the Cinque Ports and members of the same; or to the mayors, jurats, and commonalties of the ports and ancient towns aforesaid, and members of the same; or to the bailiffs, jurats, and commonalties, or bailiff and commonalty of the ports and those towns and members of the same, or to any or which of them respectively, to whom such election and elections respectively appertain to be made, another good and discreet man, or other good and discreet men, able for the exercise of the office or offices aforesaid, to which he or they shall be respectively nominated and elected, into the place or places of such person or persons so, as aforesaid, elected and, afterward, not approved, to elect, nominate, and swear, according to the tenor of these presents, and of other letters patents and grants of any of our progenitors in the behalf heretofore made, and so often as the case shall happen (any thing in these presents contained, or any other thing, cause, or matter whatsoever to the contrary thereof in anywise notwithstanding), although that express mention of the true yearly value, or of the certainty of the premises, or of any of them, or of the other gifts or grants by us, or by any of our progenitors or predecessors, to the aforesaid Barons of the Cinque Ports, and to the mayors, jurats, and commonalties, bailiffs, jurats, and commonalties, and bailiffs and commonalties, of the same Cinque Ports, ancient towns, and members of the same, and to their successors, before these times made, in these presents be not made, or any statute, act, ordinance, provision, proclamation, or restriction to the contrary thereof heretofore had, made, set forth, ordained, or provided, or any other thing, cause, or matter whatsoever, in any wise notwithstanding. In witness whereof these, our letters, we have caused to be made patents.”

All the above Charters have been extracted from Jeake's work, entitled, 'The Charters of the Cinque Ports, Two Ancient Towns and their Members,' the highest authority, now extant, on the subjects to which it relates. It was written in 1678, but, the author dying in 1690, it was not printed until 1728, when the publisher observes, "No considerable alterations have happened in the limits of the ports since that time (1678), except the incorporation of Deal." Previous to that time Jeake mentions Deal as a member, but not corporate, to Sandwich; whereas now it was made a corporation the same as Folkstone and Feversham had before been in connexion with that Cinque Port.

James II granted a Charter to the Cinque Ports in the fourth year of his reign, A.D. 1688, as some say, while others assert that he only issued a proclamation confirming to them all their original rights and privileges. But whether Charter or proclamation, this, we believe, was the last confirmation of them, for, after this time, great alterations took place both with regard to the services originally performed by, and the usages and customs of, the Cinque Ports, ancient towns, and their members.

Having thus gone through all the Charters, we now proceed to our Glossary, explanatory of many of the obsolete words contained therein:

ACCOMPTS. Actions against bailiffs, receivers, guardians, &c. to render a reasonable account of their services.

ACTIONS. Real, are such as touch the freehold or real estate; personal, such as reach the person or his moveable (called personal) estate mixed, are such actions as are partly real and partly personal.

ADMINAL. From the Saxon, Aen mere al, "On all the sea." Now as to all the sea coasts along which the ports lie, the admiralty thereof is common to the warden of the ports, and he is called Warden, Chancellor, and Admiral of the Cinque Ports, the two ancient Towns, and their Members. According to which titles are the courts held before him, viz. As Warden, the Court of Shepway; as Chancellor, a Court of Chancery or Equity; and, as Admiral, a Court of Admiralty both which latter are usually kept at the Church of St. James the Apostle, at Dover.

ADVOCANTS. These were men that did not inhabit the ports, but dwelt elsewhere in the foreign, and contributed to the maintenance of the ports' shipping; whereupon, by consent of the ports, they enjoyed with the ports' men several privileges and freedoms, as to their persons, lands, and goods. They agreed with such port or ancient town as they lived nearest to, or liked best, what particular sums of money yearly, or otherwise, to contribute, and so called themselves of the liberties of the ports, and from thence afterwards were called advocants. Of these Rye, in the 27th year of Henry VI, had no less than thirty-five; some of which paid, yearly, six shillings and eightpence; some, three shillings and fourpence; and some but two shillings. Afterwards, in the declining state of the ports, they fell off, when the ancient liberties and enjoyments were either or both curtailed, or more chargeable to keep than to let go; whereas, before, so many were desirous to be advocants, that in the 13th of King Henry VI, A.D. 1434, by decree of the brotherhood, each port was restrained to take no more advocants than they then had, without licence of that court of brotherhood. See Chamberlain's Acts.

AID. In the sense of the law, this means the assistance given to the king from the people in money generally, to the carrying on of his public affairs, especially to the making of his eldest son a knight, and the marriage of his eldest daughter.

AMBIDEXTRIES. In law, ambidexters signify such jurors, or embraceers, as take of both parties for the giving of their verdict; the forfeit thereof is ten times as much as was taken.

AMERCIAMENT. From Merci, Fr., "Mercy;" because it ought to be assessed mercifully. Here it seems equivalent to a fine imposed for some offence committed, whereby their liberties might be seized, or fall into the hands of the king. ANCESTORS and PREDECESSORS. Both in their personal and political capacities.

APOSTACY. A falling away, and sometimes rendered rebellion, intending the time from January 30th, 1648 (the day of the execution of Charles I), to May 25th, 1660 (the day of the restoration of Charles II); and this clause is tantamount to a pardon for any act then done unduly.

ART MAGICK. Including all conjurations, necromancy, &c.

AIZE OF NOVEL DISSEISIN. A wrongful dispossessing one that is actually seised of a freehold. An assize of disseisin is a writ brought by such a one, as is lately so dispossessed, to recover bis seisin.

BADONS. Freemen of the ports.

BILLA, BILLETS. The little bill, or writing, sealed with the seal of office of the town or port receiving any of the said allowance, testifying that such persons as are named in the bill are barons of that town or port, and pay to the service of shipping, were taxed in such a place, at such a sum as is therein mentioned.

BLOODWTT. An amerciament for shedding blood.

CARRIAGE. Nothing to be demanded for carriage of goods through forests, or other ways leading through the king's grounds, or for the duty or service of carrying corn, huy, &c., by the tenure of their lands, or money paid in stead thereof.

CHAMPERTIES. In common law, is a maintenance of any one in a suit depending, upon condition to have part of the thing (be it land or goods) when it is recovered. For this, champertor is to be fined by the Statute anno 33, Edward I.

COMBARONS, COMBONS. Fellow-freemen.

COMMONALTIES. Commons of the realm, members of parliament. The freemen of the ports assembled with their mayor and jurats, or bailiffs and jurats. CONCEALMENTS. The keeping possession unjustly of lands belonging to the crown, though by pretence of some other title thereto. Or rather here concealments of jurors. Stat. 3D Henry VII, cap. 1.

CONTEMPTS. Wilful refusal to abide a lawful trial, or to appear when duly summoned in order

CUSTOM. A toll, tax, or charge, usually collected in cities, market towns, or manors, in their fairs or markets, or other common selling places, for the sale of goods, wares, or merchandises. The usage of the ports in former times.

DECEIPTS. Falsities in selling lands or goods, wherein the vendor hath no title or property, whereby the purchaser is deceived; and all cheating and cousenage whatsoever.

DEN. A valley, or low place. Meaning here the liberty the fishermen have to beet, or mend, and to dry their nets, at Great Yarmouth, Norfolk, upon marsh lands there, yet called the Dennes, during all the berring season.

DETINUE. Where goods delivered, to be kept for the use of another, are refused to be redelivered when demanded.

EASEMENTS. Water ways. A right of drainage.

ESCHEATORS. Officers of the king that inquired after land escheated, that is, fallen into the king's hands.

EXEMPTIONS. Exempt from all services in counties, such as musters, sessions, assizes, &c.

EXIGENT. A Writ, which lieth where a man sueth an action personal, and the defendant cannot be found, and bath nothing within the county whereby he may be attached, and which then goeth forth to the sheriff to make proclamation in five counties, every one after another, that he appear, or else that he shall be outlawed; and if outlawed, all his goods and chattels be forfeit. It also has other applications.

EXTORTIONS. An unlawful or violent wresting or wringing money or money's worth by any officer, by colour of his office, of or from any person, either not due, or more than is due, or before it is due. Millers taking excessive toll, and some other such like offences, may be referred hitber.

FIFTEENTH. A tax, so called from its being the fifteenth part of that sum of money at which any city or town had last been valued.

FINDALS. Treasure-trove. Anything found and not having an owner, which, out of the ports, belongs to the king.

FOREIGN TENURE. If a man, free of the ports, have lands in the foreign (that is, out of the ports), he shall not be compelled, or drawn out of the ports, to serve in juries in the country.

FRANKPLEDGE. The court leet is so called, and entered in the rolls. It signifies a free pledge or surety, or a pledge or surety for freemen.

FREE CUSTOMS. Ancient usages.

GILD. (Gelt, Dutch, "Money.") A tribute paid for servile customs, as Hornegeld, for every horned beast; Danegeld, levied by or for the purpose of paying the Danes not to harass the country.

GROUNDAGE, or TONAGE. A fee to be paid for their ships lying aground, or at anchor, in any of the king's havens or harbours.

HELP. See Aid.

HIDAGE. The tax laid upon every hide of land, which some call a plough-land; but what was its exact quantity seems very uncertain.

HUCESTERS. Such innkeepers, victuallers, and others, that sell victuals by retail, which they bought in gross, or buy in great quantities, and sell out by small parcels,

IMMUNITIES. Freedoms or liberties from any charge or burden; equivalent to exemptions.

INCHANTMENTS. Charms by incantation; that is, by singing.

INFANGTHEFT. (From In-Fangan, Sax., "To seize, and Thief.") The power to judge a thief, or felon, taken within their precincts.

INGROSSER. One who getteth into his bands, by buying, contract, or promise, and taketh (other than

by demise, lease, or grant of land, or of tithe) any corn growing in the fields, or other corn or grain, butter, cheese, fish, or other dead victual, within England, to the intent to sell the same again. Statute 6th of Edward VI. Inhabitants. Such as are not freemen, but reside within their precincts. Inquisitions. A general word for inquiries made by juries.

INTEND. To attend.

JURATS. (From Juro, Lat., "To serve;" because they take an oath to assist the head officer of the place, whether mayor or bailiff, in administering justice to poor and rich righteously.) Magistrates.

KATAGE. A toll or duty paid to the maintenance of a common quay or wharf, for the landing or shipping of goods.

LASTAGE. A certain custom exacted in fairs and markets, for carrying of things where a man will. Jeake derives it from a last, which he says is accounted two tons weight. A last of corn is ten quarters, and, if of wheat, will weigh about two tons. A last of herrings, fresh, is ten thousand; of red, or dried herrings, twenty thousand; of pilchards, ten thousand; of wool, twelve sacks; of leather, ten score; of hides or skins, twelve dozen; of pitch, tar, or ashes, fourteen barrels; of gunpowder, twenty-four firkins, each one hundred pounds weight. Lor. The same as scot and shot. Statute 33 Henry VIII.

LOVECOPERFREE. (From Love-Cope, Sax., "Trade or Merchandize, Free.") The liberty of free trade, or trading for love.

LOWEY, or LOWAY, quære Low-WAY. The land thereabout being marsh and low grounds.

MAINTENANCES. Where any giveth to another, that is plaintiff or defendant in any action, any sum of money, or other thing to maintain his plea, or else extremely laboureth for him when he has nothing to do therewith. A writ lieth against such party. Lord Coke defines it to be the taking in hand, bearing up, or upholding of quarrels and sides, to the disturbance and hindrance of common right in court or country."

MAYNOUR. (From Manu Opera, "Works in hand." When a thief is pursued, and caught with the goods he has stolen, in hand.

MORTDANCESTER. (Mort de Ancestre, French, "Death of an Ancestor ") A writ one may have after the death of his immediate ancestor, when father, mother, brother, sister, uncle, or aunt, die seized of lands or tenements, and a stranger ahatheth, that is, entereth into the said lands or tenements, and keepeth out the heir.

MURAGE. (Murus, Latin, "A Wall.") A toll paid towards the walling of a town. Also supposed to extend to the repairing of public edifices.

OATH OF OBEDIENCE. Now called Oath of Allegiance.

OUTFANGTHEFF. (Out Fangan, Sax., "To Seize. Thief.") The power to take a thief, who has stolen within the precincts and escaped out of them, to bring him back, and then try and judge him.

PANNAGE. The running of hogs in forests, woods, c., in acorn time, for which some persons paid; but the ports' men are free from any toll on that account. PARCEL. Part of, and consequently equal to, the Cinque Ports, applied to the two ancient towns.

PASSAGE. Money required for passing to and fro of persons or goods in common shores, landing-places, or such like; or freedom of tenants from paying money towards the passage of their lords by land or water.

PEINAGE. (Pois, French, "A Weight.") A toll for using the king's weigh-house, or common beam.

PICAGE. Money exacted in fairs for picking or breaking up the ground, to set up booths or standings.

POSSIGE, PONTAGE A toll paid, or labour done, to the repair of a bridge; or for the passage over one. From Pons, Lat., "A Bridge."

QUIET. Quit, or free.

REDEMPTIONS. Ransoms which are legally great sums of money paid for redeeming of great delinquents from some heinous crime, who are to be kept in prison till they pay them.

REPISSSEISIN. A writ whereby a person who has got possession of an estate through an assize of novel disseisin, may he again dispossessed.

REGRATINGS. The buying of goods, and the reselling of them in the same market, RESCIANTS, RESIDENTS. Those who dwelt in the ports, but were not freemen. RESTRAINT. Prohibition.

RESTRICTION. Prohibition.

RIGHT PRISE. (Prise, Fr., "Taken,") Prisage of wine was a custom whereby the king claimed out of every bark laden with wine, less than forty tuns, two tans of wine at his own price.

RIVAGE. A toll paid for coming into a barbour and unlading their vessels at common quays or wharfs. Jeake derives it from arrive. Vessels arriving in a harbour having to pay this toll. May it not rather be from Rive, Norman, Ripa, Latin, A Bank

SAC. Both a plea and correction of trespass of men in their courts, and all fines and forfeitures for the same. Some say it signifies the power to impose and receive fines for fighting, wounding, shedding of blood, &c., and to redress affrays and assaults by punishing the offenders.

SCOT. A customary contribution laid upon all subjects after their ability. Stat. 33 Henry VIII, cap. 19. (Escot, old Fr.)

SCUTUM. (Scutage, Lat., "A Shield.") The service of the shield, used sometimes for knight's service. A service, whereby a tenant so holding is bound to follow his lord into the Scottish or Welsh wars. Lord Coke says no scutage or escuage hath been assessed since the eighth year of Edward II, A.D. 1314. Wales was annexed to England by Edward 1; his son, Edward II, having been the first Prince of Wales. Hence there were no more Welsh wars of any consequence after this time.

SHOT. See Scot.

SINISTER. Wrong. (From Sinister, Lat., "Left Hand ;" which, among the Romans, was considered unlucky.)

SOC, SOCK, SOK. The suit of men in their courts, according to the custom of the realm. It derived from Soc, old Fr., "A Plough," then it means the service of the plough, being an old tenure of land held of some lord, on the condition of ploughing, or such like husbandry labour.

SORCERIES. Witchcrafts, or poisonings.

STALLAGE. Money paid for pitching or setting up stalls in fairs or markets. STOCKS. See Thewe.

STRAY. Properly cattle, or such animals, that wander and stray from the known master.

STREPE (to Strip) implies as much as ruin, spoil, depopulation, destroying, taking away, and bereaving the lands and tenements of what can be taken therefrom to make advantage of.

STROND. A shore or landing-place; here taken for the liberty the fishermen have to come to the quay at Yarmouth, and deliver their herrings freely all the season.

SUBSIDIES. Aid or assistance, tax or tribute assessed by Parliament, to be levied on every subject, according to the value of his lands or goods, most commonly after the rate of four shillings in the pound for land, and two shillings and eightpence for goods, &c.

TALLAGE. The payment of taxes, tenths, fifteenths, and subsidies granted in Parliament,

TENTH. A tax levied on cities and towns, being a tenth part of their goods and moveables.

TERRAGE. See Groundage.

THEM. (From the Saxon, Theme, or Theame, signifying the power which lords have over their villains, or natives, with their lands and goods.) The generation of all their villains, or bond-servants, with their suits and cattle, wheresoever they shall be found in England.

THOL, TROLS. Freedom from homage to any lord but to their sovereign lord the king. A toll for goods bought in a fair, market, &c.

THEU or THEW. (Theu, Sax., "A Bondman.") Stocks, in which are confined, or bound, certain delinquents.

TOLL. Duty paid for goods, wares, or merchandizes, bought or sold, which have been set or landed upon wharfs or common grounds. TREASURE-TROVE. See Findals,

TROOPS. An unlawful assembly of persons met together for the purpose of doing some illegal act, although they are prevented from accomplishing their object. TUMBREL A dang cart, wherein the person worthy of his punishment is carried about, and dirt thrown upon him by any people who like to do so.

UTFANGTHEFF. See Outfangtheff

WAIFE, WAIVED. Goods found, but not claimed by any one. Also goods stolen and thrown away by the thief in his flight.

WARDSHIPS. The guardianship of the heir of an estate while under age. If the ward or heir refuse to be married, the superior lord shall have the value of the marriage; and if, while under age, he marries himself against the will of the lord, then the lord shall have double the value of the marriage.

WASTE. See Strepe.

WINES. See Right Prise.

WITTFREE. Amerciament free; that is, being amerced in any court, they shall pay nothing for it.

WITHERNAM. If goods, distrained and impounded, be replevied and afterwards carried away to places unknown, a writ of withernam may issue to take other goods of the party.

WRECKFREE. This implies a double privilege. If the portsmen's vessels were wrecked, none of their goods could be seized; but if others were wrecked on their coasts, they had the benefit of the same.

YEAR, DAY, and WASTE. In case of murder and some other felonies, if the person committing the same were a tenant in fee-simple of lands in gavel kind, held of the king in free socage, and were condemned to death, the lands would descend to the heir, and not to the king; still the king shall have, for the space of a year and a day, the profits of the lands and tenements of such felon, and may commit what waste and strepe he pleases, within that time, in the buildings and timber.

YEARLY VALUE. Words of course in charters, where lands, tenements, or rents are granted, and so more formal than material here.

YEELDHALL. The same as Guildhall. The Y and G, in Saxon, seem to have been transmutable letters, as here Yeeld is changed into Guild, while Gise is turned into Yes.

It is a well known historical fact, that Charles II, about the year 1684, compelled all the corporations to surrender their Charters into his hands, and which he did not, in many instances, regrant, without receiving large sums of money for the favour, and then, in some cases, not without depriving them of some of their privileges.

Whether the same measure was meted out to the Cinque Ports, ancient towns, and their members, there is a diversity of opinions; we venture to believe that these Charters formed an exception to the general rule, and that if they were surrendered, as some say, into the hands of Colonel Strode, the then governor of Dover Castle and warden of the Cinque Ports, they were soon returned to the ports, unshorn of any of their fair proportions; and we have come to this conclusion from the following circumstances. The general Charter of Charles II bears date in 1668, being eight years after he ascended the throne; so that it was not the result of a sudden ebullition of joy, arising out of his return to England as a monarch, after a weary banishment of nearly twelve years; and having been thus granted, on due consideration, it does not seem probable that he would have revoked them in the short space of sixteen years. Again, although Jeake completed his work on the Charters in 1678, he lived to the year 1690, being six years. After the surrender of the Charters (if they were surrendered), and five years after the death of Charles II, and yet he adds nothing to show us that they had been seized by the king, which it is fair to suppose he would have done, had such been the case: nor can it be objected that it was then too late to add any remarks, as the work had been previously completed, for, though certainly written, it was not published until the year 1728. This omission on the part of Jeake is a still stronger evidence in favour of our opinion, that, if surrendered, at all events the new Charters did not abridge any of the privileges contained in that of 1668, which in some points gave new privileges and only interfered with the old in the mode of electing the town clerk, to which we shall allude more at large, —

when we come to the examination of that particular Charter. Jeake, as a Nonconformist, had, during the Commonwealth, enjoyed all the privileges of a freeman of the town of Rye, and was town clerk of the same; but, by the Act of Charles II, which compelled all freemen to take the oath of supremacy, he lost those privileges, and therefore had no reason to speak well of Charles II, but on the contrary had every inducement to condemn his conduct, and would in all probability have not failed to avail himself of so favorable a point of attack as the abridgment of the ports' privileges would have afforded him. Lastly, we have already seen that Jeake's work was not published until 1728, being 43 years after the death of Charles II; and when not only this monarch had paid the debt of nature, but also four of his successors, viz. James II, William III, Anne, and George I, so that if Jeake was restrained from speaking out boldly on the subject, from his having lived too near to the time of its accomplishment, the publisher of his work had no such excuse to plead, and though his complete silence on the matter would have been no positive proof either one way or another, still when we see the following words in the advertisement prefixed to the work, we may safely conclude, that if the Charters were surrendered they were speedily restored in all their integrity. "No considerable alterations have happened in the limits of the ports since that time (that is, the writing of these Charters), except the incorporation of Deal."

Since writing the above, we are happy to say we have been able to clear up this point, and show from undoubted testimony that it was James II, and not Charles II, who compelled the ports to surrender their Charters. James was a most tyrannical and unconstitutional king. During the reign of his brother he was appointed lord warden of the Cinque Ports. He came to the throne on February 6, 1685, and on April 3 following, he issued his mandate "as Lord Warden" to all the ports, whereby he nominated one representative for each port, and which mandate was complied with. On August 25, of the same year, we find by the assembly-book of that date that Rye had been already called upon to surrender her Charters, the circumstance being thus noticed: "At this assembly discourse was had about surrendering unto the king's sacred Majesty all the liberties, franchises, privileges, and immunities, but it was referred to another assembly."

"September 1, 1685. At this assembly it is unanimously ordered and decreed (nomine contradicente), that for divers weighty causes, and good considerations, all the liberties, privileges, franchises, and immunities whatsoever belonging to this town and port of Rye, and to the Barons, inhabitants, and free men thereof, and which now are or ought to be, or at any time heretofore were enjoyed by them, either or any of them, either by the general Charter to the Cinque Ports, ancient towns, and their members, or by any other private and particular letters patents or Charters whatsoever, or by any custom, prescription, or otherwise howsoever, together with all and every such Charter and Charters and letters patents (if any may or can be found), together also with all the lands and tenements, rents, and profits whatsoever (belonging to this corporation) within the liberties of this town and elsewhere, be forthwith humbly yielded up, surrendered, and granted unto our Sovereign Lord James II (by the Grace of God) King of England, &c., to be had and holden to the said Sovereign Lord the King, his heirs and assigns for ever, and that such surrender and grant be forthwith prepared and ingrossed by the town clerk (with apt words) and produced at the next assembly."

It was also ordered that Mr. Mayor, Mr. Edgar, jurat, and Mr. Stretton, town clerk, should carry the said surrender (when sealed), and humbly present the same to his Majesty in the name of the corporation. The mayor and the jurat, each to receive fifty shillings, and the town clerk forty shillings to defray their expenses

Two days after this (September 3) the surrender was produced at an assembly, and having been openly read twice distinctly, was sealed with the common seal of the town, in order to be presented to his Majesty, after which the following copy of the surrender was recorded in the assembly-book÷

Know all men, by these presents, that we, the mayor, jurats, and commonalty of the ancient town and port of Rye, in the county of Sussex (of the liberties of the King's Majesty's Cinque Ports), having no private or particular letters patents or Charter from his Majesty or any of his Majesty's most noble predecessors, kings and queens of this realm, to our knowledge (for which we have made diligent search and inquiry) for divers good causes and considerations us hereunto especially moving, at a full assembly of us holden this day in the Guildhall of the said town and port, by our unanimous consent and assent, have surrendered and yielded up; and by these presents do freely, fully, and absolutely surrender and yield up unto our Sovereign Lord James II, by the Grace of God, of England, Scotland, France, and Ireland, king, defender of the faith, &c., all and singular our liberties, privileges, franchises, and immunities whatsoever belonging to the said town and port; and to the Barons, inhabitants, and freemen thereof, or to either or any of them, and which now are or ought to be or at any time

heretofore were had and enjoyed by them either or any of them; either by the general Charter to the Cinque Ports, ancient towns, and their members, or by any private and particular letters patent or Charter whatsoever; or by any custom, prescription, or otherwise howsoever; together also with all and every our Charter and Charters (if any such may be found) by which we have or ought to enjoy the said liberties, franchises and immunities, or any of them. And also we, the said mayor, jurats, and commonalty for the considerations aforesaid, by like consent and assent have granted and surrendered, and by these presents do fully, freely, and absolutely grant and surrender unto our said Sovereign Lord King James and his successors, all and singular our lands, tenements, rents, and profits whatsoever, situate, lying and being within the liberty of the said town and port, or elsewhere to be had and holden to our said Sovereign Lord King James II, his successors and assigns for ever. In witness whereof, we the said mayor, jurats, and commonalty of the aforesaid town and of Rye have caused our common seal to be hereunto affixed. Dated at Rye aforesaid, this third day of September, in the year of the reign of our Sovereign Lord James II (by the grace of God) of England, Scotland, France, and Ireland, King, Defender of the Faith, &c., anno domini, 1685.”

At the same meeting the following petition was read and ordered to be recorded, viz:

“To the King’s most excellent Majesty.-The humble petition of the mayor, jurats, and commonalty of your Majesty’s ancient town and port of Rye, in the county of Sussex.

“Showeth that your petitioners, being highly sensible of your Majesty’s abundant grace and favour to them, and being conscious to themselves, that they may have transgressed in the government of the said town, have therefore surrendered to your Majesty all their Charters, liberties, privileges, and immunities whatsoever.

“Humbly beseeching your Majesty, out of your accustomed grace and clemency, to be graciously pleased to grant, restore, and confirm to them their said franchises and liberties, with such alterations and restrictions, as to your Majesty, in your princely wisdom, shall seem meet.”

On September 28th, 1685, we find the following entry, viz.: “This corporation having surrendered unto his Majesty all their franchises, &c.; and having petitioned his Majesty for the restoration of the same, it is this day taken into consideration how money shall be raised to defray the charge of our new Charter; and it is thereupon thought fit and accordingly ordered, that a letter be prepared and sent forthwith to our honorable burgesses, praying their favour, that they will please at present to deposit so much money, as will be sufficient to defray the said charge (which is supposed will amount pounds or thereabout), and that this corporation shall give them such security for repayment thereof as they shall require.”

The corporation again met on November 9th of this year, and entered the following in their books: “At this assembly it is considered how money shall be raised, to defray the charge of passing his Majesty’s particular Charter, to be granted to this corporation; and also the proportion of this town towards the charge of his Majesty’s public Charter, to be granted to the Cinque Ports, two ancient towns, and their members; and, considering the great charge thereof, it is disputed whether it be needful to have such particular Charter, since this corporation never had any such particular Charter formerly (to our knowledge); but it being again considered what privileges advantages may happily be granted by such particular charter, as that this whole parish of Rye may be incorporated hitherto never was), and that this corporation may have power thereby to make a certain yearly rate, scot, or imposition on all the inhabitants and all the occupiers of lands, &c., within the liberty of this corporation (not exceeding twelve pence in the pound) towards defraying the public charge thereof. It is thereupon ordered, by this assembly, that a letter be forthwith sent to the honorable the governor of Dover Castle, concerning the premises, praying his answer; and that if it appeared by his answer that such privileges will graciously be granted by his Majesty, that then this corporation will speedily raise money to defray such charge both of such private and public Charter, as is aforesaid.”

The next allusion to the Charter is on October 7th, 1686, when Charles Crouch, Esq., mayor, was elected and chosen to go to a meeting of the ports, held at Dover, the 12th instant, to consult of several matters and things relating to the renewing of the grand Charter.

At this meeting, at Dover, it would seem that the various preliminaries were settled, and the new Charter was to be forthwith granted, as at an assembly, held November 6th, 1686, “It was ordered that the chamberlain do take up, upon interest, for the use of this corporation, the sum of twelve pounds, to remit to Mr. Kennet, of Feversham, the ports solicitor, for and towards the renewing of the grand Charter, there being to be raised in the ports and members immediately, by order of the ports meeting

at Dover, on Oct. 12th last, the sum of £138 (viz.), that is to say, of every one of the ports and two ancient towns twelve pounds; of every member, except Seaford, eight pounds; Seaford six pounds.”

Notwithstanding the above order, seeming to imply the settlement of the question of the Charter, there still seem to have been difficulties in its way; for, on February 29th, 1687, Charles Crouch, Esq., mayor, and Mr. John Spaine, a freeman, were chosen to go to a general meeting of the ports, two ancient towns, and their members, to consult of such matters and things as will be offered towards inserting and renewing the general Charter.

From this time we can trace nothing further respecting the Charter, but we may conclude that the general or grand Charter was now renewed, and that no particular one was granted for the town of Rye alone, whence it results that Rye never had a Charter of incorporation, but that it was a corporation by prescription.

Although Charles II, in his general Charter, alluded to various others, granted by his predecessors, Edward the Confessor, William I, William II, Henry II, Richard I, John, and Henry III, still it is not till we come to that of Edward I, dated on June 17th, 1277, that we find any particularization of the various rights and privileges, which the Cinque Ports had enjoyed from the time of Edward the Confessor, in whose reign they are supposed to have had their origin. And the reason of this omission probably was the loss of many of the Charters, to which allusion is made by Queen Elizabeth in the one granted by her, in these words: “And whereas divers of the most ancient Charters and letters patents, made to the Barons of the said Cinque Ports, in that behalf, as also in the inolment of the same, by length and tract of long time and many ages, or otherwise, are perished and utterly worn out, lost, or decayed.”

Before reverting to the contents of the first Charter of Edward I (for he granted three altogether), we must offer a few preliminary remarks, to the effect that although this little work professes to be a history of Rye, yet this is so mixed up with that of the Cinque Ports in general that it is impossible, at all times, to keep them separate. Thus, the Charters being granted to the whole of the Cinque Ports and ancient towns collectively, it was necessary to insert them at length, as it was not possible to extract a part relating to Rye alone. Out of this arises the necessity of going back to the origin of the Cinque Ports, and showing what they were and why they were endowed with such great privileges. The south-eastern coasts of England have always been the most vulnerable parts, for we find that so far back as the time of the Romans, the Saxons made their incursions here; it was in these parts also that the Danes annoyed the Saxons, when, after the departure of the Romans, they became the masters of the country; and here the Normans made their landing when, by the battle of Hastings, they succeeded the Saxons.

To prevent these incursions, the Romans established the five fortresses of Regulbium, near Reculvers, at the north-west angle of the Isle of Thanet; of Rutupia (the modern Richborough), near Sandwich, at the south-east corner of the same; of Dover, of Lim, and of Anderida, all in the county of Kent. Over these was placed an officer to command, called the Count of the Saxon Shore. This took place in the fifth century. Some have supposed (and very reasonably, as we think) that these five forts were the origin of the Five Ports or Cinque Ports. Here were five forts erected for the express purpose of defending the south-eastern coasts from the incursions of foreign foes; and six hundred years afterwards Edward the Confessor incorporated the same number of ports in the same south-eastern coast, and, wherever the unaltered state of the country would allow, some of the very same places, as thus, Sandwich took the place of Rutupiæ; Dover retained its original position; Hythe succeeded to Lim; while Romney and Hastings were selected to supply the loss of Regulbius and Anderida, from the latter of which the sea had then considerably receded. And it is rather singular, as still marking this as a vulnerable part of the kingdom, that in this present year (1844) a commission has been issued by the Government for the express purpose of selecting the best situations on this very south-eastern coast, for the formation of harbours of refuge, into which vessels may run at all times of tide, for protection from contrary winds and storms, and also in time of war from capture by the enemy, for the attaining of which latter object the commissioners are particularly directed to choose such localities as may offer good capabilities of defence.

Thus we see that, during a period of fourteen hundred years, this coast has been and is still the weak point of the kingdom. We have seen Reculvers, Richborough, Lim, and Anderida superseded by Sandwich, Hythe, Romney, and Hastings (to which were afterwards added Rye and Winchelsea), and now these in their turn bid fair to be replaced by some spots at present more favoured by nature, and which may enjoy their new privileges, until, in the lapse of ages, they may be compelled to yield to some more fortunate rivals. Of all the places above enumerated, Dover has remained the least changed,

and, should a harbour of refuge be formed there, bids fair to retain her proud pre-eminence for many ages yet to come.

Having thus endeavoured to trace out the early origin of the Cinque Ports, we will proceed to the consideration of the services which the Barons and good men were called upon to perform, in return for the valuable privileges with which they were endowed, and then of those privileges themselves.

Edward the First, in his first Charter, says, "Know ye, that for the faithful service which our Barons of the Cinque Ports have hitherto done to our predecessors, Kings of England, and to us, in our late army of Wales, and for their good services to us and our heirs, Kings of England, faithfully to be continued in time to come." Further, "so also that the said Barons and their heirs do to us and our heirs, Kings of England, yearly their full service of fifty-seven ships, at their costs, for fifteen days, at the summons of us or of our heirs."

There was also another service required of the Barons, which was to attend on the King and Queen at their respective coronations, when they held the canopy over their heads; but, though attended doubtless with some expense, the honour might be considered as counterbalancing the service.

Though Edward I recognizes the land services of the ports before those of the sea, we shall first notice the latter, as being, undoubtedly, of the greatest importance. It was for the sake of these that, owing to their maritime situation, they were elected.

The ports were to find fifty-seven ships, but of what sort of ships they were, what was their build, their rig, or their tonnage, we have unfortunately but little information, and this far from complete, to guide us. And this is the more to be regretted, when we may fairly conclude that Jeake might have gratified our curiosity on this head; for having been born in 1623, that is, two years before the accession of Charles I, in the second year of whose reign, A.D. 1626, the ports fitted out two serviceable ships, he must have had an opportunity of seeing them, and as in 1588, and again in 1595, they had fitted out five ships, he might even have seen them, or at all events, might have conversed with some of the men who had served in them. But as he died and made no sign, we must content ourselves with such meagre materials as we are able to collect. On one side of the town seal of Rye, and also on a small coin, which issued from the mint of the same place, in the year 1668, is engraved a ship in full sail. She has three masts and is square-rigged, with a high poop and a high prow, at the former stands a man bearing a banner, while the former is turned up round without any bowsprit. In this respect it resembles the vessel engraved on the coin of Edward III, called a rose noble, and the still more ancient galleys of the Romans. If the ship engraved on the seal and coin of Rye is to be considered as a fair representation of the sort provided by this town, still it cannot be taken as that of all the other Cinque Ports, for on the seal of Winchelsea is engraved a vessel with only one mast, with the head and stern both turned up very high, and in each of which there seems to be a kind of tower or castle, a wooden building with an embattled top, from which the fighting men of the ship, whether armed with bows, spears, or arquebuses, discharged their weapons at their foes; and it is from these castles that the modern name of fore-castle is applied to the fore part of a vessel to distinguish it from what was formerly the stern or after-castle. In the engraving of the large ship, which Henry VII built, called the Great Harry, and said to be the first ship the State ever possessed, are represented four large castles, two in the fore and two in the after part, though neither extend so far forward as the bows nor so far aft as the stern.

The seals of Hythe and Romney exhibit respectively a ship similar to that of Winchelsea. A picture of a sailing ship in the thirteenth century exhibits only one mast and one large sort of lug-sail, the head and stern both turned up high, with no rudder and no bowsprit; a man at the bows is rowing for the purpose, I suppose, of steering her. The common seal of Truro, in Cornwall, which was incorporated by King John, bears a ship very similar to that of Rye. She has three masts, square rigged, a very high stern, with a standard placed thereon, a very low head, and no bowsprit.

From these few particulars we must leave our readers to draw their own conclusions, only observing that it does not appear from these that the Cinque Ports were confined to any one uniform standard in the ships with which they served the sovereigns of the country.

On receiving a summons of forty days from the king, the ports were to assemble at the rendezvous named, and there serve him with their fifty-seven ships for the space of fifteen days, at their own expense; and if the king detained them beyond this time, then he was to pay them. Each ship was to carry a master, a constable, twenty-one men, and a boy. To this service the ports were once liable every year.

Originally these ships were found by the Five Ports in the following proportions:

Town	Ships	Officers	Men	Boys	Total
Hastings	21	42	441	21	504
Dover	21	42	441	21	504
Sandwich	5	10	105	5	120
Hythe	5	10	105	5	120
Romney	5	10	105	5	120
Total	57	114	1197	57	1368

This account differ Winchelsea and Rye were endowed with the privileges they were attached to Hastings, to assist her in finding her twenty-one ships; and when certain members were added to the different ports, the account stands thus in the 14th of Henry III, A.D. 1229: viz.

Town	Members	Ships
Hastings	(Seaford, Pevensea, Bulverhithe, Hydney, Iham, Beaksborne, Grench and Northye)	6
Winchelsea		10
Rye		5
Romney	(Old Romney, Promhill, Lyd, Oswaldstone, and Dengemarsh)	5
Hithe	(West Hithe)	5
Dover	(Folkstone, Feversham, Margate)	21
Sandwich	(Fordwich, Reculver, Sarre, Storrey, and Deal)	5
Total		57

Town	Members	Ships
Hastings	(Seaford, Pevensea, Bulverhithe, Hydney, Iham, Beaksborne, Grench and Northye)	6
Winchelsea		10
Rye		5
Romney	(Old Romney, Promhill, Lyd, Oswaldstone, and Dengemarsh)	5
Hithe	(West Hithe)	5
Dover	(Folkstone, Feversham, Margate)	21
Sandwich	(Fordwich, Reculver, Sarre, Storrey, and Deal)	5
Total		57

This account differs from the former, in a number of members added to the Cinque Ports, in the erection of Winchelsea into ancient towns endowed with the same privileges as the Cinque Ports, and finding fifteen out of the twenty-one ships originally found by Hastings alone. In the fact of Old Winchelsea fitting out ten ships, we discover the strong but only proof we have ever met with of the importance of this ancient town; for that the Winchelsea here mentioned is the old town is clear from the fact that New Winchelsea was not founded until the year 1282, being 53 years after the date of the account here above given.

As we are now discussing the contents of the Charter of Edward I, we ought not, according to the strict rules of chronology, to add anything more at present, on the subject of the sea service of the Cinque Ports, ancient towns, and members; but as our readers may probably prefer an unbroken and succinct history of this branch of our work, we shall proceed at once to bring it down to the present time, and then dismiss it altogether.

The above proportions have been sometimes changed by the portsmen themselves, who have consented, at the same time, to a surplusage of five ships and a half; and under this arrangement the several Cinque Ports, ancient towns, and corporate members found the ships as under, viz.:

Town	Ships
Hastings	3½
Winchelsea	5
Rye	4
Romney	3½
Hithe	5
Dover	20
Sandwich	10½
Subtotal	51½
Seaford	1½
Pevensea	1½
Tenterden	3
Lydd	3
Folkstone	½
Feversham	1
Fordwich	½
Subtotal	10½
Total	62

This arrangement must have taken place some time subsequent to the time of Edward IV; in the latter part of whose reign Tenterden was united to Rye. And as this is stated by Jeake to be the last account which he had seen, we must leave it thus, unable to say exactly how long it lasted.

In the general Charter of Charles II are mentioned the names of the Cinque Ports, the ancient towns, and their members, distinguishing which of the latter are corporate and which are not; and which are as follows, viz.:

Cinque Ports	Members	Ships
Hastings	Pevensea and Seaford are corporate	Bulverheith, Petit Iham, Hidney,
Beakesbourn, Grench,	are not corporate	5
Romney	Lydd is corporate	Promehill, Old Romney, Dengemarsh, Oswaldstone, not corporate
Hithe	West Hithe not corporate	5
Dover	Folkstone and Feversham are corporate	Margate, St. John's, Goresend,
Birchington, Wood (or Woodchurch),	St. Peter's, Kingsdown, Ringwould; are not corporate	21
Sandwich	Fordwich is corporate	Walmer, Deal, Ramsgate, Stoner, Sarre, Brightlingsea; are not corporate
Ancient Towns		
Rye	Tenterden is corporate	to 5
Winchelsea		10
Total		52

Between the date of the account in the time of Henry III and this, being a period of 439 years, we find that Pevensea and Seaford were incorporated with Hastings, Lydd with Romney, Folkstone and Feversham with Dover, Fordwich with Sandwich, and Tenterden was made a member, and corporate to Rye.

From the former list of members attached to Hastings we find the name of Northye is withdrawn. To Dover, on the contrary, are added the following new members, viz. St. John's, Goresend, Burchington Wood, or Woodchurch, St. Peter's, Kingsdown, and Ringwold. To Rye, Tenterden; and to Sandwich, Ramsgate, Walmer, and Brightlingsea, while from the latter is withdrawn Reculver.

Having thus seen what the services were that were demanded of the ports, we will proceed to show at what times, and in what manner, they were performed.

Jeake observed, and justly, as we think, that it was the opinion of many that one of the duties imposed upon the Cinque Ports was that of guarding the narrow seas from pirates infesting the coasts, and that they were thus employed at times is evident from the following extract from Inglis's 'Channel Islands,' viz.: "Subsequently to the reign of Edward III Sark became a nest of pirates, who were long the scourge of these seas; but an expedition against them was fitted out from Rye and Winchelsea, and the pirates and their vessels were destroyed, and from that period until the reign of Edward VI the isle was again uninhabited."

A.D. 1215. King John, in his retirement in the Isle of Wight, was almost forsaken of all his kingdom, save the ships and mariners of the Cinque Ports, with which he secured himself till he recovered all again.

A.D. 1217. In the beginning of the reign of Henry III the ports armed forty tall ships and put them to sea under the command of Hubert de Burgo (then warden of the Cinque Ports and commander of Dover Castle), who, meeting with eighty sail of French ships coming to aid Lewis (the French king's eldest son), gave them a most courageous encounter, wherein he took some, sunk others, and discomfited the rest.

In 1223, 1225, and 1226, Henry III received great assistance from the ports, having written to them to fit out double their proper number of ships, promising, at the same time, that this should not hereafter be considered a precedent.

In 1293 or 1294, in the reign of Edward I, one hundred sail of the ports navy fought at sea with a great fleet of French ships, of whom (notwithstanding great odds) they slew, took, and sunk so many that France was thereby for a long season after, in a manner, destitute both of seamen and shipping.

In 1336, being the tenth of Edward III, the navy of the ports, together with other vessels taken up for that service, under the command of Geffrey de Say, admiral of the sea, from the mouth of the Thames to the southern and western parts, defended the sea and hindered the bringing of succours from foreign parts to the king's enemies in Scotland.

In August, 1350, there was a memorable sea fight off Winchelsea, when Edward III and his son, the Black Prince, defeated a greatly superior fleet under Don Carlos de la Cerda; though nothing is here said about the Cinque Ports ships being engaged, we can have no hesitation in concluding that the English fleet consisted chiefly of these, as the king possessed no other at the time.

In 1372, being the forty-sixth of Edward III, the Earl of Pembroke having set sail with an army on board his fleet, for Bordeaux, was intercepted at sea and taken prisoner with his whole army by Henry, king of Castile. It was to this fleet we suppose the following circumstance to relate: "Sir Robert de Plumpton having, in obedience to the king's wishes, embarked on board his fleet, was suddenly seized with a serious illness, which rendered him unable to pursue his voyage, in consequence of which he requested to be put on shore at the town of Rye, as more fully appears by the letters of Simon Burgh, constable of Rochester Castle, sent to the Court of Chancery, on the receipt of which a writ was issued to the mayor and bailiffs of Rye to exonerate him from blame, and instructing them to allow him, together with John Heton, his esquire, and his two valets, to return home with all his equipage unmolested."

In 1386 and 1387, being the tenth and eleventh of Richard II, the Ports navy was ordered to assemble at Sandwich.

In 1406, the sixth of the reign of Henry IV, the navy of the Cinque Ports, commanded by Henry Paye, surprised one hundred and twenty ships belonging to the French, all laden with no worse merchandize than salt, iron, and oil.

In 1415, Henry V captured Harfleur, and, if we may judge from the accompanying document, the Ports ships were engaged in the expedition, and especially those belonging to Rye, when the king, being short of money to pay them, left certain jewels in pawn with the mayor, bailiff, and commonalty, until such

time as he was able to pay their wages.

In 1421, the ninth of Henry V, the fleet was summoned to be ready at Sandwich.

In 1436, the fourteenth of Henry VI, the Ports had summons to fit out their whole number of ships, to be ready at Winchelsea by the Feast of St. George, which is April 23.

The fitting out of this fleet might be the reason of Henry VI granting the pardon to the town of Rye in the following year, 1437, though what the inhabitants had done to incur his Majesty's displeasure, so far as to make this pardon necessary, there is nothing on the face of it to show.

“Henry, by the grace of God, King of England and France, and lord of Ireland. To all bailiffs and their sureties to whom the present letters shall come, greeting: Know ye, that we of our special grace, and at the special requisition of the Commons of our kingdom of England, in our last parliament, and also with the assent of the lords spiritual and temporal, in the same parliament being, have pardoned and released the mayor, bailiff, and commonalty of our town of Rye, by whatever names they are recognized, of all kinds of transgressions, offences, misprisons, contempts, and impeachments, by them done and performed, before the second day of September, in the tenth year of our reign, against the form of the statutes ‘de libertatibus panuorum et capiciorum’ from whence punishment might ensue, as a fine and redemption, or as other pecuniary penalties or imprisonments, notwithstanding the statutes aforesaid. And moreover, of our mere motion, we have pardoned the same mayor, bailiff, and commonalty, the suit of our peace, which belongs to us, against them for all kinds of treason, murders, rapes of women, rebellions, insurrections, felonies, conspiracies, and other transgressions, offences, neglects, extortions, misprisons, ignorances, contempts, concealments, and deceptions, by them, before the said second day of September, in any manner soever done or performed. And also outlawries, if any such were proclaimed against them on these occasions, and thereof to them we grant our sure peace. On condition, however, that the same mayor, bailiff, and commonalty be not counterfeiterers of (our) mixed money, and multipliers of the coinage, and washers of the gold and silver coined in our mints, and clippers of our money, informers, or common or notorious thieves or felons who have been guilty of perjury. So notwithstanding that they may stand right in our courts, if any one should wish to charge anything against them, in respect to the premises, or any of them. And further, we have pardoned and released to the same mayor, bailiff, and commonalty all kinds of escapes of felons, chattels of felons, and of fugitives, chattels of outlaws and of felons of themselves, deodands, wastes, impeachments, and all kinds of articles of journey, destructions and transgressions of vert or venison; sale of woods within and without forests, and of any other things whatsoever, before the said second day of September, within our kingdom of England and parts of Wales, arising or arisen, from whence punishment might ensue in the demand of debts, or in fine and redemption, or in other pecuniary penalties, or in the forfeiture of goods and chattels, or in imprisonments or amerciaments of the commonalties of rills, or of individual persons, or in the occupation of the freehold of those who have never transgressed, as of heirs, executors, or tenants of lands belonging to escheators, sheriffs, coroners, and other such kind of persons, and in all that which to us against them may pertain, for the causes above mentioned; and also all kinds of gifts, alienations, and purchases, by them, of lands and tenements, holden in capite of us, or our progenitors, formerly Kings of England; and also the gifts, alienations, and purchases in mortmain, made and had without our royal license. Also all kinds of intrusions and entries, by them, in their inheritance made, in part or in whole, after the death of their ancestors, without the due prosecution of the same, out of the royal hand, before the same second day of September; together with the issues and profits thereof in the mean time employed. And we have also pardoned and released to the same mayor, bailiff, and commonalty all kinds of fines adjudicated, amerciaments, issues, forfeitures, felonies, scutages; and all kinds of debts, accounts, arrears of farms, and of accounts before named, to us, before the day of our coronation. In England, in any manner soever, due and pertaining, excepting altogether all kinds of debts and accounts due (and) belonging to us, which, by force of our letters patent, or of our writs of privy seal, exist, either by establishments or assignments held in regard, from the first day of the kingdom of England. And moreover, we have pardoned and released to the same mayor, bailiff, and commonalty all kinds of actions (and) demands, which we, alone or in conjunction with other persons or person, could have had against them before the aforesaid day of our coronation. And also outlawries proclaimed against them for any of the causes above mentioned. And furthermore, we have pardoned and released to the same mayor, bailiff, and commonalty all kinds of penalties, before the said day of our coronation, forfeited before us or before our council, chancellor, treasurer, or any of our judges, for cause; and all other penalties, as well to us as to our most dear father, deceased, for any cause, before the aforesaid day of our coronation, in like manner forfeited, and to be levied for our behoof, and all kinds of securities of the peace, before the same day of our coronation, forfeited. Excepting only the entries and intrusions, on the lands and

tenements, upon our possession, in our demesne, as of fee or as of freehold, by the same mayor, bailiff, and commonalty made; also the escapes of all prisoners soever, and other persons or person, from our officer; of record committed or delivered to be kept in prison; and all kinds of transgressions and offences for the obtaining or reception of apostolic bulls, against the form of the statutes, before these times passed; and also as well the transgressions which our widows, being of noble station and dignity, have done in marrying; as those committed by their husbands, in contracting marriage with them, without our licence, so that the present pardon and release, as far as relates to the premises or any of them, may not operate to the loss, prejudice, or derogation of any other person, than ourself, alone. And moreover of our special grace, and at the requisition aforesaid, and also with the assent aforesaid, we have pardoned and released to the same mayor, bailiff, and commonalty all kinds of the duties of wars, and wagers of wars, and the third (redemptions), and the thirds of the third redemptions of prisoners taken in war, and of all other kinds of profits of war, to the Lord Henry, late King of England, our father, up to the day of his decease, by the same mayor, bailiff, and commonalty lately due, also all kinds of jewels, which were of our same father, to the same mayor, bailiff, and commonalty, for the security of the wagers of war, for the voyages of our said father, against the town of Harfleur, and parts of France and Normandy, delivered, and to us pertaining or belonging, unless to the same mayor, bailiff, and commonalty satisfaction and contentment shall be made by us, within the year next following, after the twenty-seventh day of May last past, of all that for which those jewels were so delivered; so always that the same mayor, bailiff, and commonalty may not in future, in any manner, demand or be able to demand, of us or our heirs, any other debts, securities, regards, demands, or burdens, for wars or the wagers of wars, to them, by reason of any retinue of war with our said father, or of any other cause of war, for the voyages aforesaid competent, or to become competent, except the debts, securities, regards, demands, and burdens to them; for the custody of the castle and town, roads, and marches there, in the time of our said father competent; but that we (and) our said heirs of those debts, securities, demands, and burdens, if any such were towards the before-named mayor, bailiff, and commonalty, may be acquitted, and for ever al-together exonerated; in witness whereof we have caused these our letters to be made patent. Witness, ourself, at Westminster, the twenty-seventh day of July, in the fifteenth year of our reign.

”By the King himself in parliament.

”STOPYNDON.”

In 1444, being the twenty-third of Henry VI, the town of Sandwich set out five ships to fetch Queen Margaret out of France.

On May 23, 1448, the town of Sandwich, by command of the King, Henry VI, sent out one ship for four months' service. On July 18th, in the same year, the same town sent out another ship for the same time.

At a later period in the same reign the navy of the Ports were set out to fetch Queen Margaret and the Prince out of France.

On May 26, 1475, the Cinque Ports navy attended in the Downs for the purpose of transporting King Edward IV and his army into France, they having come to Sandwich for this end.

In May, 1491, being the seventh of Henry VII, the Ports navy transported the king's army from Sandwich into France. In the following year they brought the army back again. In 1513, the fifth of Henry VIII, some time in the month of May, the Ports navy carried the king's army from Sandwich and Dover into France.

In August, 1542, Henry VIII commanded the navy of the Ports to be ready by October 10th next to transport his horses and army into France, which they did accordingly from Sandwich and Dover.

On May 26, 1544, the fleet assembled in the Downs to do their service to King Henry VIII.

In April, 1588, the thirtieth of Queen Elizabeth, the Ports, at her command, set out five serviceable ships and a pinnace for her Majesty's service for two months, but they served four months at their own costs.

In January, 1595, the Ports set out, at the command of Queen Elizabeth, five serviceable ships of one hundred and sixty tons each, for five months, at their own costs.

In July, 1626, the second year of Charles I, at the king's command, the ports set out two serviceable ships for three months, which cost them £1825 8s.

In looking over the foregoing list of the naval services of the Ports we cannot fail seeing the changes which took place in them during the long space of four hundred years over which they are extended. The whole, or the greater part of the ships which the Ports had originally to fit out seem to have been sent at the summons of the different kings, until we come down to the reign of Queen Elizabeth, when we find there were only five serviceable ships fitted out, while in that of Charles I there were only two, but then these were of much larger dimensions, being mentioned as ships of one hundred and sixty tons burden. To account for this change, we must bear in mind that previously to the reign of Henry VII there was no state navy; the ships of the Cinque Ports constituted the principal one, and these, together with others from different ports, were found sufficient in those early times for the defence of the kingdom. But in the reign of this monarch a great impetus was given to naval enterprise, the passage to the East Indies by the Cape of Good Hope having been then discovered by the Portuguese, while Columbus realized his theory of the existence of a western continent by landing on the shores of America. This king himself sent out Sebastian Cabot, who discovered the island of Newfoundland. He, too, it was who built the first man-of-war on account of the state, and she was called after him the Great Harry, this epithet implying she was a ship of comparatively large size. In the reign of Henry VIII the royal navy was increased so much that he numbered fourteen large ships in it, measuring from 150 to 180 tons each. Queen Elizabeth paid particular attention to her navy, and increased it so much that she deservedly acquired the title of "Restorer of Naval Power and Sovereign of the Northern Seas."

The use of cannon, too, was now introduced, and consequently the small ships formerly used by the Cinque Ports, when spears, bows and arrows, and crossbows were the only weapons, were no longer serviceable.

It does not appear that any ship was fitted out by the Ports after the reign of Charles I, A.D. 1626. For when Jeake in his Diary tells us that on July 4, 1690, the English fleet passed by Rye in sight of the town, moving towards the Downs before the French, who were not yet come in sight; that about noon on the 5th the French fleet were most of them up in the bay full in sight of the town, and that on the morning of the 6th terrible alarm reigned in the town of Rye of the French coming to land, they having sent three small shallows to sound the depth at the coming into the harbour, which they supposed to be either to come in that tide, it being then near full sea, or to prepare against next, and that their intentions were to burn the fire-ships that were then put into the harbour, and to fire and plunder the town; he makes no mention of any ships belonging to the port; he speaks of fire-ships above, which I suppose had been attached to the English fleet which had passed by on the 4th, and which had come into the harbour for safety. He also tells us there was an intolerable hurry all day, the trained band up in arms with the soldiers and sailors of the Anne, who were then in town, sending out into the country for more men, and planting guns on the beach with a breastwork of deal boards to make a show at the mouth of the harbour. There is no proof that the Anne belonged to the town, a fact Jeake would not have failed to mention had such been the case. He speaks of the trained bands, which were the only armed force the town had.

It appears that this same ship, the Anne, was some years afterwards lost near Fairlight. Tradition says she was driven on shore by the enemy, and burnt to the water's edge; the wreck has been seen by many, now living, in the sands, near Pett Horse Race. It is added that she was armed with brass guns, which guns are still in her hold.

The last sea service performed by the Ports, by virtue of their Charters, was during the last war, some time between 1793 and 1814, when there was a draught made of seamen to serve in the navy. The number taken from Rye was 16, and they were supplied in this way: the tradesmen and other inhabitants were called upon, according to their supposed means, to pay a certain sum of money, and with this substitutes were engaged, who on receiving the bounty served on behalf of the inhabitants.

On a careful examination of the different sea services, enumerated in the foregoing list, we shall find that the Cinque Ports navy was engaged in many of the most important events of our history.

After John had signed Magna Charta, vexed at the submission he had hereby been compelled to make to his own subjects, the Barons, he retired in disgust to the Isle of Wight, where he remained neglected and unheeded, being only attended by the navy of the Cinque Ports, whose loyalty and devotion to their monarch in distress (however we may detest his character) we cannot but admire.

King John had, at the latter part of his reign, by the introduction of foreign mercenaries, so reduced his Barons, that they consented to confer the crown on Lewis, the eldest son of the King of France, provided that he would send troops over to their assistance, which he gladly did with Lewis, and who,

in consequence, on the death of John, exercised all the authority of a king of England, though never crowned as such. Thus, when Henry III inherited the throne, he found Lewis in possession of all the substantial power appertaining to it. The French were sending succours to Lewis, when their fleet was encountered and defeated by that of the Cinque Ports in 1217, as already mentioned, without which timely assistance Henry III would probably have lost his crown.

In the reign of Edward I, though not mentioned before, a Norman and English ship met off the coast near Bayonne, and, both having to water at the same spring, a quarrel ensued, when a Norman was slain. This produced a complaint to the French king, who told the complainant to seek his own revenge, which he did shortly by seizing an English ship in the Channel, and hanging part of the crew together with some dogs in the presence of their companions. This produced a retaliation from the English Cinque Ports, and the animosities of the merchants on both sides being wrought up to fury, the sea became a scene of piracy and murder.

In 1444 the men of Sandwich had the honour of bringing over Margaret of Anjou to be espoused to Henry VI; and this same port was afterwards intrusted by the same king to bring back his wife and son from France, whither they had fled for safety.

When the Cinque Ports fleet took Edward IV and his army to France, it was on the occasion of the king's intention of endeavouring to recover the former dominions which were held by the English, but which were lost during the feeble reign of Henry VI, but which ended in his being bought off by the King of France.

In 1491 Henry VII landed at Calais with an army of 25,000 foot and 1600 horse, but the French king having agreed to pay a pecuniary compensation for the injuries complained of by Henry, no fighting took place, and his army returned the following year.

In 1513 this navy carried the army of Henry VIII to Calais, when he was engaged in war with France, and when they were summoned to do their service in April, 1544, it was probably to attend him on his expedition to Boulogne, which town he besieged and took in that year.

When in April, 1588, the Ports navy was fitted out by order of Queen Elizabeth, it was to share in the dangers and the honours of the expected conflict with the Spanish Armada. In this most celebrated naval fight of those days the ships of the Cinque Ports were engaged, and in token of their sovereign's great consideration of the services then rendered to her, the town of Rye was presented with six brass guns beautifully ornamented with the arms of Spain, and which stood on the spot called the Green, at the south-west corner of the town, until some time during the last war, when they were unfortunately and to the great discredit of the parties whoever they were, whose bad taste led them to do it-bartered with the Government for two iron six-pounder guns for the use of the artillery then raised in the town. Besides the brass guns, it is also said that Queen Elizabeth gave the present clock, which was taken in the Armada, to the inhabitants of Rye.

The two ships set out by the Ports in 1626 were prepared by command of Charles I, when he ordered each of the maritime towns in his kingdom to arm as many vessels as he thought fit to appoint them. This was the commencement of the levying of ship-money, a tax which was afterwards carried to such violent lengths as caused eventually those civil wars which ended so fatally for this monarch.

From the foregoing statements, it is apparent that the Barons and good men of the Ports did great and signal services to their sovereigns from a very early period of our history, and this probably gave them rather too high an opinion of their own importance; for we find that, in the reign of Edward III, they were in the habit of compelling all vessels passing their ports to strike their colours in token of homage to them; but the men of Fowey, in Cornwall, as bold and as enterprising as themselves, refusing to strike as they sailed by Winchelsea and Rye, and being attacked by the ships of these ports in consequence, completely defeated them, whereupon they bore their arms mixed with those of these two ports. In this same reign also the Fowey men rescued certain ships of Rye from distress, on which account it is said this town was made a member of the Cinque Ports.

Having thus enumerated and remarked on the naval services of the Cinque Ports and ancient towns, it may be thought we should here close this branch of our work; but as the Charters frequently allude to complaints made by the Portsmen of the heavy expenses attending the fitting out of their ships, and to their fears lest, on this account, they should be unable to maintain them, it may be as well to endeavour to show from such data as we have what that expense was.

From a summons, bearing date March 12, 1436, being the 14th of Henry VI, and which Jeake tells us

was found among the records of Winchelsea, we extract the following: “Humphrey, by the grace of God, son, brother, and uncle of Kings, Duke of Gloucester, &c., Constable of the Castle of Dover, and Warden of the Cinque Ports and their members, greeting: We have received a writ of our Lord the King, to us directed in these words; Whereas our Barons of the Cinque Ports, from year to year, owe to us certain services by sea, if need shall be, viz. The Cinque Ports aforesaid, with their members, finding fifty and seven ships upon the sea, at our summons of forty days, and in every ship twenty men and the master, well armed and arrayed to do our service. Which said ships, at the proper costs of the said Cinque Ports, where they shall be summoned are to go, and when the said ships shall come there, shall tarry fifteen days in our service at the proper costs of the Cinque Ports aforesaid, and the fifteen days being elapsed, the ships, with the men in them being, shall tarry at our costs, if we shall have need of that service as long as it shall please us, viz. The master of the ship shall receive sixpence per day, the constable sixpence, and every one of the others threepence. And to you we command that the Barons of all the ports aforesaid, and their members, on our part, without delay, you make to be summoned, that they with their ships and mariners of this sort sufficiently arrayed, be ready, at the port of our town of Winchelsea, on the Feast of St. George next to come.”

In this document we see the nature of the summons and the pay of the men; but the number of them differs from some other accounts, which give it as twenty-one men and a gromet or boy, whereas here we have a master and twenty men; while by the amount of pay we see there was a constable as well as a master. Let us see what these officers, the master and constable, were: the former was, I presume, the same as we now call a master of a merchantman, that is, he who has the management of the ship, in everything relating to the seamen on board and to the navigation of it; while the constable was the officer in charge, and having the command of the men at arms. Being guided by the summons above, we must set down each ship's complement as consisting of two officers and nineteen men; when the daily pay of a ship's company will be as under, viz.

	s.	d.
For 2 officers, at 6d. Each	1	0
For 19 men, at 3d each	4	9
The daily pay of 57 ships will be as under, viz.	£	s. d.
For 114 officers, at 6d. Encl	2	17 0
For 1083 men, at 3d. Each	13	10 9
	£16	7 9

We must next endeavour to ascertain, as well as we can, how many days the ships were employed; for, though they were only bound to serve fifteen after they had arrived at their place of rendezvous, still some time must be allowed for going thereto and returning home after the expiration of their period of service. We see by the summons they had forty days' notice to prepare, during which time they had to fit out their ships, and to drill their men, for they were ordered to come well armed and arrayed; but supposing the whole forty days were not fully occupied, still, if we consider the first cost of the ships, their continual wear and tear, the finding arms for the men, and other incidental expenses, we think we shall be justified in adding these forty days to the fifteen of actual service, and five more for going to their rendezvous and their return home. Then the account will stand thus, viz.

	Days
For fitting out, after receiving summons	40
For time of actual service	15
For time of going to rendezvous and back	5

The annual expense of 57 ships, for 60 days, will be £983 5 0.

We must now make one more step in advance, and endeavour to discover the relative value of money in the time of Henry VI and at the present.

In the ‘Encyclopædia Londinensis,’ under the article Money, we find these remarks: “Bishop Fleetwood has determined, from a most accurate consideration of every circumstance, that three pounds in the reign of Henry VI was equivalent to twenty-eight or thirty pounds now.” The work here alluded to was published in 1707, under the title of *Chronicon Preciosum*, or an Account of English Gold and Silver Money, the price of corn and other commodities for six hundred years last past.’ If such was the difference of the value of money in 1436 and 1707, that difference must have been equally great in 1817 when this part of the *Encyclopædia* was published, and also at the present time, 1844. Starting

then upon these data we must consider money in 1436 to have been 93 times, being a medium between 28 and 30, more valuable than in 1844, and then multiplying the amount of the charge of the shipping in 1436, which was £983 5 0

by 9 we have as the result the sum of £9340 17 6,

expressing what the expense would be at the present period, thus the whole annual expense of 57 ships amounting to the sum of £9310 17 6,

the annual expense of one ship will be £163 17 67

while the annual charge to each Cinque Port and ancient town, according to their number of ships respectively, will be as under, viz.:

Port	Ships	£	s.	d.
Dover	21	3441	7	6
Winchelsea	10	1639	15	0
Hastings	8	953	5	0
Rye	5	819	7	6
Romney	5	819	7	6
Hythe	5	819	7	6
Sandwich	5	819	7	6
Total	57	20340	17	6

These sums, I think, would be considered sufficiently onerous in the present day to justify the Ports in complaining of them. In this account we have given a smaller number of men than we ventured to set down in an earlier part of this work, and should this have been the more correct of the two the expense would have been proportionably greater; but as to which account is likely to be nearest the truth, we must leave to our readers to judge, while we here take leave of the sea service of the Ports, and hasten to consider that of the land.

Although not so clearly defined as the service by sea, still it appears that the Ports were expected to do some by land at particular times. And hence it seems that they assisted Edward I in his Welsh wars, more particularly in the year 1276, when, by the defeat and submission of Lewellyn, Wales became an appendage to England. How the Cinque Ports troops proceeded into Wales does not appear, but one would rather suppose, from the length of the march, from the counties of Kent and Sussex, they must have been conveyed by their ships, whereby they were enabled to render the king service, both by land and sea. The next question is, what were the troops thus sent? To which we should reply the train-bands. At a very early period of our history, as far back, according to some, as the time of Alfred, so deservedly surnamed the Great, was established the militia, which originally consisted of respectable inhabitants of counties and towns, who were trained and armed ready for immediate service in cases of emergency. From being constantly trained they were sometimes called the train-bands, more particularly those belonging to the cities and towns; and these were the men, in all probability, who served Edward I in his Welch war of 1276. These, too, were the armed men sent out in the Cinque Ports ships under their constable, when called on to do their yearly service. In the tenth of Henry VII, July, 1492, the trained bands of Sandwich beat back the king's enemies landing in the Downs. In July, 1690, when the French fleet was off Rye, Jeake tells us the trained bands were up in arms, and this force continued in Rye within the memory of men now living, thus having been in existence in different towns in England (if not in Rye) for the long period of nine hundred years.

Edward IV, in his Charter, says: "We, therefore, the good, ready, and grateful services which the Barons and good men of the Cinque Ports and their members chiefly to us have done in the reduction of the right of our kingdom, seriously considering." Jeake understands these grateful services to mean not only service of shipping, but also assistance with men and arms in the wars, showing, at the same time, that the Cinque Ports took the side of Edward IV against Henry VI.

In a letter, given in Miss Strickland's valuable and interesting Life of Queen Elizabeth, written by Leicester to the queen in 1588, when the nation was preparing for the expected invasion of the Spanish Armada, are these words by way of postscript: "I have taken the best order possible with the sub-lieutenants of Kent to be present at Dover themselves, and to keep there 3000 or 4000 men to supply my lord admiral, if he come hither, and with any thing else that he needs, that is to be had. I wish there may be some quantity of powder to lie in Dover for all needs." May not these three or four thousand

men have been collected from the different ports at Dover under the command of their Lord Warden? Great preparations were at this time made all along the English coast, and an ammunition-house had been in the early part of this reign formed at Rye, so that powder was probably laid in here as well as at Dover.

Charles I called on the Cinque Ports to raise three hundred men for the land service, assuring them that their compliance with his request should not be considered as a precedent to encroach on their privileges.

The Barons considered themselves exempt, and refused. Hereupon the constable of Dover Castle was ordered to levy a tax of £3 each, for as many persons as they were deficient. As they had not raised a single man, he issued his order for levying £900, which the Cinque Ports and their members all refused to pay, with the sole exception, I am grieved to say, of the ancient town of Rye, which purchased its exemption for the sum of £30.

During the American war, the Lord Warden raised by subscription a regiment for general service at home, but not to be sent abroad, and which was called the "Cinque Ports Volunteers." While the Right Honorable William Pitt was constable, he summoned the delegates of the Ports and their members to meet him at Dover Castle, to consider of a plan for raising by subscription several companies of horse and foot, to be called Fencibles; this plan was adopted, and the sum of £6521 7s. 6d. Was raised, out of which the town of Rye subscribed £398 5s. In consequence of an Act of Parliament then passed, to provide for the better security of the kingdom, the warden summoned all the mayors and bailiffs to make an accurate return of every person, residing within their respective parishes, from fifteen to sixty years of age, and how many were willing to be exercised and to stand forward for the defence of the kingdom.

Subsequently the warden called upon them to find four hundred men for the army of reserve in fair proportions, when Rye was allotted sixteen men, and its member, Tenterden, twenty-eight men. These were to be raised in the adjoining counties, and they were not to give more than £30 for each substitute; and which would cost Rye the sum of £480, and Tenterden £840,-together £1320.

Besides the above, during the late war with France, a military force was raised in the Cinque Ports, called the Provincial Militia, commanded by officers of their own, doing duty at stated times, at Dover, which was their head-quarters, under the Lord Warden, who was their colonel. This ends the land-service up to this time, and it only remains to consider the service which the Barons owed to their sovereigns at their respective coronations.

Jeake tells us he found the following in the Customal of Rye. "And when it shall happen that any king or queen of England shall be crowned, the Barons of the Cinque Ports, by writ of summons of our said lord the king, that is to say, in the day of the coronation of the same, when he shall go forth of his chamber, that he may be crowned, and when he shall return from his coronation, the Barons of the Cinque Ports are wont, as of right they ought, to bear over the king and queen cloths of silk or gold, that is to say, by thirty-two Barons of the Cinque Ports; so, of right, that none other be amongst them to execute the said office. And they are wont, as of right they ought, to be sent for by writ of our lord the king, solemnly, by summons of forty days before the said. Coronation, that such a day they may come to do their service due to our lord the king. And the same thirty-two, or the more noble, are wont to come there honorably, solemnly, and decently clothed and apparelled with one suit of their own proper costs; but their expenses, whilst they shall be at court, are wont to be of common. And when they shall do their office to bear the cloths aforesaid, each cloth upon four staves overlaid with silver, every staff having one little bell overlaid with gold, and of the providing of the treasurer of our lord the king, at every staff are wont to go four Barons; so that every cloth be borne by sixteen Barons, and the lord our king under the middle of one cloth, and the queen under the middle of another cloth. And the same thirty-two, together with all the other Barons who will be present, are wont to have the next table in the king's great hall; and at the right hand of the king himself, according to his table, to sit of right and ancient use. And whensoever our lord the king shall invite the Barons of the Cinque Ports, that they may eat with him, they are wont, always of right, to have the table nearest to his table, at his right hand, and there to sit at dinner.

"But, when the said Barons have licence of returning from our lord the king, they shall have the aforesaid cloths, with the staves and little bells, and all their appurtenances. And the Barons of Hastings, with their members, are wont to have one cloth, with the staves and little bells, and all the appurtenances thereof; but the other ports, the other cloth, with all its appurtenances. And the Barons of Hastings, with their members, are wont to give their cloth, so had, to the Church of St. Richard of

Chichester, and so they have given. And the Barons of Romney, Hythe, Dover, and Sandwich, are wont to give, and have given, their cloth, so had, to St. Thomas in Christ's Church, Canterbury, and they have divided the staves and little bells amongst themselves. And when any king shall decease and another be crowned, proclamation is wont to be made, in the king's great hall, that all the nobles and others whatsoever, of whatsoever state, degree, or dignity they be, which ought to do any service by right or hereditarily to our lord the king, at his coronation, or claim to have any honour or benefit, at the coronation of the king or queen, shall come before the Steward of England or his deputy, at a certain day assigned, to show and declare what, and what manner of service they hold or claim to do; at which day the Barons of the Cinque Ports are wont to be, and those elected to do the service at the said coronation for the ports aforesaid, present to the said lord steward a certain petition under this form."

From this document it seems, that originally the Barons were summoned, by a forty-days' notice, to attend at the coronation of the kings and queens of England; but that afterwards it became customary for the Barons to apply, by petition, to the Lord Steward to have their claim allowed. The form of petition thus used is not given by Jeake; he assigning as a reason that it was couched in words so similar to those of this document, there was no necessity for inserting it. However, so early as the coronation of Richard III, in 1483, the Barons petitioned to the Lord Steward, as appears by the following answer received from this high officer:

"It is considered that the Barons of the Cinque Ports, according to their claim, be admitted to do their service, viz. To bear the silk cloths, sustained by four staves, silvered over, with little silver bells gilded, over the king and queen, in the day of their coronation; and after the service performed, to receive and have the same cloths, with their appurtenances aforesaid, as their accustomed fees. And also to sit the same day at the principal table, at the right side of the hall.

"By John, Duke of Norfolk, Steward of England at present." The thirty-two Barons, according to a document, found by Jeake among the records of Rye, of the reign of Edward III, were to walk four at each staff, without the Barons of any one port taking precedence of those of another.

The Barons, by the document first quoted, were to go to court honorably, solemnly, and decently clothed and apparelled, with one suit of their own proper cost; but the other expenses were to be borne equally among all the ports. I know not what was meant 360 years ago by honorable, solemn, and decent clothing; but at the coronation of James the First each baron wore the following uniform (as settled at a Court of Brotherhood, held for that purpose in 1604), viz. A scarlet gown, reaching down to the ankles, citizen fashion, faced with crimson, silk stockings, crimson velvet shoes, and black velvet caps, and each bearer was to have fourteen shillings and fourpence towards discharging his expenses.

At the coronation of James II and his queen, thirty-two Barons of the Cinque Ports attended, and they were all dressed in doublets of crimson satin, scarlet hose, and scarlet gowns, faced with crimson, black velvet shoes, with caps of the same, fastened to their sleeves.

Though thirty-two Barons only were required to attend and bear the canopies, yet it seems that others might be present, and dine at the table in Westminster Hall, on the right of and nearest to that of the king. But at the coronation of George III, the table provided for them was not set in its proper place, and they refused to sit in any other.

After the ceremony, the canopies and their appurtenances became the perquisites of the Barons. At the coronation of George IV, William Lamb, Esq., one of the jurats, and Dr. Dodson, one of the representatives of the town, attended on the part of Rye; and, by the kindness of the former gentleman, I am enabled to give my readers a description of the dress they wore, which is as follows, viz.: Black Spanish hat and feather, upstanding frill for the neck; a vest of scarlet satin, trimmed with tissue lace, and buttons worked of the same; the sleeves slashed and trimmed with lace; trunk hose of blue satin, slashed with scarlet satin, trimmed as above; red silk stockings; white kid shoes, with rosettes of scarlet riband, and trimmed as above; a surtout of dark blue satin, quite plain. The cost of this dress was £84 10s. 6d.

The canopies, &c., were given in turn to the different ports; thus, Rye had them at Richard the Third's coronation, and at that of Edward VI and Queen Mary, Sandwich, Hithe, and Rye divided them. After Elizabeth's, it was agreed they should for the future be divided amongst them all.

In the reign of Henry III it is mentioned that the Marquises of the Marches of Wales claimed the right of bearing the canopies; but their claim was reputed a frivolous one, and refused accordingly.

However burdensome this attendance at coronations might be considered, when taken in connexion

with their other services, however frivolous the claim of the little bells and staves, and however ridiculous the particoloured suits of clothes worn by the Barons may appear to us in this day, yet I can but think it was of immense importance to our monarchs to have the attendance of the Cinque Ports at their coronations; for when we recollect that their shipping constituted the great navy of the kingdom, and that the right to the throne was frequently, in the earlier days of history, disputed, it was highly desirable to have this guarantee which the Barons thus gave to maintain their power. By thus attending their coronation, they in a manner pledged themselves to be their true and loyal subjects, and became the main props of the throne.

Under the word “Honours,” in the Charter of Edward I, is supposed to be meant the service at the coronation; but this was not the date of the origin of it; for it appears, that when Queen Eleanor, daughter of Hugh Earl of Provence, wife to King Henry III, in the twentieth year of his reign, was crowned, the Barons of the Ports bore the canopy.

Thus, from a very early period have the “Barons of the Cinque Ports borne the canopies over the heads of their kings and queens at their respective coronations, down to that of George IV, in the year 1821; but at those of William IV and of our present gracious Sovereign Queen Victoria their services were dispensed with; and thus have ended the several ancient services of the Cinque Ports, ancient towns, and their members, heretofore done by sea, by land, and at the coronations of our sovereigns; and whether they shall ever be again revived, it must be the lot of some future historian to describe.

Let us now turn to consider what were the various privileges conferred on the Cinque Ports in consequence of the valuable services performed by them; and here we must revert to the first Charter of Edward I, premising, that when these are sufficiently explained in the glossary following the Charters, we shall not enlarge any farther upon them.

This Charter declares that “the Barons shall have all their liberties and freedoms; be quit of all toll and all custom, that is to say, of all lastage, tallage, passage, carriage, rivage; free from ponsage and all wreck; of all their selling, buying, and re-buying, throughout all our land and dominion; with soc and sac, and thol and them; and that they may have infangtheff; that they may be wreck-free and wit-free, lastage-free and love-cope-free; and that they may have den and strond at Great Yarmouth; and also that they may be quit of shires and hundreds; and that they may have their findals in sea and land; be quiet of all their goods and merchandise, as our freemen; that they have their honours in our court, and their liberties throughout all our land, wheresoever they shall come; and that they of all their lands which, in the forty-fourth year of the reign of our father, they possessed, may be free, for ever, of common summons, before our justices, for all manner of pleas itinerant, in whatsoever counties such their lands be. That the Barons shall have utfangtheff in their lands within the ports aforesaid, that may be not put in any assizes, juries, or recognitions by reason of their foreign tenure against their will. And that of their proper wines for which they trade, they be quit of our right prise (that is) of one ton of wine before the mast, and another after the mast. That the king shall not have the wardships or marriages of the heirs of the Barons.”

When it is borne in mind that merchants and traders in the times of these early Charters could not have their supply of goods through the medium of commercial travellers, as is now the case, that roads were then rough and bad and dangerous, and that it was only by going to the great fairs, which were held in different parts of the kingdom, or to the cities and larger towns, they could obtain the various wares and merchandises they required, we shall see of what great value it was to the Barons to have been exempt from the various taxes, which were levied on others, under the names of toll, custom, lastage, passage, carriage, rivage, and ponsage. But these privileges were not always enjoyed without some opposition, for we find that the city of London in the eighth year of Henry VIII, A.D. 1516, disputed their right, as appears from what follows, viz.:

“Memorandum. That in the time of Sir William Butler, Knight, being Mayor of London, and Richard Broke, Recorder, according to the Liberties of the Cinque Ports, it fortun'd one William Gaunte, of the town of Winchelsea, draper, in February, 1516, to come unto Blackwell Hall, within the City of London, and then and there bought one parcel of woollen cloth, called northern carsie, to the value of 20s., and as soon as the said William that cloth had bought, one certain officer, unto the said Hall appertaining, the said cloth seized, according to their custom and charter of London, as foreign bought and foreign sold, forfeited. Whereupon the same William approving him to be a freeman of the Five Ports, required the same cloth to him to be redelivered, that notwithstanding could not be heard, nor his said cloth restored, unless he must bind himself by his writing obligatory to one Nicholas Mattocke, being Chamberlain of London, in the sum of 26s. 8d., that to be paid to the use of the City of London by a certain day, if he by that day approved not by the Charter of the Ports to be free in London in _____

buying and selling. And further within the same year and time of Mayoralty of the said Sir William Butler, in the month of April, came into the said Hall, called Blackwell Hall, John Carpenter, Thomas Adams, and Robert Soggs, of the town and port of Rye, drapers, and then and there bought they according to the Liberties of the Five Ports two broad cloths of the colour of violet to the value of £6 13s. 4d., and in like manner, as soon as they those cloths had bought, the aforesaid officer these cloths seized, as foreign bought and sold, forfeited. And though they showed them, not only by substantial proof, but also by writing, to be freemen of the said Cinque Ports, that notwithstanding in any wise could not be accepted nor taken, but utterly those cloths to the use of the City of London as forfeited, observed and kept.”

In consequence of this the parties aggrieved attended at the next brotherhood, holden at Romney, on the Tuesday next after the day of St. Margaret, in the same year, and laid their complaint before the mayors, bailiffs, and jurats of the several ports there assembled, who, considering that the parties had reason to complain, and being anxious to gain them redress, with one assent and consent of the whole body, did choose and name John Wastclyfe, of Sandwich, for the east ports, and George Mercer, of Rye, for the west ports, solicitors for the whole corporation of the Five Ports, that they at the next term, to be holden at Westminster, should be for to sue to the council for the reformation for all and singular the premises, which said John Wastclyfe and George Mercer, according to the trust and confidence by the said corporation put in them at the aforesaid term appeared, that is, to wit, Michaelmas Term, A.D. 1516. After coming to the same term by counsel, first did they make search in the Chancery, there to have sight and knowledge of the Charter of London to know and understand what thing it was that made for them to the use of London foreign bought and foreign sold, forfeited, and there they found these words: “That no foreigner shall buy of or sell to a foreigner any goods but under pain of forfeiture of the same.” By foreigner here is meant any person not entitled to or enjoying the freedom of the City of London. Having examined the Charter of London they next looked into that of the Cinque Ports, and there they found the following words; viz. “That the Barons of the Cinque Ports shall be free of all their selling, their buying, and rebuying throughout all the lands and dominions of our lord the king.” Having seen these parts of the two Charters, inquiry was next made as to their respective dates, when it appeared, that of London was not granted until the first year of the reign of Richard II, A.D. 1377, whereas that of the Cinque Ports bore date 1277, being exactly one hundred years the elder of the two. Besides this, it appears, that a certain book, lying in the Chamber of London, recited that in the 42d year of Edward III, A.D. 1370, orders were given to the mayor of London “that the Barons of the Cinque Ports should be free in their buying and selling in the City of London.” These several facts having been proved, it was ordered by the aforesaid William Butler, mayor of London, aldermen, and recorder, “that the said distresses to the said John and George (the solicitors) should be delivered.”

As a further proof of the greater antiquity of the Charter of the Cinque Ports than of that of the City of London, Jeake informs us that he found the following memorandum among the records of the town of Rye: “The Five Ports were enfranchised in the time of Edward the Confessor, before the Conquest; and in the time of King Edward I, after the Conquest, the Ports had their Charter of confirmation, by which they be free of all their selling, buying, and rebuying, in the sixth year of his reign, A.D. 1278. And the City of London had their Charter of foreign bought and sold, the first year of King Richard II, A.D. 1377, and so the Charter of the Ports is elder than the Charter of London, ninety and nine years and more.”

Being free of rivage implies exemption from the tolls levied in harbours, and this privilege is partially enjoyed to this day. If a Baron of the Ports is the owner of a vessel he may obtain the following certificate from the mayor of the town to which he belongs:-

The ancient town of Rye, in the county of Sussex:

These are to certify that John Vidler, of the ancient town of Rye, in the county of Sussex, merchant, is a free Baron of the town and port of Rye, and that he is intitled to all the privileges, exemptions, and immunities granted by Charter to the Barons of the Cinque Ports, two ancient towns and their members.

“Examined, Given under my hand and seal of office this Thos. Procter, Town Clerk. First Day of October, One Thousand Eight Hundred and Twenty Nine

“NATH. PROCTER, Mayor (L.S.)”

On the production of this certificate, with the name of the party obtaining it, a free Baron enjoys the following exemptions, viz.: Whereas, if any other vessel anchors in Yarmouth Roads it pays to this port the sum of one shilling, one belonging to a free Baron pays only the smallest silver coin, so that some masters from Rye carry a silver penny with them for the purpose. On entering the ports of Newcastle or Exeter, where other vessels pay 4d. Per ton town dues, these pay only 2d. Or half dues. In the port of London another vessel laden with corn (say 400 qrs.), pays d. per qr., or 8s. 4d., while the Cinque Port one so laden pays 1s. 6d. These exemptions are of no very great value, only as they serve to show how long the privileges have been preserved.

The Barons, having soc and sac, being quit of shires and hundreds, free of all their lands, wherever they might be, not being liable to be put in any assize, jury, or recognition by reason of their foreign tenure, against their will, and having the wardship of their heirs and the free disposal of them in marriage, were in the enjoyment of many very enviable privileges; they were thus freed from many expensive and irksome attendances at the courts itinerant, either as jurors or plaintiff's, or defendants in their own causes. By having the wardship and marriage of their heirs they were freed from one of the basest of the badges of feudal slavery.

Some of these privileges are still possessed. No inhabitant of the Ports can be summoned to attend on a jury out of the jurisdiction of his own town. All cases of assault, petty thefts, felonies, in short all actions, civil or criminal, as they were formerly tried before the mayors, now are tried before the recorders of the respective towns in which they are committed.

Utfangtheff, or outfangtheff, implied the right of having a thief, who had stolen within the precincts of any port and fled from thence, brought back to that port, and tried and judged there. The following shows a case in which this right was exercised:

“So it is, that the 21st day of April, 1516, within the jurisdiction and liberties of the ancient town and port of Rye, which is one of the ancient towns of the Five Ports, one John Burrell, late of the town of Lydd, in the county of Kent, painter, committed felony, in the stealing of a horse, the colour gray, the price of 30s., and so soon as the said John the said horse had stolen, fled and avoided from hence, and the 23d day of the same month of April then next ensuing, at a place called Alfreton, in the said county of Sussex, and within the jurisdiction and liberties of the abbot and convent of Battle, the same John, on the same felony was taken, and so not only the said John, but also the said horse, together were brought to ward into the porter's keeping of the monastery of the abbot of Battle aforesaid; and soon after, that is to say, the last day of the said month of April, these premises to the mayor and jurats of the town and port of Rye known; the same mayor and jurats by their writing under their seal of office of mayoralty of the same town, according to the said liberties of the Five Ports written and sealed, made request to Lawrance, then and yet being abbot of the said monastery of Battle, for restitution and delivery, not only of the said John, but also of the said horse, to the intent that the king's laws might proceed and have plea against the same John Burrell, according to his demerits, after law within the said town and port used, which said abbot utterly denied the same John Burrell prisoner, and right to the said horse to the said town and port of Rye to be restored and delivered; but incontinently the same abbot the same John Burrell, for the said felony committed, and done by warrant made from Mr. William Ashburnham, then being sheriff of Sussex and Surrey, contrary to the liberties of the Ports by the proper servant of the said abbot, did so send to the prison and gaol of the King's Bench, in Southwark, next unto the City of London, which premises thus used and done, the said mayor and jurats of the said town and port of Rye that considering, that the liberties of the said Ports then should be usurped, injured, and wronged, if that so should be suffered, thought it necessary to call a common council of the three west ports for especial purpose and reformation of the same, wherefore they by one assent sent the brotherly letters of monition unto the towns of Hastings and Winchelsea to pray the mayor and bailiff of the same, at a day appointed, to be and have assembly at the town of Winchelsea, and a court of gestlinge to be holden there, according to the old usages of the said three towns as of old time used. At which day and assembly, that is to say, the 12th day of May, 1516, there appeared for Hastings, Henry Ceneber, bailiff, Richard Rogerson and Thomas Goddard, jurats; for Winchelsea, Robert Sparrow, mayor, John Kirkeley, James Marshall, and Moyse Pette, jurats; for Rye, Nicholas Sutton, mayor, George Mercer, Gabriel Wayte, jurats. At which said assembly and court the said injuries and other the premises before the said mayors, bailiff, and jurats, showed and alleged, it was at the said court condescended and agreed that the said George Mercer and Richard Rogerson, men there named, should be solicitors at the next term for, and in the name of the whole corporation of the Ports, there to sue in council for reformation of the said usurpation and injury done, and to have for their expenses and costs such as they shall dispend for the same. Whereupon, at the next term, that is to say, Easter Term, 1516, the said George Mercer and Richard Rogerson being at

Westminster, by process of time in their suit had, it was there condescended by council that the said John Burrell should with speed be indicted within the town of Rye, of and for the said felony committed, and that indictment to be sealed as well with the general seals of the jurors as with the seal of office of mayoralty of the said town of Rye. Which indictment for sufficient instruction to be had of all the Ports, in such case, when such things shall fortune, which was noted and made by substantial council, followeth in these words:

“By an inquest taken in the town of Rye, one of the ancient towns of the Five Ports, and of the liberty of the same, on the 26th day of May, 1516, in the hundred of the same town, as well according to the said liberty as to the use and custom of the same town of Rye and other towns of the Cinque Ports and their members, for such time as against which the memory of man runneth not, as well as according to the liberty and privilege to the mayors, bailiffs, and jurats, and other inhabitants of the said Cinque Ports, by Charters of divers kings of England, progenitors of our lord the king granted, and now also by our lord the king granted, confirmed, and ratified by his letters patent, before Nicholas Sutton, mayor of the said town of Rye, Clement Adam, George Mercer, and John Carpenter, jurats of the same town and keepers of the peace of our lord the king in the said town, assigned to hear and determine all and singular the felonies, transgressions, and other misdemeanours within the same town perpetrated. It is affirmed, on the oaths of Robert Soggs, Robert Gervis, Richard Broke, Thomas Tewmell, Alexander Shalford, Robert Bennett, John Russell, Hankyn Barrett, Robert White, Thomas Webb, Thomas Heseman, and Simon Clifforde, true and lawful men of the town and liberty aforesaid, who say and present to our lord the king, that one John Burrell, late of Lydd, in the county of Kent, painter, on the 21st day of April, 1516, by force of arms that is to say, with sticks and knives, one gray horse of the value of 30s., the property of one Thomas Adam, of Rye, within the liberty and precincts of the same, did feloniously take and convey away, contrary to the peace of our said lord the king. In testimony whereof the said mayor and jurats have affixed their seal of office of mayor, and also the said jurats have set their seals to this inquest. Given at the town of Rye aforesaid on the said 21st day of April, 1516.”

“This indictment having been produced in Trinity Term next ensuing, by the said George Mercer and Richard Rogerson, who brought with them two sufficient men from Rye, who, together with themselves, were bail for the safe custody of the said John Burrell, that is on the 22d of June in the same year, before the justices in the King's Bench, when it appearing the said John Burrell was not a prisoner to the said justices, but to the sheriff of Sussex, sued a writ, called a habeas corpus, to remove the said John to stand and be as prisoner only to the said king's justices in his bench. That writ done and sped, the said John Burrell then only standing and being prisoner to the said justices, the said George Mercer and Richard Rogerson showed their indictment requiring the same John Burrell to them to be delivered to bail to a certain day in them to be limited. The same justices then having read the same indictment, allowed the said John Burrell to be sent to Rye to be sued on the octave of St. Martin, and which trial they were to certify to the said justices. After this, on application to the abbot of Battle, the stolen horse was given up, and on July 6th next the prisoner was tried at Rye and found guilty of the felony, when he, pretending to be a clerk, had judgment reprieved to a further day, that is to say, to the 16th of July, for the appearance of an ordinary, who, on that day, appeared before the mayor and jurats, sitting in plaine hundred, examined the same John Burrell, and pronounced him to be a clerk and member of church; when the said John Burrell then and there, according to the laws of the land, with the letter T was brent in the braune of the left hand, and then to the said ordinary was there delivered for safe custody according to the law and custom of the kingdom of England. And after that time appointed the said George Mercer and Thomas Adam, by council, put into the Court of the King's Bench before the king's justices (as they were ordered to do) the plea of certificate made, touching the final end and conclusion of all these premises.”

A similar case to the foregoing happened a few years ago in the town of Rye, when a man stole two great coats, ran away with them, and sold them at Canterbury, where he was taken and, together with the stolen goods, brought back to the former town, tried, convicted, and condemned to seven years' transportation. But then this is now the law everywhere; for if a man steals a horse in Hampshire, takes it into Kent, and is captured there, he is carried back into the former county and tried there. Nevertheless, when this power was granted to the Cinque Ports, it must have been considered a privilege, otherwise it would not have been thus specially mentioned. It is further clear that some value must have been attached to this right, otherwise the abbot of Battle would not have been so tenacious in keeping the prisoner, John Burrell, after having captured him. I presume the abbot of Battle, within his jurisdiction, had the same privilege as the mayors of the Cinque Ports, and one of the advantages was that of saving trouble and expense to the person who had lost property, inasmuch as he and his witnesses were generally on the spot, and had not to travel to some distant court to have the case tried;

while another accrued to the local jurisdiction, in consequence of the goods and chattels of convicted felons being forfeited to the mayor, jurats, and commonalty of the town within which the felony was committed. But, since the time we are now speaking of, the law has evidently been altered, though I am not lawyer enough to say at what time.

Having alluded to the right of the respective Cinque Ports to the chattels of convicted felons, it may be as well to mention here whatever has come to our knowledge on this head, as well as what relates to the legal rights and privileges of the Ports in general. The Charter of Edward IV has these words: "That the Barons and good men of the Ports and members may have the chattels of felons howsoever condemned or convict." But, though here mentioned for the first time in the Charters, Jeake is of opinion the right was in existence long before. In this same Charter is also granted to the Cinque Ports the right of erecting gallows for the execution of criminals. Thus the Ports had the privilege of trying felons, of executing them, and of seizing their goods and chattels to their own public benefit, and all their several rights were exercised in the following case: "In the year 1742 lived in Rye one John Breeds, a butcher, at the house standing at the south-west corner of Pump street, immediately opposite the south-east angle of the churchyard. For some cause or other he had conceived a violent animosity against Mr. Thomas Lamb, one of the leading men of the town, and secretly vowed to wreak his vengeance upon him; and the opportunity for gratifying his diabolical passion offered itself on the night of the 17th of March, in this same year, when a vessel was about to sail from the rocks, a spot not far from the present fish-market, for France, and on board of which some friend or relative of Mr. Lamb's was to take his passage for that country, and whom it was his intention to go down and see depart; but, from some cause or other, fortunately for Mr. Lamb, though unfortunately for his friend, he was prevented from going, and requested his neighbour and relative (Mr. Allen Grebble) to go for him, which he did. The moon was up, but partially concealed by clouds, when, a little after midnight, Breeds took his station in the churchyard, through which the road lay from the rocks to the dwelling of either of the above-named gentlemen; and when Mr. Grebble approached him, supposing him to be Mr. Lamb, he rushed on him and stabbed him with a knife which he used in the exercise of his trade as a butcher. Having done the dreadful deed, he threw away his weapon and ran out of the churchyard; while his unfortunate victim had just strength enough to reach his house, which stood at the upper part of Middle street, where it turns towards the churchyard, to take his seat in a chair, out of which he very soon fell and died, to the no small alarm and astonishment of his servant, who was at first rather suspected to be the murderer; but all doubts on this head were soon cleared up by Breeds himself, who, in the paroxysm of his rage (being generally of an ungovernable temper), ran about the streets with scarcely any clothes, exclaiming, "butchers should kill lambs!" in allusion to his supposed victim. He was soon taken, and committed for trial, which, as the present town hall was then being built, took place in a warehouse at the Strand, the same as is now the property of Mr. Vidler. He was found guilty and condemned to be hanged in chains, for which purpose a gibbet was erected in a marsh, at the west-end of the town, which, from this circumstance, still bears the name of the Gibbet Marsh. It stood a little above the present Tillingham Sluice, in a part through which the present channel of the Tillingham River has been since cut. Here he was hanged in chains; the gibbet is down, and all that remains of the miserable culprit is his skull, which is now lying in the upper chamber of the town hall. After the condemnation and execution of Breeds, his property was seized by the corporation, and it consisted of the house mentioned as his residence, and of a house in the Mint."

In that same Charter of Edward IV, it is said the Barons shall have the chattels of outlawed persons, and Jeake illustrates this privilege by the following examples: "I have known," he says, "the mayor and jurats of Rye, by authority of this Charter, seize and take the goods of outlaws after the *capias* hath been in the hands of the officers of Dover Castle to execute. And long before my time, viz. Anno 1577, I find Richard Streat, of London, gent., upon the original, sued John Stonne, of Rye, in an action of debt to the outlawry, and upon the *capias utlagatum*. Notice was given to the mayor and jurats of Rye that John Stonne was outlawed, whereupon they seized his goods. Before the seizure thereof, John Stonne obtains the queen's majesty's pardon, and thereupon allegeth that his goods were pardoned also and ought to be restored to him. Nevertheless it was resolved that, after forfeiture, and the interest of the town vested, the queen, by her pardon, could not give away the goods; but, by her pardon, the contempt of the outlawed person was pardoned, and he received to his allegiance again. And thus was the opinion of Counsellor Alcocke in the case, so as the said John Stonne was forced to agree with the said mayor and jurats before he could have his goods again."

Although we have said that all actions, whether criminal or civil, were, and still may be, tried in the respective ports in which the cause for them arises, yet there were certain excepted. Cases which had to be heard at the Court at Shepway, such as those relating to the crown and dignity of the king, and others which may be best explained by reference to the proceedings thereat. The following is taken

from the old Customal of Rye, as quoted by Jeake:

“Mem. The lord warden has been duly sworn in, and shall will to have an assembly of the Barons of the Cinque Ports, for those things which to his wardenship of right appertain to be done. He is wont to send his letters of summons by forty days before the day of Shepway, that the mayors and bailiffs of every town, or the bailiff where a mayor is not, and six good men may be before him such a day for certain causes to the Court of Shepway appertaining.

“Notwithstanding the Court of Shepway is not wont to be holden, except the warden shall be there sitting in his proper person, and with him shall sit all the mayors and bailiffs, which for the time shall be there, on each side near him. And if any judgment is to be given, with the assent of the mayors, and of the bailiffs where mayors are not, it is to be given and declared by the mouth of the warden. And it is to be noted that that court is kept only for the subsequent particulars, viz.:

“First. It is to be inquired by twelve jurats then, of those which, for the time, shall be there summoned, if any one have spoken sedition against the king or queen.

“Also, if any have counterfeited the seal of our lord the king.

Also, if any have falsified the money of our lord the king, or counterfeited the coin of our lord the king.

Also, if any of the liberty of the Cinque Ports have found treasure hid under the earth, or elsewhere.

“Also, if any mayor, or bailiff, or the jurats, have given any false judgment to any pleading amongst them.

“Also, if any town of the Cinque Ports, with their members, have withdrawn themselves from the service of our lord the king, and shall not have done that as of right it is bound; so notwithstanding, if of this it were duly warned, as becometh.

“Also, if any bailiff shall take otherwise his custom than he ought, or if he shall not have done due execution, as of right to his office appertaineth, or if he shall have hurt, or unjustly abridged the liberty in anywise.

“And note, that that inquisition ought to be made by two or three, as shall be needful, of every town, unto the number of twelve, because all the Cinque Ports intend themselves to be, and are, only one commonalty. And according to that, which that inquisition, being asked of the articles of themselves, shall say that if any one of the liberty of the Cinque Ports shall be guilty in sedition of our lord the king or queen, or counterfeiting of the seal of our lord the king, or falsifying the money of our lord the king, or counterfeiting the coin of our lord the king, presently, by the mouth of the warden, of the assent of the mayors and bailiffs, it shall be adjudged, that he which is found guilty, if he shall be present, shall be drawn with horses in the circuit of the street of Shepway, and, incontinently, in the sight of all there being, hanged. And if he be not present, the same warden shall firmly enjoin, on the part of our lord the king, all the mayors, bailiffs, and all others of the Cinque Ports there being, that when such convicted person within any town of the Cinque Ports may be found, that forthwith he be taken and kept safe in the prison of our lord the king; and immediately after the taking, the said warden shall be certified thereof, that his judgment in the place and presence, where at first, as soon as the said warden shall be at leisure, he may receive. And this the same mayors, or bailiffs and others, shall not omit, under the forfeiture of all which to our lord the king they can forfeit.

“Also, if any shall be convicted of treasure found, and shall not have certified our lord the king, or the said warden, thereof, it shall be adjudged that he forfeit all his goods, at the will of our lord the king, and yet, so that he be in his merey; but for this he shall not suffer death.

“But if any mayor, or bailiff, or the jurats, shall be convicted upon false judgment given, he that hath given this judgment may presently be removed from his seat, and from the council of the warden, and the mayors and bailiffs then sitting. And upon this the warden, of the assent of the residue of the mayors and bailiffs, shall give for judgment that the liberty of that town be seized into the hands of our lord the king, until they may find the favour of our lord the king anew.

“But when any prosecuteth against any commonalty, for false judgment, and that commonalty can acquit itself thereof, he which prosecuteth ought to be attached and kept in safe custody of the said warden, in the prison of our lord the king, until he shall fully satisfy to the said commonalty their damages by the taxation of the rest of the mayors then being, for his unjust complaint.

Also, if any commonalty shall be convicted, that it hath withdrawn itself from the service of our lord the king, and that it hath not done as it is bound, the same judgment to be given that is determined of false judgment.”

By the above record (which Jeake supposes to have been written about the tenth of Henry IV, A.D. 1408), it appears that the Court of Shepway only took cognizance of certain pleas of the crown, and of certain causes of litigation, which arose within or between the ports themselves; but by one of earlier date it seems that the writs ran in the king's, and not in the warden's name, that a greater number of the barons was summoned, and that other causes than those of the pleas of the crown before mentioned, were heard and determined at this court. This record runs thus:

“The King to his beloved and faithful the bailiffs of Hastings, greeting: We command you, that, every occasion laid aside, ye be at Shepway at such a day, before our beloved and faithful A. B., &c., and that you make to come hither twenty-four of the more loyal and discreet Barons of Hastings and others, as they ought, and were wont, to come to the place of Shepway, to answer before the aforesaid justices of the chief points underwritten: of the old pleas of the crown, which otherwise were before the justices at Shepway, and were not determined; of the new pleas of the crown which have happened within the liberty in the time of peace, after the justices last journeyed at Shepway; of those which were amerced, &c.; of churches; of assize of cloth; of escheats, &c.; of those which have robbed by land or water, after peace proclaimed; of purpresture and measures; of wines sold, &c.; of treasure, &c.; of the chattels of French, &c.; of flewers of burghers, &c.; of merchants, &c. ; of exchange, &c.; of fugitives, &c.; of wages, &c.; of new customs, &c.; of default of gaols, &c.; of rapines, &c.; of ships taken in war, and delivered by William de Wrotheham, to whom they were delivered, and who hath them, and what is done with them, &c.; of those which have sold ships, or timber to build ships, to the enemies of our lord the king. That ye make to come before the same, our justices, at the term aforesaid, all pleas and all attachments, which ought and were wont to come and be determined before the justices holding pleas at Shepway.

“In the same manner, and by the same words, it may be written to the bailiffs of Romney, of Hythe, of Dover, and of Sandwich.

“And whereas strife is oftentimes between the men of the said ports and the men of Yarmouth and Dunwich, a writ shall be made to the Sheriff of Norfolk and Suffolk.

“The King to the Sheriff of Norfolk and Suffolk, greeting: Know ye, that we have made to be summoned at such a day at Shepway all the pleas of the Cinque Ports, as ought and are wont to be held before the justices at Shepway. And therefore to thee we command, that thou make to be known these things to the men of Yarmouth, and to the bailiffs of Dunwich, so that if any will complain of any who may be of the liberty, or within the liberty, of the Cinque Ports, he may be then at Shepway, before the aforesaid our justices, to propound his complaint, and to receive justice thereupon.”

A third record runs as follows, viz.:

“Shepway. The Court of Shepway, which is the journey of the Barons of the Cinque Ports, holden there, on Monday next before the Feast of St. Gregory, in the year of the reign of King Edward III, after the Conquest of England the twentyfourth, and of France the eleventh.

“It was commanded to the mayors and bailiffs of the Cinque Ports, that every one of them should make to come here at this day, of every their ports twelve good and lawful men of the jurats of every town of the ports aforesaid, together with themselves, with all articles and other things touching the antiquities of the court aforesaid, accustomed to be done and received, according to the custom of the ports aforesaid to them enjoined. &c. And now came all the mayors and bailiffs of the ports aforesaid, and they return their mandates with the names of the jurats, as appeareth by their returns aforesaid.

Hitherto, as otherwise, day is given to the pledges of Robert Lad, to be at the next Court of Shepway, as in the precedent court is contained.

“It was commanded to the mayor and bailiff of Rye, at the precedent court, that they should take William Hoker, of Rye, by his body, so that they should have him to be here at this court, to Joane, which was the wife of Charles Colyn, as in the court precedent, whereupon further day is given to them at the next.

“The commonalty of the town of Romney, otherwise in the court here, that is to say, on Monday in the morrow of the Apostles Peter and Paul, in the year of the reign of King Edward the Third, after the

Conquest of England the twenty-second, but of his reign of France the tenth, before Stephen de Burghersh, then warden, were allowed to the same warden, as they were allowed before Robert de Kendale, sometime warden, for that, that they have not a mayor of themselves, as they ought to have. And they have day, as before, at the next.

The Combarons of the Cinque Ports were allowed by the warden here in court, and inquired if they were bound to come here at the court itinerant, which say that they are bound to come here before the warden as justice itinerant, &c., and not other where before any other justice.

“Here, at this court, a day is given to all the Barons of the Cinque Ports, on Monday, next after the feast of Saint George, to certify the warden, at London, of the articles touching their liberties and customs under their seals severally what they claim by reason of their liberty.”

These three are the only documents we have to produce with reference to the strictly legal business transacted at the Court of Shepway. What regards the swearing in of the warden will be brought forward under another head. As in the above documents there are great discrepancies, it must be our endeavour to reconcile them. And, in order to do this, we must beg our readers to bear in mind that the record which is placed second in our plan of arrangement is, in point of date, the first. Jeake says this document is similar to one in Bracton's “Treatises of the Crown,” consequently the usages of the Court of Shepway therein laid down must have been in existence in the reign of Henry III, in whose time Bracton lived, having been a very eminent lawyer and a justice itinerant. Hence it may be inferred that at that period, and probably from that of the origin of the Cinque Ports, these usages must have prevailed, showing the Court of Shepway to have been the superior court of the Cinque Ports over which the justices itinerant presided in the same way as they then did, and now do, at the courts of assize, held in the several counties throughout England and Wales. To this court the Cinque Ports then brought all their various suits at law, to be there heard and determined, they clearly not then having the same legal jurisdiction within themselves, which afterwards they obtained.

The last record quoted above is the second in date, having been issued in the twenty-fourth of Edward III, A.D. 1350, and here we find the usage was altered. The court was no longer presided over by the justices itinerant but by the warden, assisted by the mayors, bailiffs, and jurats of the respective ports. And, lastly, the first record, the date of which Jeake supposes to have been about the tenth of Henry IV, or A.D. 1408, agrees with the last in showing that the warden was the president of the court, and that here now were only heard the pleas of the crown and certain cases arising between the different ports, forming also, at the same time, a kind of court of appeal from the decisions of the lower courts in the respective Cinque Ports and ancient towns.

As a proof of its being a court of appeal, we may adduce the following case, which was brought before it in the reign of Edward III, in March, 1315:

“John Archer here in court complaineth himself against John Monyn, of Dover, of a plea of trespass; and whereupon he complaineth that the aforesaid John Monyn, on Monday, next after St. Peter in the Chair, in the year of the reign of King Edward III, after the Conquest of England, the twenty-third; the aforesaid John Archer, in the town of Dover, took and imprisoned, and in the prison by seven weeks, next ensuing, him detained unjustly, to the damage of twenty marks, and thereof he produceth suit, &c. And the aforesaid John Monyn cometh and defendeth and saith, that the aforesaid John Archer was justly imprisoned, for he saith that he was bound to William Archer, his brother, in a certain sum of money by one writing obligatory, for which he was attached to answer to the aforesaid William, his brother, who came into the court at Dover, answered to the aforesaid William, his brother, and denied that writing obligatory to be his deed, and upon this he was convicted by twelve, &c., that it was his deed, and so he was imprisoned and not otherwise. And the aforesaid John Archer, here in court, said that he did not deny that writing obligatory to be his deed, but acknowledged it, and alleged in the court of Dover aforesaid, that by virtue of that deed of the aforesaid debt, he ought not to answer, for that, that in the time of the making of the deed aforesaid, he was imprisoned by the same William Archer, his brother, &c., and in prison that writing obligatory made, &c., and therefore he prayed judgement, &c. And the aforesaid John Monyn saith that the aforesaid John Archer altogether gainsaid that to be his deed, &c., and this he prayed, that by the record and process of the court of Dover aforesaid it might be testified, and day is given to him to have the record and process aforesaid at the gate of the Castle of Dover on Saturday, next after the Feast of St. Gregory the Pope, next ensuing, &c., and the same day is given to the aforesaid John Archer to receive and accept there that which justice shall persuade, &c., at which day the aforesaid John Archer came, &c., and the aforesaid John Monyn come not with the record and process aforesaid, as he had day before the warden, &c., upon which the aforesaid John Archer prayeth judgment, &c., and day is given to him before the said warden

at his next coming to the Castle at Dover, &c.”

It would appear from the latter part of this last document that the warden sometimes held his court at Dover as well as at Shepway. The Court of Shepway was not held at stated times, but at the will of the warden, as appears by these words in the first record: “And when the warden of the Cinque Ports shall will to have an assembly, &c.” Probably as this court was held at uncertain intervals, any causes (such as the one above quoted) remaining over, was decided by the warden himself at Dover Castle, where he resided in his office of constable of the same. Or, as the court, though called the Court of Shepway, was not always holden there but at other places (as at Beaksbourne, in Kent, for example, in the year 1597), it might be adjourned to the Castle of Dover.

At what exact period the Court of Shepway ceased to be held, either at that place or any other, we are not able to say, but the following summons was issued in the thirteenth year of James I, August 3, 1615:

“Edward Lord Zouche, St. Maure, and Cantelupe, constable of the Castle of Dover, lord warden, chancellor, and admiral of the Cinque Ports, two ancient towns, and their members, and one of his Majesty's most honorable privy council; to all and singular mayors, bailiffs, and jurats of the said Cinque Ports, two ancient towns, and members of the Cinque Ports and towns, and every of them, greeting: For certain good causes and considerations me thereunto specially moving, I have thought it necessary to notify unto you by these presents that I purpose and am resolved, by God's grace, to be at Shepway, in Kent, within the liberty of the said Cinque Ports, upon the fifth day of September next ensuing, by eight o'clock in the forenoon, then and there to make solemn serement, and promise to uphold and maintain the liberties and privileges of the said Cinque Ports to the best of my power, according to the ancient usage and custom of the said Cinque Ports. Therefore, by authority of my said office, these are in his Majesty's name, strictly to charge and command you and every of you to give good summons and lawful warning unto six, five, or four jurats and others of the best and most discreet of every of the said ports, towns, and members corporate, personally to be and appear before me at Shepway aforesaid, on the said fifth day of September, next coming, at eight of the clock in the forenoon of the same day. And that also you, the said mayors and bailiffs, and every of you, be likewise then and there personally present, to do as to you and them hath been accustomed and belongeth. And that you do then and there certify, under the seals of your office, what you shall have done in the accomplishment of the premises, certifying me also then and there the names of all those persons whom you shall so have summoned and warned, as aforesaid, and therewith returning back unto me then and there this mandate, whereof fail you not, nor any of you do fail, upon pain of a hundred pounds.

“Dated at Philip lane, in London, under the seal of my office, the third day of August, in the year of the reign of our sovereign Lord James, by the grace of God, &c., viz. Of England, France, and Ireland, the thirteenth, and of Scotland the forty-ninth.” The following is the return to this mandate from the town of Rye:

“To all those to whom these presents shall or may appertain, and especially to the Right Honorable Edward Lord Zouche, St. Maure, and Cantelupe, constable of the Castle of Dover, lord warden, chancellor, and admiral of the Cinque Ports, two ancient towns, and the members of the said Cinque Ports and towns, and every of them, and one of his Majesty's most honorable privy council; we, the mayor, jurats, and commonalty of the ancient town of Rye, in the county of Sussex, of the liberties of the said Cinque Ports, with all due reverence, send greeting: May it please your good lordship to be advertised, that we have nominated, elected, appointed, and chosen our well-beloved combarons, Mark Thomas, now mayor of the town of Rye aforesaid, Richard Fowtrell, Thomas Ensing, Matthew Young, John Palmer, and Richard Gibbridge, of the same town, jurats, to be and appear before your honour at Shepway, in the county of Kent, within the liberties of the said Cinque Ports, on the fifth day of September next coming, by eight of the clock in the forenoon of that day, then and there to do such service, as to us appertaineth to be done by the ancient usages and customs of the said Cinque Ports and their members, at the solemnization of the serement or promise of the lord warden of the said Cinque Ports at his first entry into the said office, according to your lordship's commandment and pleasure, contained in your letters of summons therein of late to us, among others made, bearing date the third day of August last past, wherein we do hereby ratify, confirm, and allow all and whatsoever the said Mark Thomas, Richard Fowtrell, Thomas Ensing, Matthew Young, John Palmer, and Richard Gibbridge, or the most part of them shall do, or consent to be done in the premises. In witness whereof we hereunto caused the common seal of the town of Rye to these presents to be affixed. Dated the last day of August, in the year, &c., 1615.”

On August 20th, 1629, there was a Court of Shepway held, when Theophilus Earl of Suffolk was sworn, and this is the last mentioned by Jeake, and probably the last that was held; for Jeake did not

complete his work till fifty years, and it was not published till nearly a century, after this time. As, moreover, in a few years after this time the civil wars broke out, this court may then have fallen into complete desuetude. About this time the service of the shipping ceased, and changes began to take place in the various ports, towns, and members.

In the first record relating to Shepway mention is made of the king's prison, and which may mean the prison at Shepway, in contradistinction to that in each of the respective ports, wherein they kept their own prisoners, while those of the crown were sent to the former.

When Breeds was hanged and gibbeted for the murder of Mr. Grebble, his execution took place at the west end of the town, whereas the Customal of Rye, bearing date A.D. 1568, directs that all criminals condemned to death" shall be hanged upon the Saltness, on the east side of the town, behind the salt water of the town."

Which is the precise locality, here indicated, it may not be easy now to say; but there is a spot on the north-east side of Rye, at present, or very lately, known by the name of the Gallows Bank. In 1568 the salt water flowed round three sides of the town, and this bank protruded into it, forming what was generally called a ness or nose of land. On this point is now lately erected a small cottage, known by the name of Prospect Cottage, immediately facing the entrance into what was formerly called Dead-man's lane, but now the Grove. I shall add one more legal privilege still enjoyed by the Cinque Ports, and then, having so fully discussed this branch of our subject, shall have little or no occasion to refer to it again. If an inhabitant of the Cinque Ports is arrested for debt, the writ is not issued by the sheriff of the county, in which his place of residence is situated, but by the lord warden, and is executed by the bodar of Dover Castle, in which place he is imprisoned until the debt is cancelled. The Barons were to be quit of all wreck, which implies that, if any vessel happens to be wrecked on the coasts in any of the precincts of the ports, the goods found in her were not to be the property of the king, as by his prerogative they would be, but that of the Ports.

This Charter says also that they shall be wreckfree, which means that, whereas by the former grant they were entitled to the goods found in the vessels of strangers wrecked on their coasts, by this they are to recover all goods wrecked in their own vessels without the jurisdiction of the Cinque Ports.

In the Charter of Edward IV this grant is further enlarged by the words: "The Barons and good men, and their successors may for ever have wreck of the sea, howsoever happening, in whatsoever coasts and arms of the sea adjacent to the ports and members aforesaid, and all and singular things to such wreck appertaining and belonging." Which imply that they are to have all goods of vessels wrecked not only on their own immediate coasts, but on the coasts and bays adjoining.

It does not appear quite clear whether each respective port had the goods wrecked on their own shores, whether they were shared among all the ports, or whether the lord warden claimed them as his perquisite. At this present time all wrecked goods are considered as his property, and are accordingly seized by his deputy, in the town of Rye, on his behalf.

The next grant, in this first Charter of Edward I, will require a more extensive inquiry. It is contained in these words: "And that they (the Barons) may have den and strond at Great Yarmouth."

In all nations, in all ages, and in all stages of their existence, we find, wherever their peculiar localities called their attention to the subject, that the fisheries were very carefully watched over and protected. In all insular countries the employment of fishing constituted one great source of their wealth, and in England it was very early attended to. Though man and his institutions are continually undergoing great changes, Nature seems to move on in one grand uninterrupted course. The peculiar races of beasts, of birds, and of fishes still inhabit the same localities they did some hundreds of years ago. The immense shoals of herrings which yearly visit the western coasts of Scotland, pass thence to the eastern side of the same country, and regularly descend along the same shores of England, being found in great numbers, and of large size and excellent quality, at Great Yarmouth, in the county of Norfolk, frequented the same shores and in equal numbers in the days of Edward I, where the privilege of fishing then was granted to the Barons of the Cinque Ports, ancient towns, and their members.

The word den properly signifies a low place, and here is meant to designate certain low salt marshes at Great Yarmouth, on which the fishermen had the liberty of drying and mending their nets. These marshes are still called the dens or deans.

Strond or strand, being a landing-place, implies the right of the fishermen of the Cinque Ports to deliver their fish, free of toll, at the strand for sale, during the fishing season.

At a very early period, long antecedent to this grant of Edward I, even as far back (according to Lyon, in his 'History of Dover') as the commencement of the fifth century, the Barons of the Cinque Ports resorted, about the time of the autumnal equinox, yearly, to the coast of Norfolk, near to the spot on which the town Great Yarmouth now stands, for, when they first frequented it, there were only a few cabins or huts, erected by persons who went there, for the purpose of catching herrings. In process of time the influx of fishermen, from the several Cinque Ports and ancient towns, as well as from London and other parts, together with the Flemings and various merchants, who came to purchase the fish, a town sprang up, since known by the name of Great Yarmouth, to distinguish it from a town of the same name in the Isle of Wight.

The fishing season was supposed to last for forty days, during which time a fair was held for the purpose of disposing of the fish; and as, in consequence of this large assemblage of people, frequent disputes and disturbances would naturally arise, the Cinque Ports and ancient towns, at their brotherhood (of which court we shall speak more fully hereafter), yearly appointed certain officers, called bailiffs, whose duty it was to proceed to Yarmouth, and there remain during the forty days allowed for the fair to be holden. These officers were appointed in the following manner: each port elected one and sent him to the brotherhood, which was a representative assembly composed of the mayors, certain jurats, and barons, from the several towns, when he appeared before them, and, if approved of, was then and there sworn into his office, and, if not approved of, was rejected. The bailiffs, for the preceding year, also appeared at this court, where they gave an account of their stewardship, and if it appeared they had properly discharged their duty, they received the thanks of the court; but, if otherwise, they were fined according to the nature of the offence. If the bailiffs elect were approved of, on being sworn, they were admitted to take their seats with the mayors and other members of the brotherhood.

Thus the bailiffs were men of some importance in their respective towns, and had a difficult duty to perform. Their annual salary originally was £26; but, in the reign of Elizabeth, it was raised to £30.

As Yarmouth began to increase in size and importance, which it did at, or before, the time of Edward I, the inhabitants assumed a degree of authority at the fair, and also disputed the rights of the portsmen to the full and free appropriation of the dens and strand. This town now had a corporation, presided over and regulated by a provost and bailiffs, and, I presume, considered it derogatory to their dignity that any other officers but themselves should exercise authority within their precincts. The disputes, consequent hereupon, made it necessary, on the complaint of the parties, for Edward I to issue the following ordinance, which, omitting the preamble as unnecessary, proceeds as follows, namely: "Of the article of den and strand, which the Barons of the Ports claim, at Yarmouth, we say and will, that they have their easements in strand and den without appropriation of the soil; and, namely, in the time of the fair, without any custom to be given. And also we will, that those of the town of Yarmouth, void den and strand of old ships and timber, where, as they ought, to arrive and dry their nets, so that it be not of ships which are building, and masts, upon which they may dry.

"And we will, That those of the town of Yarmouth do not rear more than five windmills upon the dennes; and those, which they have liberty to arrear, to be to the last damage and annoyance of the dennes, and of those which should dry their nets.

"And we will and say, That our Barons of the Ports have and enjoy peaceably their rents, of which they be seized in the town of Yarmouth; and if any thereof do them deforce, then our provost and our bailiffs of Yarmouth be to them helping, the said rents to levy according to right and law. And if our Barons of the Ports intend to have right in others, whereof they may be deforced by our people of Yarmouth, we will, that they have their recovery by writs, and by the law and customs used in the said town.

"And of that, which of our Barons of the Ports is demanded to have at Yarmouth royal justice, and the keeping of our peace in, and during, the time of the fair, by forty days: We say and will, that they have the keeping of our peace, and doing royal justice, together with our provost of Yarmouth, in this form: that, during the fair, they shall have four serjeants, whereof one to bear our banner, another to blow a horn, for to assemble the people for proclamation to be heard the better; and the other two to bear rods for to keep our peace. And these offices they may do on horseback, if they will.

"And we will and say, That the Barons of the Ports, with our provost of Yarmouth, make the attachments and plead the pleas, and determine the complaints, which may be pleaded during the fair, according to the law-merchant. And the amerciements and profits of the people of the Ports to remain to our Barons of the Ports, during the fair aforesaid. And the profits and amerciements of all others,

than of the Ports, to remain to us to be levied by our bailiffs of Yarmouth.

“And we will, That the bailiffs of our Barons of the Ports, together with our provost of Yarmouth, have the keeping of our prison of Yarmouth during the fair aforesaid. And if it shall happen, that any person be taken for so grievous trespass, that by them may not, in the time of the fair, by law-merchant, be determined, nor the prison delivered, he shall remain in our prison at Yarmouth until the coming of our justices.

“And in right of the moneys, which our Barons of the Ports demand for sustaining the fires: We will and say that the bailiffs of the Barons of the Ports receive and have the two pence of the master of ships accustomed, which are called fire pence, for sustaining the fires, at the places accustomed, for security of the arrival of ships by night, so long as they shall maintain the fires. And if it shall happen that they shall fail in the sustentation of the fires aforesaid, it shall be lawful to our provost of Yarmouth to receive the said pence, and sustain the fires in the form aforesaid.

“In right of that which our Barons of the Ports say: That they were wont to take of every ship the custom of four pence, we will and say, for the good of peace, that from henceforth they take, from year to year, six pounds sterling, by the hand of our provost of Yarmouth, at departing of the fair, for the custom of the four pence aforesaid.

“In right of that which our Barons of the Ports say: That they were wont to take distress in sea and land for their duties, we will and say that the bailiffs make no distresses without our bailiffs of Yarmouth (if it be not of the people of the Ports), and that the distress be so reasonable, according to the law-merchant, by which the fair be not impaired.

“In right of that which our Barons of the Ports have complained: That the fair is impaired, and the merchants impoverished, and the commonalty of the land endamaged, by the guards which our people of Yarmouth put upon ships, and the merchants and their merchandize, we will and say that no such guard henceforth be put, by which the said merchants may not freely sell their goods by their own hands commonly, when they will, paying the customs due.

“In right of minstrels and women of misliving: We say and will, that our Barons of the Ports, nor those of Yarmouth, take nothing.

“In right of fenestrage and stallage: We will and say that our Barons of the Ports nothing take from henceforth.

“And all these things aforesaid, We will and command that they be firmly holden of the one part and the other upon a grievous forfeiture at our will.

“In witness of which thing, to this writing we have put our seal.

“Given at Westminster, May 20th, in the fifth year of our reign, A.D. 1276.”

Under all the circumstances, and considering the conflicting interests he had to deal with, perhaps the king could not have made a better arrangement than he did. In short, he compromised the matter between the two parties.

When the Barons of the Cinque Ports first went to this part of the coast of Norfolk, to carry on their fishing, there then being no inhabitants, of course there could be none to oppose whatever authority they might choose to assume; but when Yarmouth rose in importance the case was altogether altered, and it could not be expected that the men of this town would quietly submit to strangers exercising power within their immediate precincts. Hence arose these disputes: and the king, as the only course left open to him, endeavoured, by compromising matters between them, to allay their dissensions for the present, and prevent them for the future. How far he succeeded in this laudable attempt we shall see hereafter. At present we will see how things were now compromised.

The Barons of the Ports were still to enjoy the privilege of drying and mending their nets on the den, and of landing their fish on the strand, free of toll; and the men of Yarmouth were to keep these parts clear of old ships and timber, which they were in the habit of laying thereon. But though the Barons had these rights reserved to them, the property of the soil was to be vested in the town of Yarmouth. It thus became a sort of copyhold tenure, the provost of Yarmouth being lord of the manor, and the portsmen tenants, only not subject to any payment by way of acknowledgment.

In right of their proprietorship of the dens, the corporation of Yarmouth had liberty to erect windmills

upon them; but inasmuch as the portsmen were tenants of the same, the number they were allowed to erect was limited to five, in order that the former might still have sufficient room to dry their nets.

Originally, no doubt, the bailiffs of the Cinque Ports had alone the keeping of the peace and the administration of justice during the time of the fair, but now the officers of Yarmouth claimed the right, and this was compromised by the bailiffs of the Ports and the provost of Yarmouth being appointed jointly to keep the peace and administer royal justice. And under this regulation the men of the ports were to have all amerciaments and profits arising during the fair from the people belonging to the Ports; and the bailiffs of Yarmouth were to levy all others for the use of the king.

The bailiffs of the Ports and the provost of Yarmouth were to have the joint keeping of the gaol during the fair.

In the early days of this great fair, when numerous vessels resorted thither, it was found necessary, owing to the dangerous nature of the coast, to erect fire-beacons by night, for which the Portsmen received twopence from each vessel arriving by night. This right was compromised (owing to a claim probably having been made by the provost of Yarmouth to have the care and the profits of these beacons) by the Portsmen being allowed to have them, so long as they properly maintained them; and in case of neglect, by their being handed over to the people of Yarmouth.

The Portsmen had been in the habit of levying fourpence on each vessel. This was compromised by a yearly sum of six pounds to be paid by Yarmouth to the Cinque Ports. It does not appear whether this toll was levied on every vessel passing the port, or on those only which came to traffic at the fair. At the present time, every vessel anchoring in Yarmouth Roads pays one shilling to that town; and this toll of fourpence may have been the origin of it.

We may form some idea of the traffic which was carried on, during the forty days of the fair, by observing that these six pounds represent 360 vessels; and, of course, the Yarmouth men paying this to the Portsmen without any trouble of collecting on their parts, it is fair to suppose they made some profit (if it were only to pay for the expense of collecting); and hence many more than 360 must have arrived in this time. To these must be added all the vessels belonging to the Cinque Ports, which paid no custom, as well as those of the port of Yarmouth itself.

Unfortunately the good intentions of Edward I were of little avail; for we find that, even during his reign, fresh disputes arose, which he was called upon by both parties to arbitrate upon. Whether it was at this, or at what precise period I cannot say, but it was the fact, as recorded by Jeake, that their quarrels reached such a height that one of the bailiffs of the Cinque Ports was killed by one of those of Yarmouth; for which the latter was hanged, and the town ever afterwards had, as a punishment, to pay a certain number of herrings to Windsor Castle, or a sum of money instead thereof. To this day herring pies form part of the quit-rent to the Crown.

The two contending parties having submitted their disputes to the arbitrement of the king (Edward I), he, in the thirty-third year of his reign, on March 31, A.D. 1304, issued the following ordinance, the substance of which is as under, viz. :

In the first place, the king having submitted the case to certain of his council, for their opinion and advice, decided "that the Barons of the Cinque Ports should continue to have entirely their franchises and their rights in the town of Yarmouth, according to that which is contained in his former ordinance."

Item. That he would send certain men to view the strand and dens, to see what nuisances were then created by the people of Yarmouth, so that the same might be fully redressed agreeably to the intentions of the former ordinance. That all damages and trespasses whatsoever committed before the third day of this same month of March, should be pardoned, and that, after that time, they were to live in good love and good peace perpetually.

Item. That if they who have royal justice and the keeping of the peace in the town of Yarmouth, at the suit of the plaintiffs, of trespass done in the time of the fair, do not do amends and speedy justice, according to the law and usages of those ports, and if the same be brought before the king, and the bailiffs accused of the same be found guilty thereof, then they shall lose the franchise of justice.

Item. That, as regards the keeping up the fire-beacons, if the Barons of the Ports who receive the toll for the same neglect to sustain them, and thereby any vessels receive damage, the said Barons shall be liable to make good the same, and the provost of Yarmouth shall sustain the fires, and receive the fire

pence until the Portsmen have satisfied the injured parties, he, the provost, becoming answerable for any damage which may accrue while the beacons are under his management.

Item. That, for the better maintenance of peace, the king ordered, “the master and two of the most proved men of each ship, whosoever it should be, as well of the Port-towns and their members, as of the town of Yarmouth, make their oath before the mayor, barons, and bailiffs, and provost of the places aforesaid, ere that the ships go out of the havens, that they the peace should keep, and of their company and subjects should make to be kept, so that there be no disturbance.” That “all trespassers should be delivered with their chattels, at the first place they should arrive at, to the bailiff of the said place, there to be adjudged according to the law thereof.” That if the master of any ship conceal any felon, misdoer, or malefactor, he should be answerable for the same, and have the same justice administered to him as would have been awarded to the culprit.

Item. That “the wardens, bailiffs, and provosts should, four times in the year, make inquests, in the best manner they could – one in time of the vintage, another in time of reke, the third in time of salt season, the fourth in time of herring season – of the felonies and trespasses done among them, in what part soever it be throughout the year. And those which the said wardens, bailiffs, or provost should find indicted, should cause to be attached and justiced, according to the law and the usages of those parts.”

This last clause does not seem quite clear. It cannot apply to justice to be done at Yarmouth, because the Ports’ bailiffs were only there during forty days. I suppose it must mean that the provost of Yarmouth, or the bailiffs of the respective Ports, were to inquire at the four different times of the year here specified into all such complaints as had arisen during the time of the fair, but which they then had not sufficient time to examine into and give judgment upon.

But who is the warden here spoken of? It cannot be the warden of the Cinque Ports, because it speaks of wardens, and there was but one warden of the Ports. Jeake sometimes translates the word keeper, and then one would suppose it to mean a keeper of the prison; but the gaoler is never employed to make an inquest; his only duty is to keep prisoners in safe custody, on the finding of the inquest.

Perhaps this difficulty may be solved thus: we shall see presently an order issued by Edward III, which is directed to the bailiffs of the Cinque Ports and the bailiffs of Yarmouth, keepers of the fair of the same town. Thus, if Jeake had translated the word always “keeper,” instead of “warden,” and had transposed the words wardens, bailiffs, and provost thus, viz. Bailiffs and provosts (keepers, that is, of the fair), much of the difficulty would be got rid of, but not the whole, as afterwards it says the said wardens, bailiffs, or provost. I must confess, after all, there is much ambiguity, and shall leave the knot for others to untie.

How long good love and good peace existed between the parties it is not easy to say, but we know they were not perpetual; for in the thirty-first year of the reign of Edward III, in Easter Term, A.D. 1357, the following petitions were presented to this king, and which, with his answers appended, we here insert.

PETITIONS of the Barons of the Cinque Ports, holden at Westminster, in Easter Term, the 31st year of King Edward III.

“Imprimis. Lowly complaineth and humbly beseecheth our Lord the King and his Council, your poor orators the Barons of the Cinque Ports, that wherein an ordinance late made in the time of your gracious and good grandsire, between the late Barons and the people of Great Yarmouth, therein is contained, as followeth:

Petition.

“That the Barons of the ports have their easements in strand and denne, without any impediment of soil, and without any custom giving, and that the people of Yarmouth void strand and denne of old ships and timber, whereas they should arrive and dry their nets. And the people of Yarmouth, not having regard to these words, nor will suffer the Barons to have their easements in strand and denne abovesaid, nor will avoid in manner, as they should, according to the ordinance therein taken, to the great damage of the Barons, whereof they beseechen remedy.”

Answer.

“I will and command: That the Barons have their writ upon our dite and ordinance, to the bailiffs and commonalty of the town of Yarmouth. And in case they will not so do, as above is said, that process be done against them by attachment and distress.”

Petition.

“And further, in the same ordinance of your gracious grandsire: That the Barons should have and enjoy peaceably all such rents as they have, or ever had, in the same town: and if the said Barons intend to have right in any other rents, whereof they should be deforced by the people of Yarmouth, that then they should recover it by writ, law, and usage of the said town. The said people of Yarmouth have detained their said rents from the Barons of the Five Ports, and will not do them right according to the ordinance aforesaid, whereof they pray remedy.”

Answer.

“I will and command: That the Barons have their writ upon this article unto the bailiffs of the said town, willing them, that they be helping and aiding to the Barons to levy their rents, after the purport and effect of the said ordinance.”

Petition.

“And whereas the Barons of the Five Ports have the keeping of the peace and to do royal justice, with the provost of the town of Yarmouth; and that the said bailiffs of the Ports make with the said provost all attachments, and plead all pleas, and determine the complaints that may be determined during the fair, after law-merchant; and that the amerciements and profits of the people of the Ports shall be unto the Barons during the fair; and that the said Barons, with the provost, have the keeping of the king's prison in Yarmouth during the fair there. But the people of Yarmouth incroached to themselves royal justice and grace abovesaid, and will not suffer the bailiffs of the Ports nothing to meddle, ne of the complaints, attachments, and amerciements, with other profits aforesaid, to have knowledge; whereof they pray remedy.”

Answer.

“I will and command: There be a writ made and directed to the bailiffs of Yarmouth upon this article; that, in case they will not obey the order, there be process against them by attachment and distress.”

Petition.

“And also it was in that ordinance, by your gracious grandsire, that no guard should be upon any ship-merchant, with their merchandize, by the which the merchants, to whom the said ships and merchandize do belong, may sell freely their goods, commonly by their own hands, to whomsoever they will, paying their customs thereof due. The people of Yarmouth will not suffer the merchants coming to their town to sell their goods and merchandize to their most profit; but only put them therefro, and sell it at their will, to what value the merchants are thereof ignorant, to the great damage and impoverishing of the common people, and against the ordinance of your gracious and good grandsire; whereof they do pray remedy.”

Answer.

“Upon this article also I will, and straightly command, a writ to be directed to the bailiffs of Yarmouth, to cease from these enormities upon a grievous pain.”

Petition.

“And, over this, the said Barons beseech the King and his Council to do convenable and hasty remedy of these said griefs; and, over this, to see and examine all the articles comprised in the said ordinance, and then to declare and enlarge that shall be to the profit of the King and of the Barons, and of other the King's liege people, as well to the merchants and fishers, as all others coming to the fair, for the traffic of merchandize.”

Answer.

“This article shall be answered.”

This same king was very shortly after again called upon to interfere, not on account of fresh dissensions between the men of Yarmouth and those of the Cinque Ports, but because some of the regulations which had been framed for the direction of those who attended the forty days' fair at the former place had been infringed; the nature of which will be better understood by the perusal of the following order, which was issued on September 25th, 1359:

“Edward, by the grace of God, King of England and France, and Lord of Ireland, to our bailiffs of the Cinque Ports, and bailiffs of the town of Yarmouth, keepers of the fair of the same town, greeting: We send a certain agreement, made by us and our Council, which we will to be holden and executed in the present fair of the town aforesaid, the tenor whereof followeth in these words:

“Forasmuch as the price of herring in the fair of Yarmouth is greatly indearthed, more than it hath been before these days, to great damage unto the common people of all the realm, and it is to be doubted that more greater damage there will come after this, if remedy be not had: It is ordained by our lord the King and his Council, by assent of the merchants-fishers of London and of Yarmouth, for such damages to eschew that the fishers which come with their herring into the haven of Great Yarmouth, in the time of the fair, that they sell no herring before that they come to land in the same haven, and fasten their mooring upon the land, and then they to sell upon the land openly to whom it pleaseth them. And that the merchants repairing thither be also free to buy herring of the fishers, as the hosts, without disturbance or impeachment of any. And that none remove, nor go against the said fishers by sea nor by land, to buy herring by way of forestalling, nor in such other manner, upon pain of imprisonment, and to yield the value to the king. And that the fishers, nor their hosts, absent themselves not by covin, nor by other means, but to be at the tide when the ships come to the land within the haven, and have fastened their mooring-rope; but that they there be ready to sell their herring, as well to merchants that be strangers, as privy, that will buy them, under the same pain. And that herring be delivered out of the ship before that it be sold. And that the sale be made by daylight, so that, after the sale be made, the fishers may deliver their herring and discharge them, as well by night as by day. And that those vessels called pycards buy no herring in the sea, nor in none other place upon the coasts of the sea, but only in the said haven and in the Road of Kyrkely, so that at all times the price of herring at the fair, nor in the Road of Kyrkely, be the dearer, upon the pain aforesaid. And, in case that any will complain against any, that hath trespassed against these points aforesaid, let the trespasser be attached by the wardens of the fair, by his goods, and, if he have not whereof sufficient, be he attached by his body for to answer to the party plaintiff, and have they their day in court after law-merchant. And if it be pleaded to an issue of the country, that the one half of the quest be of neighbours, and the other half of foreigners, if the plea touch neighbour and foreigner. And the wardens of the fair be attendant at every tide of the sea to govern duly and truly all these points aforesaid rightfully, and hasty execution unto every person that will plain in this part, under the same pain. And that none go by boat, nor in no point into the sea, nor into the Road of Kyrkely, to meet with the fishers to constrain them or procure them to sell their herring in the said road, or in the sea, in disturbance of the said fair, under the same pain. But if the fishers be in free will to sell their herring in the said road, after that they be anchored there, it shall be lawful unto the merchants of Laystoffe and Winterton to buy herring of the fishers as free as the pycards, to serve the carts and the horses that come hither from divers countries, and to hang there, so that all times they sell no fresh herring against the tide, under the pain afore rehearsed. And in case of any fisher charged with one last of herring and a half, or beneath, in the Road of St. Nicholas, and list not to come into the haven for so little a thing, and would sell that herring there in the road, it shall be lawful to him to set up his sign there, and to sell his herring to the merchants that will come.

“And therefore we command you, that the agreement aforesaid, and every the articles contained in the same, be publicly proclaimed in the present fair, as long as the same shall last, firmly and inviolably, under the penalties aforesaid, to be kept and made to be holden. And all and singular those which you shall find contrary or rebellious, by their bodies ye take and arrest, and in our prison safely ye cause to be kept, until of their punishment otherwise we have made to be ordained. We, of the names and for what causes they have been arrested under your seals distinctly and plainly being certified.

“Witness myself, at Westminster,

“By the King himself and Council.”

In this last order there is one very curious word, which requires some explanation. This word is “indearthed,” which, from the context, is evidently intended to convey the meaning that the price of herrings was greatly increased by the system of forestalling, which had crept in, and which this order was intended to put a stop to. By buying up the fish before they were brought to the strand the price was regulated by the forestallers, they producing an artificial dearth by supplying the fair at their pleasure, and raising the price as though there had been a real dearth. Thus “indearthed” means that herrings were raised to a dearth-price; as in time of real scarcity we say things are at a famine-price.

A last of herrings is also mentioned here. In the present time, and in Kent and Sussex, a last is ten thousand. Whether it was the same at Yarmouth in those days I cannot say; but a last and a half, or

fifteen thousand herrings, does not seem so small a draught as not to be worth coming into port with.

Edward III, in the forty-seventh year of his reign, A.D. 1373, October 15th, was under the necessity of issuing the following ordinance, addressed to the town of Yarmouth, in consequence of the officers of that place having prevented the bailiffs of the Cinque Ports from enjoying all the rights heretofore granted and confirmed to them.

“Edward, by the grace of God, King of England and France, and Lord of Ireland, to the provost and good men, and to all the commonalty of the town of Great Yarmouth, greeting: Whereas, among other things in the letters patents of the Lord Edward, sometime King of England, our grandfather, is contained that which we by our letters have confirmed, upon a certain composition between the Barons of the Cinque Ports. And the people of the said town of Yarmouth, for settling and pacifying the pleas, contentions, and discords late made and moved thereof. That the same, our grandfather, said and would, that the Barons of the said Ports, the time of the fair of the town of Yarmouth, during forty days, might have the keeping of our peace and might do justice, together with the provost of the said town of Yarmouth, in this town; that, during the said fair, the Barons might have four sergeants, one whereof should bear the banner of the kingdom, and another one horn should sound for gathering together the people, and for the better hearing to be made and had; and the other two sergeants should bear rods for the peace there to be kept; and this office they might do riding if they pleased. And certain other things, in the said letters contained, they might do and execute. To you we command, firmly enjoining, that the Barons, the liberties and offices aforesaid, and all other liberties and freedoms in the same said letters and our confirmation contained, so much as concerneth the said fair, in the same fair, during the same, without impediment, to use and enjoy. Also, that ye permit the same Barons freely to make their proclamations concerning our peace within the said town, during the said fair by them to be kept, and their office aforesaid there duly to execute, according to the tenor, force, and effect of the letters of our confirmation aforesaid, lest for your fault and molestation we must to this extend our hand.”

Although different kings. Had taken great pains, and had frequently interposed to prevent the men of Yarmouth from encroaching on the privileges of those of the Cinque Ports, still the former continually stirred up and fomented contentions, for the purpose of shaking off their competitors in the administration of justice, though but for a season of the year, and though judgment had always been given against them. And not only did the Yarmouth men interfere with the Ports men on this account, but also in trifles and punctilios, such as the style of the court there kept, in naming the Ports bailiff's before theirs, the sitting of the bailiffs at court, and several such others not worth mentioning; so that, in the eighteenth of Queen Elizabeth, on May 31st, 1576, certain articles, orders, and resolutions were agreed upon by several of the judges, learned lawyers, and others, referees in the case, to be observed by both parties; the copy whereof is here subjoined:

“Articles, orders, and resolutions, indented, set down by Roger Manwood, one of the Queen's Majesty's justices of the Common Pleas, John Jeffereis, one of her Majesty's serjeants-at-law; William Lovelace, serjeant-at-law, John Boyer, Esq., Edward Peeke, mayor of the town of Sandwich, Thomas Lake and Robert Boneham, commissioners and arbitrators assigned for the Barons of the Cinque Ports, on the one part; and Thomas Gawdye, one of her Majesty's justices of her Bench, Robert Bell, Francis Wyndham, Edward Flowerdewe, Charles Calthorpe and William le Gryse, Esqs.; William Harborne and Thomas Dammett, commissioners and arbitrators, assigned for the bailiffs of Great Yarmouth, on the other part, as followeth, viz.:

1. “That the bailiffs of the Barons of the Cinque Ports, during the free fair at Great Yarmouth, shall there have the administration of royal justice and the keeping of the peace, together with the bailiffs of Great Yarmouth, as hath been continued and used.
2. “That the bailiffs of the said Barons of the Cinque Ports shall then and there, together with the bailiffs of Great Yarmouth, have the holding and determining of all pleas moved, or depending and determinable during the free fair there, according to the law-merchant.
3. “That the prison there shall be kept jointly together, by the bailiffs of the Cinque Ports and the bailiffs of Yarmouth, for all prisoners committed, or remaining there, during the fair; and, at their first coming, to peruse and have a view of the prisoners, and to know for what cause they be imprisoned.
4. “That the prenomination of the style of the said court to be (alternately) one year to the bailiffs of Yarmouth, and one year to the bailiffs of the Cinque Ports; and the prenomination for the next free fair to come, concerning the said court, to be to such of the bailiffs of Yarmouth or the bailiffs of the

Cinque Ports, as the said Roger Manwood and Thomas Gawdye shall naine in the indorsement hereof, and subscribe with their hands.

5. "That the proclamation of the fair shall be in this manner and form: that the bailiffs of the Cinque Ports, with all their usual officers and ornaments, shall at the usual time assemble, and that it shall be lawful to the said bailiffs of Yarmouth, with their usual officers and maces, to be then and there present, if they will, and, in the name of all the Queen's Majesty's bailiffs, there present, without particular nomination or prenomination of the said bailiffs of the Barons of the Cinque Ports or bailiffs of Yarmouth, make their usual proclamation of the articles of the said free fair.

6. "That the bailiffs of the Ports shall by all means and ways, that they conveniently may cause, as well their own fishers and people, as all other fishers and people, not to discharge any herrings or other merchandize, during the fair, at any place within seven miles of Yarmouth; but only at the town of Yarmouth, according to the edict made between the said Barons and bailiffs and burgesses of the town of Yarmouth.

7. "Where it hath been used that a party inquest should be impannelled, whereof some to be of the Ports, and a like number of Yarmouth, to inquire of the misdemeanours and offences committed during the fair, and the same to present before the bailiffs of Yarmouth and of the Barons: the said inquiry shall from henceforth continue, as it hath been used and accustomed.

8. "Where of every fisher-vessel, coming to the said free fair, in ancient time, four pence, for toll or custom, was paid to the bailiffs of the Cinque Ports, which afterwards, by composition, was reduced to a sum certain of six pounds yearly. Now, for good and quiet accord, it is agreed that the said bailiffs of Great Yarmouth shall, from henceforth, yearly pay to the bailiffs of the Cinque Ports, at their departure from Great Yarmouth, three pounds ten shillings, for, and in recompense and satisfaction of the said toll or custom of four pence for such fisher-vessel, not charging in anywise any of the boats or ships of any of the inhabitants of the Cinque Ports. And, in consideration thereof, the said bailiffs of Yarmouth to be discharged of all arrearages to be demanded for any time past.

9. "That all the inhabitants of the said Ports and their members, together with their ships and merchandizes, shall be free of denne and strand, and of all taxes, charges, and burdens unaccustomed whatsoever, and have and enjoy all other their privileges, liberties, and commodities whatsoever, heretofore used, not repugnant to these articles and orders. And that they, and every one of them, shall and may frankly sell his or their herring, to whom it shall please them, without let or interruption of the said bailiffs of Yarmouth.

10. "That no supersedeas shall be awarded or made by the bailiffs of the Barons of the Cinque Ports, of themselves, for discharge or setting at liberty, any arrested or bound, for the peace or good behaviour, by warrant of the said bailiffs of Great Yarmouth, without the consent of both or one of the same bailiffs of Yarmouth. And, e converso, that no supersedeas shall be awarded or made by any of the bailiffs of Yarmouth, of themselves, for discharge or setting at liberty, any arrested or bound for the peace, or good behaviour, by warrant of the said bailiffs of the Barons of the Cinque Ports, without consent of one or both the same bailiffs. But that every such supersedeas, or other discharge, shall be made by consent of both or one of those bailiffs, which granted the said warrant, during the said free fair.

"In witness whereof, as well the said commissioners and arbitrators assigned for the Barons of the Cinque Ports, as the said commissioners and arbitrators assigned for the bailiffs and town of Great Yarmouth, to these articles, orders, and regulations indented, their seals interchangeably have set."

After this period, we have but little further information on the affairs of Yarmouth. We have seen that the power, the rights, and the privileges of the Cinque Ports, which originally were very considerable, were gradually encroached upon and lessened. As Yarmouth increased in size and wealth, she, with these, acquired their usual concomitants, power and importance. As she increased, the Ports decreased; continual quarrels and bickerings took place; the fishery, from being participated in by many others than in former times resorted there, became of less value; the men of Yarmouth were on the spot, and thus enjoyed many advantages of which the Portsmen were deprived, from the distance they had to come; the latter were thus robbed of their profits, and, as we have seen, were shorn of their honours; and, when we put all these things together, the inference is apparent that the fate of the fishery, as it regarded the Cinque Ports, was sealed; and it was only a question of time as to how much longer it should continue. Accordingly we find it lingered on for about another century, when the last bailiffs were sent in the year 1663, and thus ceased the Yarmouth fishery, which had been enjoyed by the

Barons and good men of the Cinque Ports, ancient towns, and their members for the long period of twelve hundred years.

By this same Charter the Barons were to have their findals, and, by that of Edward IV, all treasure-trove was also to be their property; for, although the right to this latter was inquirable at Shepway, the property was vested in the Portsmen; but, by some means or other, the lord wardens have for many years claimed and taken, as their own, all wrecks, findals, and treasures trove. Their jurisdiction extends from Seaford, in Sussex, to Harwich, in Essex, and at different ports they have agents, who watch over their interests, and who have depots, in which they deposit all articles which may come into their possession.

The last privilege in this Charter is the exemption from paying to the king two tuns or casks of wine, which he claimed to take from every vessel, less than forty tons burden, at his own price.

The third Charter of Edward I grants a new privilege in these words: "We have granted for us and our heirs, that all they of the Cinque Ports, aforesaid, and others whosoever, calling themselves of their liberty, and willing to enjoy the same, shall contribute (that is to say) every of them, according to their faculties, to do the service of us and our heirs, with their ships, when this from us and our heirs they shall have in commandment."

These were men (according to Jeake) that did not inhabit the Ports, but dwelt elsewhere in the foreign, and contributed to the maintenance of the Ports' shipping, whereupon, by consent of the Ports, they enjoyed, with the Portsmen, several privileges and freedoms, as to their persons, lands, and goods. They agreed with such port or ancient town, as they lived nearest to, or liked best, what particular sums of money, yearly or otherwise, to contribute, and so called themselves of the liberties of the Ports, and from thence afterwards were called Advocants. Of these, Rye, in the twenty-seventh year of Henry VI (A.D. 1447), had no less than thirty-five, some of which paid yearly six shillings and eightpence, some others three shillings and fourpence. Afterwards, in the declining state of the Ports, they fell off, when the ancient liberties and enjoyments of either, or both, were curtailed, or more chargeable to keep than to let go; whereas, before, so many were desirous to be advocants, that, in the thirteenth year of Henry VI, A.D. 1433, by decree of brotherhood, each Port was restrained from making any more advocants, than they then had, without licence of that court of brotherhood.

Edward II, in his Charter, makes the following grant, viz.: "That the Barons shall not lose any of their rights and privileges, although they have not fully used them at any former time, and that this non-usage shall not deprive them of them at any future period." This grant would be of value, inasmuch as it would put it out of the power of adverse parties to dispute the rights of the Ports from desuetude of the same, and would thus often save them from useless expense.

The first Charter of Edward III ratifies that of Edward II, and furthermore explains certain words in the third Charter of Edward I, which are these: "That every of them (the advocants) should contribute to their respective Ports, according to their faculties." The interpretation given to which is, that they should contribute towards the maintenance of the shipping, of all their goods and chattels, as well without the liberty of the Cinque Ports as within, and that, in return, these goods and chattels, which were taxed for the service of the shipping should be exempt from the tallages or other charges whatsoever to which the goods and chattels of foreign men were subject.

We now come to the reign of Edward IV, whose Charter, granted in his fifth year, is of great importance, and requires much consideration; but as, in the third year of the same king, the town of Tenterden was united as a member to Rye, this will of course claim precedence.

"The King to all to whom, &c., greeting: We have inspected the letters patent of Henry VI, late king of England, in fact, but not of right, made in these words: Henry, by the grace of God, King of England and France, and Lord of Ireland, to all to whom the present letters shall come, greeting: Know ye that whereas our beloved the Barons and good men of our Cinque Ports, for certain liberties, acquittances, and franchises to them granted by the Charters of our renowned predecessors, heretofore kings of England, are bound to find for us fifty-seven ships at their costs and expenses every year for fifteen days, upon the summons of us or of our heirs; and the town of Rye one and the most ancient town of the Cinque Ports, and bordering on the sea, where the inroads of our enemies and rebels into our kingdom of England may be very soon observed by the flux and reflux of the sea, and by the burnings there of made by such our enemies, hath fallen into devastation, destruction, waste, and impoverishment, not only of lands and tenements, but also of inhabitants there, that the said town and the Barons and good men of the same are unable out of their estate, without their insupportable

expenses, to find for us and our heirs the portion of such navy contingent to their said town, as they are bound to do, we, being desirous that the aforesaid navy should be well kept up and observed in the aforesaid Ports, and that our Barons and good men of the aforesaid town may be more strongly bound to provide such ships, and faithfully to serve us with such navy, of our especial grace and of our mere motion and certain knowledge, do will and grant for us and our heirs as much as in us is to our beloved the mayor and bailiffs of our aforesaid town of Rye, and to their heirs and successors, and to the inhabitants and tenants, resiants, and non-resiants, and other resiants in the town and hundred of Tenterden, in the county of Kent, that from the Feast of St. John the Baptist, next ensuing, the aforesaid town and hundred of Tenterden shall consist of one bailiff and perpetual and incorporated commonalty of the same town and hundred of Tenterden, and that the aforesaid bailiff and commonalty shall be one body corporate of themselves, and shall have perpetual corporate succession, and they, so incorporated, and their heirs and successors, shall for ever be called and named the bailiffs and commonalty of Tenterden. And that they shall be able and capable in right, name, and law, to purchase lands and tenements and other possessions whatsoever, and shall have their common seal for the transacting and managing of their affairs and businesses for the future, and that they by the name of the bailiff and commonalty of Tenterden may for ever at their pleasure plead and be impleaded, and answer and be answered in whatsoever courts of us, our heirs and successors, and in other courts and places whatsoever. And that the aforesaid inhabitants and resident tenants, and their heirs and successors, dwelling in the same town and hundred of Tenterden, on the Feast of St. John the Baptist, then next following, and so from year to year on the Feast of St. John the Baptist, for ever, may have power to elect a fit person as a bailiff of the same town and hundred, for the good and wholesome government of the same town and hundred, and such person so elected they shall yearly prefer as bailiff of the said town and hundred. And that the aforesaid bailiff and his successors, bailiffs of the said town and hundred for the time being, may have and hold a court, to be holden before himself or his sufficient deputy, within the said town of Tenterden in fifteen days of the Feast of St. John the Baptist, next ensuing, and from fifteen days to fifteen days, for ever, for the hearing and determining of all and singular pleas and complaints of all and singular trespasses, covenants, contracts, and other things whatsoever done or arising within the town and hundred of Tenterden aforesaid, and also of pleas of excessive distress then happening. And also of lands and tenures, being within the said town and hundred, according to the law and custom of our realm of England, and according to the liberties, privileges, and customs of the said Cinque Ports, and they shall have the cognizance of the same pleas in the same courts, and shall do execution thereon according to the law, custom, and liberty aforesaid. And they shall have and receive by themselves and their servants the fines, issues, amerciaments, and redemptions thereupon accruing and arising to the use and benefit of the said bailiff and commonalty, their heirs and successors, without any thing to us, our heirs and successors, to be therefore rendered for ever. And that the said bailiff and his successors, bailiffs for the time being, shall have the power and authority by themselves and their servants aforesaid of attaching by their bodies all persons whomsoever, deficient in their effects in whatsoever pleas of debt, account, trespass, detainue, taking and detaining of cattle and chattels, and of other personal pleas whatsoever within the town and hundred aforesaid, which shall be moved or happen to be moved in the said court, to be holden before the aforesaid bailiff for the time being, at Tenterden aforesaid, according to the law and custom of our kingdom of England, and according to the liberties, privileges, and customs aforesaid, without the hindrance, disturbance, molestation, claim, impediment, or contradiction of us or our heirs, or the justices, escheators, sheriffs, coroners, bailiffs, or other officers, or ministers of us or of our heirs whomsoever. And, moreover, we will and do grant for us and our said heirs and successors to the aforesaid bailiff and commonalty, and to their heirs and successors, that they shall be quit of all toll and custom, to wit, from all lastage, tallage, passage, kaiage, rivage, pontage, and all wreck, and all their sales and purchases and repurchases throughout all our realm and dominion, soke and secke, toll and thean, and of all tallages and aids to be paid to us and our heirs for the bodies of their proper ships and tackling thereof, and that they shall be for ever discharged of shires and hundreds, and from all other suits and things to be done to us and our heirs, and also from all summonses before the justices itinerant of us and our heirs for whatsoever pleas in whatsoever courts of our realm they shall be. And that the aforesaid bailiff and commonalty, and their heirs and successors, or any of them, shall not be in any wise compelled to come out of the aforesaid hundred and town before us or our heirs, the justices of us and of our heirs assigned to take the assizes, and for gaol delivery the keeper of the peace and justices of us and of our heirs assigned to hear and determine divers felonies, trespasses, and misdeeds, or the justice, of us and our heirs of Nisi Prius, or the justices of us and of our heirs assigned for the surveying of walls, fosses, ditches, sewers, bridges, causeways, and weares, or other commissioners of us or of our heirs, the sheriff's, escheators, coroners of us or of our heirs, or other officers and ministers of us and of our heirs, or the steward and marshal or clerk of the market of the household of us and of our heirs, nor shall be put nor impannelled in any assizes, juries, or other

inquisitions whatsoever, nor shall they or any of them in any wise forfeit any issues or amerciements on that account to us or our heirs, but shall be thereof acquitted and discharged. And further, of our motion and knowledge and of our more ample grace, we do will and grant for us and our heirs as much as in us is to the said mayor and Barons, and to their heirs and successors, and to the aforesaid inhabitants, tenants, resiants, and other resiants of the said town and hundred of Tenterden aforesaid, and the aforesaid inhabitants, tenants, and non-resiants, and other resiants, when the said town and hundred shall be so incorporated, and all lands, tenements, and possessions whatsoever within the said town and hundred, by whatsoever names they may be known, shall be a member annexed and united to the aforesaid town of Rye. And we do annex and unite the aforesaid town and hundred of Tenterden to the same town of Rye, and separate (the same) from our county of Kent, so that the town and hundred aforesaid so annexed, united, and separated shall be reputed, named, and accounted a member of the Cinque Ports aforesaid to the aforesaid town of Rye so annexed, united, and pertaining. And that the aforesaid bailiff and commonalty, their heirs and successors, shall contribute with the aforesaid Barons, to wit, every one according to their estates, to do the service of us and our heirs concerning the ships for the navy of us and of our heirs, when they shall have it in command from us or our heirs, in manner as the Barons of the aforesaid Cinque Ports have heretofore had, and that no one of the said members shall hereafter plead or be impleaded before us or our heirs, the justices of us, or of our heirs, of the Bench, the Treasurer, and Barons of the Exchequer of us and of our heirs, the steward, and the marshal of the household of us and of our heirs, or elsewhere, concerning any trespasses, debts, contracts, detinues, or other things, causes, or matters whatsoever done or arising within the said member, except in the court before the bailiff of the same member for the time being to be there holden according to the law, custom, and liberty aforesaid, and in the aforesaid Cinque Ports, Shepway, in manner as the Barons of the said Cinque Ports have been wont to plead and be impleaded. And that all and singular the inhabitants and tenants, resiants, and non-resiants, and other the resiants of the aforesaid member, and their heirs and successors, by the name of the bailiff and commonalty of the said town of Tenterden, shall be treated and distinguished. And they shall henceforth fully and wholly enjoy and use all and singular the liberties, acquittances, and franchises, which the Barons of the said Cinque Ports have heretofore used and enjoyed, so that such our will and grant shall be to the said bailiff and commonalty, and to their heirs and successors, of such and the same value, force, effect, and virtue, as they would have been if all and singular the privileges, franchises, liberties, and customs aforesaid had been especially and particularly from word to word recited, declared, or specified in these presents, and had been by us confirmed, approved, and ratified, and granted to them by our letters patent, saving always the right of the venerable Father John, Archbishop of Canterbury, and of his successors and of others whomsoever, any statute, act, ordinance, provision, or restriction to the contrary thereof made, ordained, or provided, or any other matter, thing, or cause whatsoever in anywise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness, ourselves, at Westminster, the first day of August, in the twenty-seventh year of our reign.

“Now we the aforesaid letters, and all and singular therein contained, ratifying, and confirming the same for us and our heirs, as much as in us is, do accept and approve, and to our beloved, the now mayor and Barons of the aforesaid town of Rye, and their heirs and successors, do ratify and confirm in manner as the letters aforesaid reasonably testify. In witness whereof, witness, the king, at Westminster, the twenty-fourth day of June.

For forty shillings paid into the Hanaper.”

Although the town of Tenterden itself lies inland, yet on its annexation to Rye the sea flowed up to part of the parish at Small Hythe, to which point then, and long after, it was navigable for the vessels of those days. The parish also runs into Shirley Moor, a marsh on the north side of Appledore, and which. Formerly was covered with salt water, hence Tenterden was so far connected with Rye by water as to render her capable of giving assistance in the fitting out of her quota of ships when called upon to do so, and, accordingly, at one time we find she had to provide three ships, which probably were built at Small Hythe (tradition telling us that the trade of ship-building was carried on here), and sent down by the Rother to Rye.

From this annexation of Tenterden to Rye, it seems that it was originally granted by Henry VI, in the twenty-seventh year of his reign, August 1st, 1448; but, whether then acted on, or left as a dead letter in the archives of the Tower of London, where it is said to have been found, until Edward IV brought it into light and life, on the 26th of June, 1463, we are unable to say.

But to return to the Charter of Edward IV: it alludes to the good services done by the Cinque Ports towards him, during the long contest between him and Henry VI for the crown of the realm; and,

feeling grateful for the same, he confirms, in the most full and ample manner, all the rights, liberties, and privileges heretofore enjoyed by the Ports and their members, from the time of Edward the Confessor. He not only grants that the Barons and good men shall not lose any of their rights from the non-use, but also from the abuse of the same. He says that wherever, in any of their customs, there may be parts difficult or defective, the mayor and jurats in any port, where such difficulty or defect may be apparent, shall have the power of examining the same and granting a remedy for it.

In addition to those exemptions, granted in the Charter of Edward I, the following were allowed in this of Edward IV: "That is from panage, kaiage, murage, peisage, picage, terrage, scot and gild, hidage and scutage." These words, being sufficiently explained in the glossary, prevent the necessity of saying more about them in this place.

The Ports were now to have waifs, year, day, and strepe, and also the power of erecting thewe and pillory, and of using a tumbrel.

Although I have said above that the words, there used, have been sufficiently explained, as to their real meaning, I did not mean to imply they were incapable of further exemplification, as regarded the use the Portsmen made of them; and, accordingly, I shall here give an instance of the way in which the men of Rye exercised the right conveyed to them under the word "terrage."

It appears that one Edward Beale, a freeman of Rye, going to buy corn, in Hull, was called upon by the authorities of this port to pay certain duties, which, by reason of this Charter, he ought not to pay; and, on his complaining of the same to the mayor and jurats of Rye, they wrote the following letter:-

"To the right worshipful, our loving friends, the Mayor and Aldermen of Hull.

"Right Worshipful:-With our due and hearty commendations we salute you. Whereas of late we wrote our letters to you in the behalf of our honest neighbour and combaron, Edward Beale, touching certain duties ye required of him, which he denies to pay, being a freeman of the Ports; he hath made relation unto us of your courteous usage of him, for which we thank you, being ready to requit it to any of your people, as occasion shall serve; but yet he adviseth us, that ye stand in doubt, that we be not free of anchorage and juttage, and hath prayed us to certify you therein. These are therefore to signify to you for truth, that neither we nor any, our ancestors, have ever paid any anchorage within this realm, for it is one of the chiefest things whereof we are, and always have been, free. And for juttage, we never heard that it hath been demanded of any of the Ports until now. For whereas we are, by our Charters, free of terrage, if we pay anchorage, we cannot be terrage-free; for groundage and anchorage is within the compass of the word terrage; for there is seldom anchor-hold without ground. And for juttage we cannot be free of rivage, if we be compelled to pay juttage; for to be free of rivage, is to arrive freely and depart freely without any exaction. Besides, the general words of our Charter are, that we shall have all liberties and quietances throughout the realm of England, &c., and our liberties are such, as we are free of all taxes, exactions, and demands whatsoever, except any Act of Parliament bind us thereunto. Thus, having briefly certified you in what sort we have ever hitherto been free from such duties paying, as you now demand of the said Edward Beale, and praying you to deal so friendly with him, as he may enjoy the liberties of a freeman of the Ports, as his ancestors before him have done, we commit you, &c.,

June 20th, 1580

"Your Worships' loving friends,

"The Mayor and Jurats of Rye."

In consequence of this letter, Jeake concludes that Beale was exempted from payment, as here the matter was dropped.

We have had frequent occasion to observe that the expenses of doing their service of shipping were found to be so great, that the Portsmen craved assistance from their different sovereigns to enable them to bear them. In consequence of this state of things it appears that Henry VII had allowed the Ports to draw certain sums of money, not exceeding five hundred pounds, from the officers appointed to collect the tenths and fifteenths in the counties of Kent and Sussex. Previous to this reign, Jeake says, the sum was not limited; but now it was, though the bounds marked out were sometimes overstepped, and hence Queen Elizabeth, following the example of her grandfather, not only forbade them to take more than five hundred pounds each time the tax alluded to was levied, but subjected them to a heavy fine of one thousand marks, in case they exceeded the allotted sum.

That the sum was not limited before the time of the Seventh Henry is apparent from the fact that, in the reign of Edward IV, when that monarch set out on his voyage to France to regain the Duchy of Normandy and other provinces formerly appertaining to the English crown, the allowance to the Ports were:

	£	s.	d.
From the county of Kent	455	0	31/4
From the county of Sussex	79	5	51/4
Making a total of	£534	5	81/2

The Ports' money thus granted was distributed among the several ports and ancient towns, in proportion to the shipping respectively found by them. Each port gave a billet to the officer from whom it received the money, and which billet was sealed with the seal of office of the town or port receiving any part of the money allowed, testifying that such persons, as are named in the bill, are Barons of that port or town, and pay to the service of shipping, and were taxed in such a place, at such a sum made in such form, as followeth :

“Mutatis mutandis. This present bill, indented, witnesseth that these are the names of certain Barons and inhabitants of the town and port of Rye, in the county of Sussex, one of the ancient towns of the Cinque Ports of our lord the king, contributing and paying, with the Ports aforesaid, to their shipping, when it shall happen; whose goods and chattels are taxed in the village of Hope, within the hundred of Golspore, in the county aforesaid, to the payment of the second fifteenth and tenth of the two whole fifteenths and tenths, granted to our Lord Henry the Eighth, King of England, in the 37th year of his reign, from the laity in his parliament holden at Westminster, and to be paid before the last day of June, in the year of our Lord, 1547, viz.: Alexander Wellis at 20d., Richard White at 81d., and Robert Edenden at 74d.; the sum 3s. In witness whereof the seal of office of mayoralty of the town of Rye aforesaid is put to these presents.

“Dated June 10th, in the first year of the reign of our Lord Edward the Sixth, by the grace of God, King of England, France, and Ireland, Defender of the Faith, and in earth of the Church of England and Ireland supreme head, A.D. 1547.”

These bills, billets, or certificates (for by all these names they are called) the collectors of the tax, receiving and producing, had deduction of upon their account in the Exchequer; and the party receiving the money wrote on the billet “Received by me, A. B., the sum aforesaid, by way of billeting.”

As the billets had to be sealed with the seals of office of mayoralty, it follows, as a matter of course, that the members, not corporate, could not issue any. But still it seems that Old Romney, some time previous to this Charter of Elizabeth, attempted to make billets, sealing them with some seal or other, but being no corporate member they were restrained by a decree made at a Guestling, held at Rye, January 3, 1599, under the penalty of one thousand pounds, and ordered for the future to draw their billets at New Romney, their head port.

In this Charter it may be remarked that Rye, for the first time, takes precedence of Winchelsea, the latter now beginning to decay in consequence of the sea retiring from it and depriving it of its commerce, while the former increased in a proportionate degree.

Allusion is here also made to the brotheryeeld, afterwards called Brotherhood. This was one of the courts of the Cinque Ports, as was also the Guestling and Shepway, on all of which some lengthened remarks will be required, and therefore we shall complete the other observations we have to make on the Charters, and leave these to form the conclusion to this part of our work.

The last Charter requiring any notice here is that of Charles II, commonly called the General Charter of the Cinque Ports, and which gives the Cinque Ports, ancient towns, and their corporate members the right of holding a court of record once every fortnight. This court is holden on different days in different towns. In Rye it took place every alternate Wednesday, being presided over by the mayor and one jurat, at least. Since the passing of the Municipal Corporation Act, this court is held in the presence of the mayor and one alderman, or of two aldermen.

The mayor and jurats are constituted keepers of the peace, having the same power and authority as

justices of the peace in the different counties; but, though mentioned here expressly for the first time, Jeake says they enjoyed this privilege as early, at all events, as the reign of Henry VIII.

This Charter grants a bill of indemnity for all breaches of the law which might have been committed during the civil war, which had raged with more or less violence from the year 1640 to 1660. This was no small favour, considering how difficult it must have been for people, however desirous of keeping the law, to obey the contradictory versions of it, as given by each party as it came into power in those disastrous times. How difficult, for instance, it must have been to obey, at one and the same time, the laws promulgated at Oxford by Charles I, who was the sovereign *de jure*, and those issued by Oliver Cromwell, the sovereign *de facto*.

Charles II was the first to compel "all mayors, bailiffs, jurats, recorders, coroners, common clerks, constables, and all other officers and ministers of the aforesaid Cinque Ports, ancient towns and members of the same, to take "the oath of obedience," (commonly called the oath of allegiance) and also the "oath of supremacy," the former binding them to acknowledge the king as the only head of all civil, and the latter as that of all ecclesiastical, affairs.

In this Charter an alteration was made in the appointment of common clerks (now called town-clerks), and also of recorders. Heretofore the Barons elected whom they pleased, and the king had no right to interfere with that election; but now, unless the king approved of the person elected to either of these offices, the election was null and void, and they had to proceed to a new one, and that so often as the king objected to the officer chosen. This was a great infringement of the liberties of the Cinque Ports. It was enacted for the purpose of purging the corporations of the Nonconformists, who, during the protectorate of Oliver Cromwell, had been admitted into them. It was in consequence of this law that the elder Jeake (the author of the Charters of the Cinque Ports') was ejected from the office of town-clerk of Rye.

We now hasten to the concluding part of this division of our work; the consideration of the three courts attached to the Cinque Ports: the Court of Shepway; the Brotherhood; and the Guestling.

If, as some suppose (and we think reasonably), the five forts erected by the Romans on the south and south-eastern shores of Kent and Sussex, to guard these coasts from the piratical incursions of the Saxons, was the origin of the first Five or Cinque Ports, then is it equally reasonable to believe, that the officer called the Count of the Saxon shore, whom the Roman emperors appointed to command these forts, was essentially the same as the one who was afterwards known under the threefold character of Lord Warden of the Cinque Ports, Constable of Dover Castle, and Admiral of the Ports Navy.

Under his title of Warden, or Guardian, as the name expresses, he was bound to preserve the liberties, rights, and privileges of the Cinque Ports; he was to act as a mediator between the Sovereign and the Barons, if disputes should arise in that quarter; as judge among themselves, and between them and others; to guard them against the unjust encroachments of foreigners upon their rights and jurisdiction; and to determine such differences as might grow irreconcilable (without an interposing power); and to correct the errors and irregularities in judgment which might happen among themselves. In this character the Warden presided at the Court of Shepway.

Whenever there was a vacancy in the wardenship, the king, by his letters patent, appointed another, who, when he saw fit, was to send his letters to every town of the Cinque Ports, and their members, in which there was a mayor or bailiff, that, at a certain day, they were to meet him at the Court of Shepway, provided always that they had forty days' notice of the same.

On receiving the letter of summons, the mayor or bailiff caused the common sergeant to give notice to all the jurats of his town, one or two days after, and, by their assent, ordered something to be sounded, for the purpose of gathering together the whole commonalty, who were directed to choose six good men (together with the mayor and bailiff) to appear before the Warden of the Cinque Ports, on such a day, at the Court of Shepway; who, being chosen, and appearing, with the other Barons, before the Warden, were to be informed by him of the cause of their being gathered together. When the Warden had given them this information, and shown them his commission, by which he was entitled to assume the office, one of the Barons, chosen by consent of all the Barons there present, shall say to him: "The manner and custom of this court is, that whosoever shall come to be accepted for Warden shall take his oath upon the holy Evangelists, touching the book, that he will keep and maintain the liberties, usages, and customs of the Cinque Ports, according to his power, inviolate."

The following is the oath which he was called upon to take, viz.:

“I, A. B., by my oath taken to our Lord the King of England, and by my knighthood, all the liberties, usages, and customs of the Cinque Ports, according to my power, inviolate will keep and maintain.”

In ancient times it was necessary that the Warden of the Cinque Ports should be a knight and one of the king's council. If he refused to take the prescribed oath, he could not be admitted to the enjoyment of the office; but having taken it, the mayors, bailiffs, and others, who were appointed by the commonalty, were wont to present the Warden with some gift on solemn promise, as seemed fit; and on that day nothing more could be done. Of the business which afterwards occupied the court we have already spoken, and therefore need not repeat any more here.

As Constable of Dover Castle, the Lord Warden was intrusted with the custody of this important fortress, which in former times was considered the very lock and key of the kingdom; so much so, that when Lewis, the Dauphin of France, invaded England, in the reign of King John, his father, learning that, although he had taken many fortresses, he had not got possession of this Castle of Dover, swore by Saint James's arm (his accustomed oath) that he had not gained one foot in England. He had the charge of all prisoners confined in the castle, and was to defend it against the attack of all enemies, both internal and external.

In his character of Admiral, the Warden was to summon the Ports to do their service with their ships, when and where the king required them, and to take the command of them when assembled.

Seeing that the Ports have not been called upon to fit out any ships for the last two hundred years, the office of Admiral is of course virtually defunct; and that of Warden may be considered the same, if we look at it in its sense of guardian of the “liberties, usages, and customs” of the Cinque Ports, as expressed in his oath at the time of his installation; for when, some few years ago, the men of Rye were struggling to be admitted to the freedom of the town, and the concomitant privilege of voting for their representatives in Parliament, they presented a memorial to his Grace the Duke of Wellington, craving his interposition, as Warden, to see that they were admitted to their rights, liberties, and privileges, as granted to them by all their ancient Charters, he was either unwilling or unable to assist them. In either case, as regarded the men of Rye, his guardianship had virtually ceased. The Warden has charge of all debtors who are arrested within the liberties of the Cinque Ports, ancient towns, and their members, who are confined in Dover Castle; but whether, in case of the two offices of Warden and Constable being separated, and held by two different persons (as has sometimes happened), the Warden would retain this charge, seeing that the castle is in the custody of the Constable, and not of the Warden, we are unable to say. As Warden, his Grace the Duke of Wellington has Walmer Castle for his residence, and claims all wrecks and findals which may be cast on the shores anywhere between Seaford, in Sussex, and Harwich, in Essex. As Constable of Dover Castle, responsible duties are still devolved on the Lord Warden, as in time of war he would be called upon to put this fortress in a state of defence, to meet the attacks of any foreign enemy who might attempt to land on our shores.

We will now proceed to the examination of the Courts of Brotherhood and Guestling. These were the parliaments of the Cinque Ports. The Brotherhood was anciently held twice in every year, viz. On the Tuesday after the close of Easter, and on the Tuesday next after the Feast of Saint Margaret, which is on July 20th. At the former was heard the report of the bailiffs sent to Yarmouth the preceding year, during the fishing season, when they appeared at the bar of the Court uncovered, while the report was read, when, if they had acquitted themselves properly, they received the thanks of the Court, or, if otherwise, were reprimanded and fined; at the latter the bailiffs elect for the ensuing fair at Yarmouth appeared, when, if approved, they were sworn into their office, and admitted to sit in the Court, as members of the same; but, if not approved, they were not sworn in nor received amongst them.

The Brotherhood was originally instituted to enable the Barons and good men of the different Ports to assemble together, through their representatives, to confer on any questions that might arise touching their liberties and privileges, and to guard against any encroachments on the same. This little parliament consisted of the following members, viz. Seven from each of the five head Ports and the two ancient towns, which seven were the mayor or his deputy, three jurats, and three freemen or commoners (of whom the town-clerk and chamberlain were usually two). Afterwards this number was reduced to five; that is, the mayor, two jurats, and two commoners. This court was presided over by one of the mayors, each taking it in regular rotation, who bore the dignified title of Speaker, and, in being addressed, he was called his Speakership, which office passed in this order: first Hastings held it, then Winchelsea, Rye, Romney, Hythe, Dover, and, lastly, Sandwich, after which it reverted to Hastings again. Although, originally, two Brotherhoods were assembled in each year, it was afterwards found sufficient to hold only one, which takes place on the Tuesday after the Feast of St. Margaret, and is summoned in this manner: the town that is Speaker, at the beginning of its Speakership (which Jeake says is the first of

June), sends a letter to the other Ports and ancient towns to know their opinions whether a Brotherhood and Guestling, or either of them, should be held during that year. The following is the copy of this letter, on the back of which every of them indorsed their answer:

“Right worshipful Sirs,-Loving brethren, combarons, and friends, our right hearty affections and salutations to you presented. Whereas, by septennary revolution, the Speakership of the Ports is now devolved on us, we have thought meet to issue these, our timely letters, to you, whereby we pray and brotherly require your advice and subscriptions, whether, as our affairs now stand, a Brotherhood or Guestling, or either of them, is necessary to be arreared this year. We, for our parts, considering (here inserting some one or two causes for their assembling), are of opinion, and think fit, that both a Brotherhood and Guestling be summoned to meet at the town and port of New Romney, in the County of Kent, on the Tuesday after the Feast of St. Margaret next ensuing, at the hour accustomed. Nevertheless, we submit to your grave wisdoms and determinations in the premises; and so we commit you to God, and rest your very loving brethren, combarons, and friends.

“The Mayor and Jurats of the Town and “Port of Hastings, Speaker. “From Hastings, under the Seal of Office of “Mayoralty there, June 1, 1653.”

We have already described the members of which the Brotherhood was composed. The Guestling consisted of the mayor, two jurats, and two commoners from each of the corporate members of the Cinque Ports and ancient towns; but, inasmuch as they had no right to be present, unless summoned and invited by the head Ports, they were considered as guests, and hence, when assembled, they were called collectively the Guestling. These members were seven: Pevensea and Seaford corporate to Hastings; Tenterden to Rye; Lydd to Romney; Folkstone and Feversham to Dover; and Fordwich to Sandwich. When met in their parliament, the representatives of the members had equal liberty of speaking and voting with those from the head Ports. Independent of this Guestling, there was another composed of a certain number of the different head Ports, which was assembled for the purpose of consulting on some particular business immediately relating to themselves. In the reign of Henry VIII., when a dispute arose between the Ports and the City of London, on occasion of the latter interfering with the free buying of the former in Blackwell Hall, the Brotherhood appointed two solicitors to manage the business; one of which was chosen for the eastern Ports, and the other for the western; the former being the four Kentish ones of Sandwich, Dover, Hythe, and Romney; and the latter the three Sussex ones of Hastings, Winchelsea, and Rye. It has already been related that, in the case of the detention of John Burrell (who stole a horse from Rye) by the abbot of Battle, the three Sussex Ports met to consider what steps they should take on the occasion, and which meeting was called a Guestling. Thus much for the nature of a Brotherhood and a Guestling.

If the majority of indorsements on the Speaker's letter, already inserted, were in favour of holding a Brotherhood and Guestling, the Speaker then issued his letter of summons for that purpose, forty days before the day of meeting, and which was as follows:

“Right worshipful Sirs,-Loving brethren, combarons, and friends, our right hearty affections and salutations to you presented: That, forasmuch as, by the greater part of the brethren of the Cinque Ports and ancient towns, it is concluded that a Brotherhood and Guestling be arreared this year; these are therefore to pray and brotherly require them to be at the time and place appointed, on the hour accustomed (which is eight of the clock in the morning), with the full number of persons duly returned and commissioned, according to their ancient customs and usages, out of mind used and approved. “And so we commit you to God, and rest

“Your very loving brethren, combarons, and friends, “The Mayor and Jurats of the Town and “Port of Hastings, Speaker.”

On the day of appearance at the court, the persons returned to sit and act brought with them their commissions from their respective towns, sealed with the common seal of their corporation. The following is the copy of the one sent from Rye:

“To all Christian people to whom these presents shall come, and especially to the right worshipful our loving brethren, combarons, and friends, the mayors, jurats, and combarons of the Cinque Ports and ancient town of Winchelsea, to be assembled at a general Brotherhood to be holden at the town and port of New Romney, one of the said Cinque Ports, upon Tuesday the six-and-twentieth day of July instant, we, the mayor, jurats, and commonalty of the ancient town of Rye, in the county of Sussex, send greeting: Know ye, that we have received your letter of summons for the said Brotherhood, sent from the mayor and jurats of the town and port of Hastings, and at a common assembly of us, the said

mayor, jurats, and commonalty of Rye aforesaid, the 17th day of June last past, have elected, chosen, constituted, assigned, and appointed our well-beloved W. B., esquire, Mayor of Rye, aforesaid; T. G., bailiff elect to Great Yarmouth for the year to come, A. G. and T. P., jurats aforesaid; S. J., common clerk; T. H., chamberlain, and M. C., commoners and freemen of the said town (persons who have each of them taken a corporal oath for the maintenance of the Charters, liberties, and customs of the said Ports, ancient towns, and their members), to be and appear for us, and in our name, place, and stead, at the said Brotherhood, at the said town and port of New Romney, the day aforesaid, at the hour accustomed, as well to hear the relation of the bailiffs for the Cinque Ports from the town of Great Yarmouth for the year past, as also to agree and consent to the admittance of the new bailiffs for the Cinque Ports to the same town of Great Yarmouth, this year now coming, and all things incident to the said relation and admittance of the said bailiffs. And we do by these presents give and grant unto the said persons, and every of them severally and jointly, our full and whole power and authority, for us and our successors, to do, consent, and agree unto all and every such acts, ordinances, decrees, and things which, at the said Brotherhood, by the said mayors, jurats, and commons of the said Cinque Ports and two ancient towns, there assembled, or the greatest part of them, shall be enacted, ordained, established, and decreed for the weal public of the said Cinque Ports, two ancient towns, and their members. And we do, for us and our successors, ratify and allow, and hold firm and stable all and whatsoever the said persons, before named, or the greatest or most part of the said assembly shall, at or in the said Brotherhood, ordain, make, consent unto, or establish as aforesaid.

“In witness whereof our common seal is hereunto affixed. “Dated at Rye aforesaid,

“July 20th, 1653.”

This is the form of commission for the members of the Brotherhood.

Those who appear on the part of the Guestling send a similar one, with this slight difference that they omit all allusion to the relation and admittance of the Yarmouth bailiffs, they not appointing any of the latter officers.

When this little parliament was assembled, each member took the proper place assigned to him, and which (according to Jeake) was in the following order: Hastings, Sandwich, Dover, Romney, Hythe, Rye, Winchelsea, Seaford, Pevensea, Fordwich, Folkstone, Feversham, Lydd, and Tenterden. Now, had the mayors of these towns to march in single-file procession, there would be no difficulty in placing them agreeably to this programme, but, recollecting that they were to be seated at a table, or round the room in which they were met, on either side of the Speaker, the task is not quite so easy. Nevertheless, we will arrange them according to our views, and leave our readers to form their own opinion as to their correctness.

Jeake says, “if any port besides Hastings were Speaker, then the mayor of this town sat on his right hand, and the mayor of Sandwich on his left.” In another place he tells us, “on each side of the Speaker sit the mayors of the other towns, then the bailiffs of Yarmouth, below them the jurats, the clerks in their places about a table, and the freemen below the jurats.”

Judging from these preliminaries, we should place the members of this parliament in the following order, viz.:

HASTINGS, AS SPEAKER, PRESIDENT.

On his right.

Mayors.

Sandwich

Romney

Rye

Seaford

Fordwich

Feversham

Tenterden

Bailiffs of Yarmouth.

Hastings

Dover

Hithe

Winchelsea

Jurats.
Hastings
Dover
Hithe
Winchelsea
Pevensea
Folkstone
Lydd

Freemen.
Hastings
Dover
Hithe
Winchelsea
Pevensea
Folkstone
Lydd

On his left.
Mayor.
Dover
Hithe
Winchelsea
Pevensea
Folkstone
Lydd

Bailiffs of Yarmouth.
Sandwich
Romney
Rye

Jurats.
Sandwich
Romney
Rye
Seaford
Fordwich
Feversham
Tenterden

Freemen.
Sandwich
Romney
Rye
Seaford
Fordwich
Feversham
Tenterden

When the persons returned to serve in the Brotherhood and Guestling were set in their places, the clerk of the house read, first, the Speaker's letters and the several commissions; then they were called over and answered to their names, and if there were any defaulters of the persons returned, according to the different commissions, they were noticed, in order to be fined; the corporations, not the individuals, were fined. If the representatives of the majority of the Ports were present, they proceeded to

business; without this majority they could not. All these preliminaries being arranged, the first thing was to call the bailiffs of Yarmouth for the preceding year, who, appearing at the bar uncovered, made a relation of their proceedings, and, upon their conduct being approved, received the thanks of the house and were dismissed; but if otherwise adjudged by the house, upon complaint and proof, they were fined. Then the bailiffs elect for the year ensuing were called to the bar, and, if approved of, took their places in the court. If we rightly understand, these two things were done by the Brotherhood alone, that is, by the representatives of the Cinque Ports and two ancient towns, as the members of the head ports had nothing to do with the bailiffs of Yarmouth, they not appointing any. When these were settled, the representatives of the Ports members were admitted, and the Brotherhood and Guestling proceeded to transact such business as equally concerned them both.

In ancient times, when the Ports were called upon to fit out their navy, it was necessary for a Brotherhood to be held for the purpose of arranging the number of ships to be found by each port (because the number demanded was not always the same, nor was their size or tonnage always alike), and for fixing the sums to be levied from each port towards defraying the expenses of the same.

If any Baron found himself aggrieved in any way, as was the case with those of Winchelsea and Rye, already mentioned, in the reign of Henry VIII, who were interrupted in their free buying in Blackwell Hall, in London, he made complaint by petition to the Brotherhood, and this court took care to see that redress was obtained.

It was absolutely necessary that the Ports should frequently assemble to consult on their common interests, to see that none of their privileges were invaded; for, should they once allow any infringement of them, they might all be gradually and imperceptibly lost, when they would find themselves burdened with the service of their shipping, and with no privileges to counterbalance the weight.

Anciently the representatives of the Ports and of their members always sat together, constituting one court, called the "Brotherhood." But, afterwards, much of the time of the court being occupied about the bailiffs of Yarmouth, with which the members of the Ports had nothing to do, they came to be separated, and these latter only came by invitation; hence they were not liable to fines for non-attendance, as were the representatives of the head Ports. The principal business was transacted by the Brotherhood, though the Guestling had some little separate authority, as will be hereafter shown.

It may be well to observe here that the Brotherhood were of two kinds – general and special; the former held on a particular day in the year; the other according to the necessity of calling it.

By a decree, made at a general Brotherhood, on the Tuesday next after Easter, held at Romney, in the tenth year of Henry VII, A.D. 1495, it appears they had the power of raising money to defray the public charges, not those connected immediately with the shipping, I presume, but such as were incidental to the Brotherhood itself, as the sums to be paid are too insignificant for the former purpose. The following is a copy of this decree:

"It is ordained, for divers considerations moving the brethren, at this Brotherhood assembled, that every mayor and bailiff of every town of the Five Ports, for the time being, pay at every general Brotherhood, yearly here to be holden, the Tuesday next after the close of Easter, for him and his members, a certain sum of money under written, for the common relief and aid of all the Ports and their members; that is to say:

	£	s.	d.
Hastings and his members,	0	13	8
Winchelsea	0	6	8
Rye, for him and his members	0	10	0
Romney, for him and his members	0	11	8
Hithe	0	6	8
Dover, for him and his members	0	18	4
Sandwich, for him and his members	1	0	0
Total	£4	7	0

If any town failed in paying their respective amount, it was liable to a fine of five marks, that is, of three pounds six shillings and eightpence, to be forfeited for the weal of all the Five Ports. And to

prevent all misunderstanding, as to the sums to be levied from each member, as well as from its head Port, the following schedule was drawn up:

place	s.	d.	£	s.	d.
Hastings	6	8			
Pevensy	3	4			
Bulverhythe	1	8	0	13	8
Parva Higham	1	0			
Beaksborn	1	0			
Winchelsea*			0	5	8
Rye	6	8	0	10	0
Tenterden	3	4			
Romney	6	8			
Old Romney	1	8	0	11	8
Lydd	3	4			
Hythe*			0	5	8
Dover	6	8			
Feversham	5	0			
Folkstone	5	0		0	18 4
Margate	1	8			
Sandwich	6	8			
Ramsgate	3	4			
Fordwich	3	4		1	0 0
Sarr	3	4			
Deal & Walmer	3	4			
Total				4	7 0

*Having no member

The sum levied from each respective port, according to this schedule, was called a purse; and more or less purses were raised according to circumstances, and sometimes only half a purse, whence arose the proverb of cutting of purses at the Brotherhood.

The Brotherhood likewise raised money for the common defence of their Charters and customs by proportion, that is, each port and member paid according to its means, as thus: where each Cinque Port and ancient town paid twenty shillings, Seaford paid only ten shillings, and each of the other members thirteen shillings and fourpence; so that, according to the sum to be levied, Seaford paid only half, and other members two thirds as much as a head Port.

We trust sufficient has now been said to enable our readers to understand the nature of a Brotherhood and Guestling, and, therefore, henceforth we shall only speak of their gradual desuetude.

“In the fifth year of Henry the Eighth, A.D. 1513, the Brotherhood decreed, that the yearly report of the bailiffs sent to Yarmouth might be dispensed with.” This is the remark of Lyon in his ‘History of Dover;’ but I think he must be mistaken, as Jeake gives us, as before inserted, the copy of the commission, sent from Rye to the Brotherhood, in the year 1653, in which allusion is distinctly made to the relation to be received from the bailiffs sent to Yarmouth the year preceding. Lyon certainly does not say it was decided the report of the bailiffs should be dispensed with, but might be. If he meant that henceforth it was to be optional, whether it was received or not, then the two accounts are reconcilable, not otherwise.

Towards the close of the seventeenth century great changes took place in the Cinque Ports; the shipping was no longer called forth, the bailiffs ceased to be sent to Yarmouth, and the Brotherhood and Guestling gave up their annual meetings; so that we find, when one was held in the year 1750, it was after a lapse of twenty-four years, and then no other took place until 1771, at which no business worthy of note was transacted. We then hear of no other until the year 1811, when one was summoned, but the members from Rye denied (according to the entry in their books) the legality of

the meeting, because the speakership of the Ports had not devolved upon them in their turn.

In 1812 a Brotherhood and Guestling were held, when the commission from Rye, on their return, made the following report: "Among other proceedings, that they have inspected the Charter, books, writings, and papers; and that, by comparing the same with the former schedule, they find that the following documents and articles are the only ones missing: "The Customal of the Cinque Ports; the ivory seal of the bailiffs of Yarmouth, bearing the Yarmouth flag and the Ports arms, with this legend: 'Sigillum Balivorum Quinque Portuum.' The seal of the bailiffs of the Cinque Ports."

At this assembly the mayor, jurats, and commonalty of the port of Hastings were fined fifty pounds for their contempt in not making any return of members to the house, according to ancient usage and custom.

Winchelsea was fined in like manner, and, in case of non-payment, process of withernam was immediately to be issued against them.

In 1828 the last Brotherhood and Guestling were holden at Romney, when the men of Rye, who were then struggling to regain their lost privileges, presented the following memorial, through the hands of Messrs. James Barry, John Meryon, and William Prosser, three freemen of the town of Rye:

"To the mayors, jurats, and freemen of the Cinque Ports, ancient towns, and their members, in Brotherhood assembled: "The petition of the undersigned inhabitants of the ancient town of Rye.

"Showeth, that it appears to them that the Brotherhood is the parliament of the Cinque Ports, ancient towns, and their members, in which it hath been customary, from time immemorial, to discuss all matters appertaining to the ancient Charters, liberties, and free customs of the same, with a view to prevent all encroachments thereon.

"That this fact may be more fully known by referring to the words of the commission given to the several delegates, appointed on behalf of the said Cinque Ports, ancient towns, and their members, to attend the Brotherhood.

"That the words of the said commission are as follows, viz.: And we do, by these presents, jointly and severally, give and grant unto the said persons our full and whole power and authority, for us and our successors, to do, consent, and agree unto, all and every such acts, ordinances, decrees, and things, which, at the said Brotherhood, by the said mayors, jurats, and commoners of the said Cinque Ports and ancient towns, there assembled, or the greatest part of them, shall be enacted and ordained, established and decreed for the public weal of the Cinque Ports, two ancient towns, and their members.' That the said commission is further corroborated by the oath, taken by the said delegates, to the effect, that they will maintain their rights, confirmed by Charter, as well as their liberties and free customs.

"That your petitioners having thus shown that the representatives, assembled at the Brotherhood, are bound by oath to maintain the ancient Charters, they proceed to call your attention to various clauses of the same.

"The first Charter of Edward the First begins with these words: Know ye, that, for the good and faithful service, which our beloved and faithful Barons and good men of our Cinque Ports, to us and to our progenitors, some time kings of England, have done, and, in time to come, may do.' It then goes on to say, "We have also granted to the same Barons and men, for us and our heirs; and further, That all and every of them born within the aforesaid Cinque Ports.' In the second Charter of the same king are these remarkable words: Considering that our shipping of the Cinque Ports, not without great costs and expenses can be maintained, lest that shipping should fail or perish for the future, we have granted, for us and our heirs, that all they of the Cinque Ports, and others whomsoever, calling themselves of their liberty, and willing to enjoy the same, shall contribute, &c." The Charter of Edward the Fourth has these words: And, of our more plentiful grace, also of our mere motion and certain knowledge, we have granted, and, by these presents, do grant, for us and our heirs, as much as in us is, to the same Barons and good men, of all and singular the ports and towns, and of the members to the said Cinque Ports, that they, their heirs and successors, and whosoever are resident within the Ports and members aforesaid, or within any of them, contributing to the service and shipping aforesaid, may be quit for ever of toll, &c.' The last Charter, which is that of Charles the Second, contains these words: And that those Cinque Ports and ancient towns, by more frequent recourse and access of people, may be made strong and forcible, for the better safety and defence of the same and the country adjacent; and then goes on to confirm all the privileges enjoyed by them heretofore. Your petitioners submit, that it is

clear, from these Charters, that the privileges were originally granted to all the inhabitants of the several Cinque Ports, ancient towns, and their members, who paid their scot and bore their lot; but that those privileges have, of late years, been usurped in many of the Cinque Ports, and particularly in this ancient town of Rye; and which usurpation they will be able more fully to show by calling your attention to the following facts. Appears, that all the rights and privileges of the Cinque Ports were confirmed to them, so lately as the twentieth of Charles II in the year 1680; and, about the year 1720, there were in Rye upwards of 120 freemen, as appears from the corporation books, a strong proof that, even up to that time, the franchises were enjoyed by a great majority of the inhabitants; as now, at this present day, when the population is very considerably increased, there are not more than 300 bona fide payers of the poor's rates. That, from about the said year 1720, a gradual diminution of the number of freemen has taken place, until, instead of 120 or upwards, there are now not 30. That your petitioners have, in their possession, a document, bearing date November 22d, 1758, signed by Thomas Lamb, James Lamb, N. C. Watson, Chiswell Slade, William Davis, in which document, among others, are the following articles, viz.: "That we, and each of us, will, to the utmost of our power, exert ourselves for the benefit of each other, for the good and advantage of this corporation." That, previous to the election of each of us, from time to time, to the office of mayor of this corporation, all of us shall be advised with and consulted, who, each of us, when mayor, shall nominate and call to his assistance as jurats; and who, each of us, when mayor, shall make his annual freeman.' That all of us will, to the utmost of our power, oppose the electing and choosing of any person, whatsoever, by vote, to be a freeman of this corporation, unless such person or persons are liked and approved by all of us. That, since the date of this document, no freeman has been elected, nor any admitted, but as eldest son of a freeman or by the nomination of the mayor.'

"That, in the second year of the reign of Queen Elizabeth, the following decrees were made, viz.: That all freemen's sons be admitted, as of old and ancient time hath been accustomed. That all men born within the town shall be made free, paying therefore 20s. That no mayor nor jurat shall make of no freeman a freeman, under the sum of 40s., every man paying for making of him so free." These decrees, as your petitioners contend, clearly define the three distinct classes of people in the town, viz.: sons of freemen, admitted free of expense; men born in the town, not sons of freemen, on paying 20s.; and, lastly, strangers or new settlers 40s.

"Now these said decrees have never been repealed, as your petitioners believe, consequently, they conceive they must still be in force, and that, by virtue of them, they are entitled to the enjoyment of the franchises, they being, some of them sons of freemen, born after their fathers were made free; many of them born in the town, and the remainder strangers.

"Your petitioners are well aware that some will object to them, that the Cinque Ports, no longer being called upon to maintain their ships, as formerly, the inhabitants have not the same claim to the ancient privileges; but to this they take leave to reply, that they pay all taxes, whether government or parochial, which are demanded of them; and, moreover, that, during the late war, they actually had a number of seamen draughted from their port for the service of his Majesty's navy; and also, that all owners of vessels were called upon to fit such vessels with guns, for the defence of the coast.

"That many usages are maintained from the ancient Charters, such as the following: Non-liability to serve on juries in the county, and to be drawn for the militia; choosing the mayor on St. Bartholomew's Day; holding the Brotherhood on the first Tuesday after St. Margaret's Day. Now, as the Charters are acted up to in these matters, your petitioners can but think they ought to be fulfilled to the very letter; more particularly, as the part omitted (the enjoyment of the franchise), is of so much more value than all the other particulars beforementioned, not only as regards the petitioners, but also as involving the question of the general principle of the liberties of the people, in their persons thus injured and violated.

"That your petitioners have presented one petition to their gracious Sovereign; one to the Lord Warden of the Cinque Ports, and two or three to the honorable House of Commons; but all their applications have hitherto been of no avail; they now, therefore, apply for relief to the members of the Brotherhood, that ancient court established, as they believe, for the express purpose of watching over and protecting the liberties of the several Cinque Ports, ancient towns, and their members, and of guarding them against all encroachments.

"That your petitioners pray that they may be allowed to search the records in the possession of the mayor, jurats, and freemen of Romney, and any other documents, belonging to the several Cinque Ports, for the purpose of obtaining evidence respecting the right of voting for members of parliament in the ancient town of Rye.

“That the Brotherhood will see the propriety and acknowledge the justice of your petitioners’ claim to their interference is the prayer and wish of the undersigned: And your petitioners will ever pray.”

This memorial or petition was signed by sixty-one men of Rye, whose names I shall append, so that those who come after may be enabled to know who were the men who fought in these times the battles of the old town of Rye. I shall place them in alphabetical order, so that there may be no invidious distinction among them.

Thomas Amos.
Stephen Austen.
William Bagnall.
Frederick Barry.
Thomas Barry
Edward Barnes.
James Blackman.
James Blake.
William Bourn.
William Brazier.
John Burkett.
William Bragge.
John Blundell.
Stanes B. Chamberlayne.
William Chatterton.
Henry Clark, sen.
Henry Clark, jun.
Laban Colvin.
William Crosskey.
Thomas Crowhurst.
John Crosskey.
William Crosskey, jun.
William Dive.
Robert Daniel.
James Ellenden.
William Ellenden.
George Frise.
Samuel Furby.
John Foster.
Henry Harnden.
William Honeywood.
Charles Hicks.
William Holloway.
John Hollis.
James Hemmings.
William Hollis.
James Hessel.
Nicholas Harvey.
Henry Jarrett.
William Kimpton.
James King.
Charles Lawrence.
James Newberry.
Samuel Putland.
James Russell.
William Stone Stocks.
William Sharvell.
John Sharvell.
Thomas Shearer.

Alexander Sinclair.
 John Tutt.
 James Thomas.
 Thomas Thorpe.
 Thomas Vennall. John Vennall.
 Edward Waters. R
 obert Wheeler.
 William Wellsted.
 Joseph Woolcombe.
 Obed Wickens.
 Stephen Davis Walker.

This memorial was of no more avail than the one presented to the lord warden. We doubt whether it was even read at the Brotherhood; at all events, it was neither received nor laid on the table, for we have it in our possession at this moment.

Anxious to gain all the information we can upon this point, we have searched the records of the town of Rye, and there found the two following entries:

“Assembly, July 16th, 1828. At this assembly, the Rev. George Augustus Lamb, D.D., mayor, Nathaniel Procter, Esq., Richard Weeden Butler, Esq., jurats, and Messrs. James Barry and John Meryon, freemen, were elected to attend the Brotherhood and Guestling to be holden at New Romney, on July 22d next, being the Tuesday after the Feast of St. Margaret, and their commissions were sealed with the common seal. The town-clerk, the chamberlain, and the mayor's sergeant were also ordered to attend. All expenses incurred at the meeting to be defrayed by the corporation.”

“Assembly, August 23d, 1828. The mayor reported that he and the other commissioners had attended the Brotherhood and Guestling.”

This is all that is said about the business-not a word respecting any proceedings which took place at the court; and thus ended this Brotherhood and Guestling, the last that have been, and probably the last that ever will be held; for the Parliamentary Reform Bill and the Municipal Corporation Bill have so completely altered the previous constitution of the Cinque Ports and ancient towns, that henceforth these courts may be considered as virtually defunct.

Having now gone through all the Charters, and made our humble observations upon them, it may be well to pause a little, while we make a hasty recapitulation of the changes which have taken place, since the reign of Edward the Confessor, a period of nearly eight hundred years; up to which time their authenticity cannot be disputed.

Sandwich, the most eastern of the Cinque Ports, which in ancient times possessed a good and capacious harbour, now has its commerce restricted to such only as can be carried on by means of vessels of very small burden.

Dover still has a harbour, but which is incapable of admitting any ship of war; and when the south-west gales come on, in the winter season, so great a bar of beach is thrown up at its mouth, that then even vessels of the smallest dimensions cannot run in.

West Hythe, the original Cinque Port, is now two or three miles inland, while its successor, the modern Hythe, though on the coast, has no harbour.

Romney, once the queen of the Ports, is now upwards of a mile from the sea, without a single creek or inlet to connect her with it.

Old Winchelsea owes her destruction to the influx of the sea; while New Winchelsea dates her decay from the time of its reflux.

Rye, in whose harbour, in the reign of Charles II, a sixty-four gun ship could ride in safety, will now admit no vessel of more than two hundred tons burden.

Hastings lies on the main, but has no harbour; and no vessel ever lies ashore on her beach, for the purpose of delivering her cargo, but runs the risk of being wrecked should a gale of wind unluckily come on while she is there. Of this danger every year gives many unhappy proofs.

Such is the present state of the once flourishing harbours of the Cinque Ports and ancient towns; and two hundred years have now elapsed since the Barons were last called upon to perform their service of shipping, and nearly the same length of time since they sent their bailiffs to Yarmouth, and since their fishermen steered their boats to the shores of Norfolk.

Since the coronation of George IV, in 1821, the Barons have not been permitted to enjoy their ancient honours of bearing the canopy, and sharing it among them afterwards.

The lord warden, in his office of admiral, is to all intents and purposes, extinct; while in that of guardian of the rights and privileges of the Ports, he has a perfect sinecure. It is only in that of constable of Dover Castle that any connexion exists between him and them, and this only in his taking into his custody all those unfortunate persons who are arrested for debt within their several jurisdictions.

The old Court of Shepway has long ceased to exist; the place itself has sunk into decay, and its name is no longer to be found in the map of Kent. The Brotherhood and Guestling have not for very many years exercised any beneficial authority, and its name will henceforth, in all probability, be only a subject of history.

From toll and lastage, passage, carriage, rivage, and ponsage, the Barons cannot now claim exemption (with very few trifling exceptions). In vain would they now present their billets to the tax-collectors of the counties of Kent and Sussex, to claim their five hundred pounds as heretofore. On the contrary, their tallages and their subsidies, their tenths and their fifteenths, and all taxes, under whatever name they may be demanded, they must pay, like all other common subjects of the realm.

They certainly still retain the power of having a pillory; because, at the present time, in the north chancel (as it is called) of the church of Rye lies one, which was used during the late war, when an inhabitant of this town was made to stand in it on the sea shore, with his face turned towards the French coast, with a view to ascertain whether he could see anything of General Philippon, a French prisoner of war, on his parole in this country, whom he was accused of having assisted in making his escape

The thewe, or stocks, still stand in appropriate propinquity to the gaol of Rye, in which drunkards may be confined till they are sober. But, as regards the tumbrel or cart, in which the party considered worthy of this punishment was placed and carried about, while people threw dirt on him at their pleasure, I am fearful the privilege of having this is lost; as is also that of the iron collar fastened to a post in the market-place, in which scolding women were wont to be secured by the neck for an hour. Thus any Baron of Rye, who may be unfortunate enough to have a scold for his wife, must find some other means of stopping her tongue.

However, to be serious, the only remaining privileges of the Cinque Ports and ancient towns, arising out of the Charters, are these two, viz. The non-liability to serve on juries out of their own jurisdictions, and to be drawn for the militia of the respective counties in which they are situate.

The original power and the importance, the honour and glory consequent thereon, have passed away from the Ports for ever. "*Sic transit gloria mundi.*"

CHAPTER II.

THE CUSTOMAL OF RYE, AND ITS MUNICIPAL GOVERNMENT.

THE preceding chapter has been devoted to the consideration of the Charters, which, having been granted to the Cinque Ports and ancient towns in their collective and corporate character, and not individually as one Charter to Dover, a second to Romney, and a third to Rye, it was impossible, in writing the history of any one Port, to avoid going at great length into them, and speaking more or less of other towns, besides the particular one to which the work more immediately relates. But though constrained to enter thus fully into the contents of all the Charters, we have endeavoured, as far as possible, to give an exemplification of them from the records of the town of Rye; and having now dismissed them altogether, our history will be confined within its own proper and legitimate bounds.

The Ports, in their corporate character, were all equally bound by the Charters; but each Port, in its individual character, had the power of framing by-laws for its own internal government. This code of laws was called the Customal, and each town had its own, which was designated as the customal of that particular Port; but we, having nothing to do with that of any other place, shall only insert here the one belonging to Rye.

The following was copied from a manuscript preserved in the British Museum, written in court hand, on very old coarse paper, by Dr. Meryon, who kindly lent it to me for insertion here:

“THE CUSTOMAL,
OR
USAGES OF THE COMMONALTY OF
THE TOWN OF RYE.
WRITTEN AD.

1568.

“These be the usages of the commonalty of the town of Rye, used the time of mind which men’s minds can not think the contrary. Written in A.D. 1568, being the ninth year of the reign of Queen Elizabeth.

“1st. Choosing of Mayor; when and where to be chosen.

“That every year, the Sunday next after the Feast of St. Bartholomew the Apostle, all the men of the commonalty of the town shall assemble at a cross being within the churchyard of the parish church of the same Rye, and there the whole commons shall choose them a mayor.

“2d. If the new Mayor be not present, the old shall continue till he be.

“And if the said mayor which is elected and chosen be not present to receive his charge, the mayor which was before shall not be discharged from the occupying of the said office, until the time the mayor, which is chosen, be charged by his predecessor.

“3d. If the Mayor refuse.

“And if the new mayor, so chosen and elected, will not take the charge, but refuse it, all the whole commons together shall go beat down his chief tenement; but if the new mayor which is then chosen be present and will accept his charge, he shall be sworn in the form following:

“4th. The oath of the Mayor.

“I, A. B., shall faith bear unto our sovereign lord the king of England, and to the commonalty of this town of Rye, and the franchises and usages of the same town righteously shall maintain, the common profit of the same here and righteously, as well to the poor as to the rich, shall do and minister to my power. So help me God!

“5th. Election of Mayor, if the other die before the end of the year; and the election of Jurats.

“And if the mayor die before the day come of election, the jurats shall do their common bell to be rung, whatsoever time of the year it be, to assemble their commons, for the election of another mayor; which, then elect, shall occupy the office unto the next day of election. Also the said mayor, the day of his election, shall choose twelve jurats of the prudents of all the commonalty, which shall swear unto the king all such oath as the mayor has sworn. And if there be any which should be sworn at the calling

of the mayor, and refuse so to do, he shall incur and fall into the pain above rehearsed of the mayoralty.

"6th. Election of the Common Clerk, and his oath.

Also, the said day and place aforesaid, the mayor and jurats forthwith, with the assent of the said commons, shall choose them a common clerk, which shall swear in these words:

"I shall faith bear unto the mayor and jurats and the commonalty of this town of Rye, and truly their secret counsel shall keep, to my power. So help me God!

"7th. Election of Sergeant, and his oath.

"Also, the said day and place aforesaid, the mayor shall choose him a sergeant, which shall make his oath in these words:

"I shall faith and truth bear unto the mayor and commonalty of this town of Rye; true arrests I shall do; and truly all other executions do, as it appertaineth after the usage and customs used within the said town and franchises in times past.

"8th. The King's Bailiff, and his oath.

"As touching the king's bailiff, it is in his will to remove him at his pleasure; and in case the bailiff die, or else the king will remove him from his office and make another, then shall the king make a commission with a letter of attendance, directed unto the mayor and jurats, under the seal of his Court of Chancery, which bailiff shall show his commission and letter of attendance unto the mayor and jurats in hundred place, and there his commission shall be read; and the mayor shall take him his oath under these words:

"By the allegiance that I owe unto our sovereign lord the king, I shall do due execution and righteousness, without blemishment of this town of Rye and franchises. Also the usages and customs here to this same town of Rye used. So help me God!

"9th. Election of the Bailiff's Sergeant, and his oath.

"And then the said bailiff shall elect him a sergeant, for the which he shall answer; which said sergeant shall make his oath unto the mayor and jurats in the form as here followeth :

"I shall be good and true unto our sovereign lord the king, and to his heirs, kings of England, and to this town of Rye, and to the commonalty of the same. All arrests I shall truly enter with the common clerk; and all other things within this franchise, belonging to the office of bailiff of this said town of Rye, I shall truly execute without any blemishment of the franchise, to my power. So help me God!

"10th. Of bearing the rod, and sergeant not sworn.

"And if any man bear the rod, as sergeant, and hath made no such oath, he shall be taken by the commons for no sergeant, until he has taken his oath in manner aforesaid.

"11th. Collector of the King's petty customs.

"And the bailiff and his sergeant shall take the king's petty customs within the said realm and franchise, as it further appeareth by the customal.

12th. Of the Coroner, and his office.

"And in case that any men be found dead within the franchise, by adventure, or be any bodies dead in land or water, the mayor shall have the sight of the body, as coroner, and the mayor, by his sergeant, shall do the country to come before him in his franchises, of the which country he shall take an inquest, and if any man be indicted by the same inquest of the death of the body, which is present, the mayor shall attach the person indicted, if he may be found within the franchise, and if he be found, he shall remain in the mayor's ward and keeping within the franchise; but as soon as he is indicted, if, after his imprisonment, he may find sufficient mainprise to appear unto the law, the mayor shall deliver him unto the mainprise, until the next hundred which shall be ordained before the said mayor. At the said hundred, he that is so indicted shall come and stand before the court in the manner of a felon, and proclamation shall be made by the commons' clerk, at the commandment of the mayor, that if there be any that will come to pursue, in due form of the law, against him that so is indicted of the felony abovesaid, let him come in form of law, and he shall be heard; and then let him that is so indicted of the felony abovesaid be returned in like case, as he was before, unto the time, that his proclamation be in such form made to the hundred after; and if there come no man in the third hundred to pursue, he that is indicted shall then be delivered and clear quite from the said indictment.

"13th. Appeal of life and members, and pain of appellation.

“And it is to be understood that no hundred shall be holden after another less than fifteen days asunder. And if any man come to pursue against him that is indicted by appeal, he that is indicted shall be arraigned of the same felony; and if he forsake the felony, he shall be charged by the mayor unto his acquittal, having, under the form ensuing, that is to say, that he choose, at his own jeopardy, thirty-six men, the king's true liege people, of good fame, which shall be ready at the next hundred that unto them shall be assigned; which thirty-six men shall put the appeal into the mayor's hands, and the common clerk shall read the names of the thirty-six men, and shall make every man to answer by his proper name, and if any of the thirty-six men be in default, or be present, and will not answer, he that is appealed of that felony shall be adjudged unto death. And in case that every man of the thirty-six, as they be named and called, answer unto their names, it is used and accustomed that, by the king's grace, by the mayor there shall be left twelve men of the thirty-six, and of the grace of the mayor and jurats other twelve, which the mayor shall choose of all those thirty-six, twelve, which they will, that shall swear with him that is appealed that he is not guilty of the felony which is to him imposed. And he that is appealed shall first swear upon the book that he is not guilty, as God be his help, and he to kiss the book; and afterward must be called the twelve men which be chosen to swear with him. And they, as they be called by their names, shall swear, that is to say, every man generally by himself, that the oath that he that is appealed hath made is true and good; that he is guilty of nothing that is against him imposed, as God shall help them, and every man to kiss the book; and if they do so, he that is appealed shall be quit. And if any of them withdraw him from the book, he that is appealed shall be put to death; and in case he be quit by the quest, then he that was the appellant ought to be attached, and all his goods unto the town. And he must be hanged upon the Salt Ness, on the east side of the town, behind the salt water of the said town.

“14th. Execution of felony.

“And when he that is appealed is adjudged to death, immediately after judgment given he shall be committed unto the bailiff, or to his deputy, to do execution, and he shall do him to be hanged in the place aforesaid, or other place, where it shall be appointed by the mayor and his brethren, within the franchise.

“15th. Trial of pleas of the Crown within the franchise.

“All manner of pleas of the crown, life, and member ought to be determined within the said franchise, before the mayor and jurats, every plea after its nature; reserved the appeals of high treason against the king's person and realm; forging of false money in the king's coin; forging the king's seal, which appertaineth to the court of Shepway; and all manner of such pleas of the crown, life, and member ought to be holden in the market and pley hundred within the said town.

“16th. Appeal of life and member, and acquittal thereof.

“And when any man appealeth another in plea of life or member, the mayor ought to attach the body of the defendant, and must have pledges of the appellant, to show his said appeals, and if so be that the appeal be such that thereupon lieth losing of life, then the mayor ought to attach and sequester all the movable goods of him that is appealed, by the oversight of the mayor or of any of the said jurats. And the mayor may not alien the goods; but if so be that he be convict, then all his goods be forfeited unto the town; and all his houses, rents, and possessions, being within the franchise, shall be in the mayor's hands by one whole year and a day, and then to return to the heir of him that is appealed; and if there be no heir, then to the tenant of the lord of the fee.

“And when the appellant and he that is appealed be come before the mayor and jurats, in the aforesaid place, the mayor's sergeant shall stand, holding of him that is appealed, and what time he must answer he must be loose. And then the mayor must rehearse unto the men that there shall be present the cause of his attachment; and then the appellant shall appeal him that he hath appealed, as he may; and the appellant in no-wise may be absent, albeit he should declare nothing against him that is appealed. And if so be that he that is appealed gainsaith the appeal unto him declared, and showeth that in nowise he is culpable of that which the appellant hath put on him, and shall acquit him after the manner of the liberty, then it shall be adjudged him that he, at a certain day, which unto him shall be assigned, shall have thirty-six men, as it is aforesaid, and his day and oath to be assigned him that is appealed. And if he is of a foreign country, and if he be a stranger, ought no man to be refused unto his acquittal (whether he be neighbour or stranger) so he be known good and true.

“17th. Appeal of theft and goods in hand.

“And if, in an appeal of theft or robbery, any man be found having the said theft or robbery in his possession and seizure, he must find his warrantor, who unto him it took, at a certain day, unto him

assigned; at the which day, if he have not his warrantors, he may not acquit himself. And if any man come that avoweth the thing to be his own, or else sayeth that he has taken them, the first man, which was appealed, is quit; and the second in the stead of the first, as it is in the common law, and in likewise in every case, where any man called his warrants, he is found eased of the said theft, and if he showeth the said thing to be his own, by such a space of time, as his own true chattels, and if he is not culpable of that which is put upon him; and if he may so acquit himself by thirty-six men, as aforesaid, he saveth himself and his chattels.

"18th. Of taking sanctuary.

"And, when any man taketh the degree of the holy church, the mayor (as coroner) shall go unto him to inquire the cause why he runneth to holy church; and, if he will acknowledge his felony, let it be recorded, and immediately he loseth all his goods and chattels as forfeited, of the which the mayor shall answer unto the town; and, if he will, he may remain in the church and churchyard by the space of forty days, and, at the end of forty days, he shall forsake the land. And he, sitting upon the churchyard-stile, before the mayor, shall his own self choose his port of passage, and, in case he will make his abjuration within forty days, he shall be accepted, and, anon, the abjuration done, he shall take cross; and the mayor shall do to be proclaimed, in the king's name, that no man, upon the pain of life and member, shall do him harm or molestation, all the while he keepeth the king's highway towards the port that he hath chosen for his passage.

"19th. Of cutting a purse.

"And, when any is found cutting a purse, or of taking and picking silver or other money out of any purse in the marketplace, or any other place, at the suit of the appellant, it is accustomed that the said cut-purse or pick-purse shall have one of his ears cut off from his head; and then he shall be led unto the town's end, and there to swear and to abjure never to come within the town again upon the pain of losing his other ear, and to abjure the town upon pain of losing his life; and if he be found the third time, whether he were before marked, within the town or without, he shall suffer judgment.

"20th. Of suspicion of felony.

"And, in case that any theft or harm is done within the town or port, or else without, as well by sea as by land, and any man be suspected thereof, or, when any man, coming within the town, bearing evil name and fame in the foreign, the mayor is accustomed to attach such person or persons and put them in some keeping; so he that is attached, if no man pursue him, is wont to remain in prison after his evil fame; and, afterwards, to be delivered upon pledge of his good and true abearing. Then to abjure the town, unto the time he hath, &c.

"21st. Attachment of a felon foreigner.

"Item. It is to wit that where any man, whether he be freeman or stranger, for any felony or trespass done in the foreign, cometh into this town of Rye for his refuge and safe-guard, he ought not to be attached without suit, so that he well and truly guide himself within the said franchises, without it be that the Lord Warden should command to attach him (assigning certain cause). And if he may find any pledges that will be sureties to have his body within the said liberty whensoever he shall be required, if any man will sue against him there, that then he be delivered unto them out of prison.

"22d. Of a felon fled.

"Item. When any man of the said franchise, or stranger, hath done, within the said franchise, any felony, and from the said franchise is run away, the mayor may send for him in whatsoever lordship, franchise, or liberty he be at, within the realm of England (reserving the liberty of holy church which is sanctuary), and to him he shall be delivered, according to the usages of the said town, as of olden time constituted, and as unto this time used.

"23d. Attachment of bloodshed.

Item. The mayor, or any of the jurats, of the town of Rye, may attach any man, without suit of the party, where he shall see that he draweth blood of any man violently, and put him in surety for the keeping of the king's peace. If any of the said jurats, in the mayor's absence, attach any man for effusion of blood, and he maketh any resistance against the said jurat, then the mayor shall distrain him that so maketh resistance, if he be so required on the king's behalf, and put him to good fine.

"24th. Of breaking the peace and striking the Mayor.

"Item. If any man set any hand or weapon with violence upon the mayor, or saith him evil in the court or out of the court, or else maketh resistance against him, let him be immediately taken and grievously

punished by his body; and, by the jurats of the said town, he shall be taken to make fine unto the town because of the offence, and to make fine unto the mayor because of his trespass; and if the mayor be stricken by hand, or by weapon, he that striketh him shall lose that hand that he striketh with, if the mayor will.

"25th. Of true men's goods seized.

"Item. It is to wit that, albeit the goods of a true man be seized amongst the goods of a felon, as it may fortune such goods were lent unto him; if the true man can prove the goods to be his own, and the felon do not say the contrary, the said goods ought to be restored to him that so doth challenge them; for a thief cannot forfeit other men's goods.

"26th. Challenge of goods by the felon.

"And, if the felon do allow the goods to be his own, and will appeal him of felony, then he loseth the goods; and where he that is appealed by the appellant's suit is adjudged to death, the appellant shall have the goods which he challenged in his appeal, of the which, he that was appealed of, was seized.

"27th. Assize, weight, and measure.

"Item. The mayor and his brethren the jurats have all manner of assizes of bread, of ale, and of weights and measures, and other advantages, in ancient time observed, after the king's standard and statute, and to mark all measures with an iron, and to put in mercy all them who are transgressors and breakers of the assize, and to tax the said amercement.

"28th. Election of a freeman, and his oath.

"Item. The mayor and jurats may make of no freeman a freeman in this manner, that is to say, where any stranger cometh unto the town and inhabiteth, and there dwells by a whole year and a day, and occupieth some honest craft, and is of good guiding and conversation, and desireth the franchise, he shall come before the mayor and jurats, in the playne common court, praying to have the franchise; upon the which, his petition, it shall be awarded what he shall pay to the commonalty for the said franchise; having which award, he shall be entered in the common book and his name. Also he shall make his oath under these words:

"I (A. B.) shall faith and truth bear unto our sovereign lord the king of England, and to his heirs kings of England, and to the mayor, and jurats, and commonalty of the town of Rye from henceforth; and the state, and the franchises, and liberty of the same town shall help, keep, and maintain to the best of my power. And I shall not in no wise be knowing or consenting to break them nor hurt them. And my scot and lot of my goods and chattels, unto the aforesaid commonalty, I shall well and truly pay, and content when I shall be scotted and lotted; so God me help! And then incontinently kiss the mayor, and so he shall be accepted a freeman into the franchises; and he shall pay unto the mayor's sergeant two shillings, and to the common clerk, for the entry, two pence.

"29th. Of taking recognizance.

"Item. The mayor and jurats may have before them recognizance in this manner: that, when any man and his wife hath any lands, tenements, rents, or service within the franchises, and will the said lands others give, or sell to any person, of the which the said wife, by way of inheritance or purchase, or by any other way was seized of, or by reversion of any person which should unto her appertain, the said wife shall come before the mayor and jurats, and she shall be examined before them, in the absence of her Baron, whether it be her free will to give the said lands or not, and whether she be forced by her Baron so to do. Then the deed which is made of the gift of the lands shall be read unto her, and it shall be asked of her whether it be her wish that the deed shall be sealed with the common town seal, as in her name, in the name of a fine reared; and, if she grant unto it, then the recognizance shall be articulated in the common book as it appertaineth, and also, this recognizance made, the said woman nor her heir shall not make, in the said lands, tenements, rents, or other the premises, any claim; but they thereof utterly for ever shall be excluded; and this manner of recognizance ought to be taken before the mayor and certain of the jurats in the playne court, the woman being in good health. And, if the woman be sick, aged, or so feeble that she may not come to the court, and she will make like recognizance, then she shall send for the mayor and certain of the jurats to come unto her in the manner aforesaid, and, if she consent, the recognizance shall be firm and stable for ever.

"30th. Recognizance by a femme covert.

"Item. If any man's wife make a recognizance under this condition: that she and her Baron shall be refoffed jointly to them and their heirs, or else to them and to their heirs between them lawfully begotten, or in any other manner, the mayor and jurats must record the said condition; so that, if it

were so that the feoffee by his will could not do, according to the condition expressed before the said mayor and jurats, the said mayor and jurats shall not suffer him to do the contrary, but only according to the condition rehearsed in the said feoffment, because of the righteousness and equality ever used within the said franchises.

"31st. Grants in mortmain.

"And the mayor and commonalty may grant and confirm the mortification of the lands, tenements, rents, and possessions, being within the franchises, to chanteries or masses, to the sustentation of the hospital, or to the work of the church of our lady of Rye, without the licence of the king, or of any other lord, nor statute made, &c.

"32d. Of sureties of the peace.

"Item. If any man do ask surety of the king's peace of another, the mayor is bound to give it him, if he that so asketh it will swear that he standeth in bodily fear of him against whom he demandeth the peace; and if he that have found surety of the peace at another time breaketh the king's peace, then it shall be lawful to any of the king's subjects to attach him and bring him to the mayor, and the mayor to command him to ward, and there to remain by the space of forty days; and his sureties that be found in the first peace shall have the same punishment as the said misdoer shall have, and also make fine to the town.

"33d. Returning of complaints, serving of attachments, and the manner of holding courts for strangers and freemen.

"Item. It is accustomed that the mayor's sergeant, for whom the mayor shall answer, shall return all manner of complaints, after their nature, as well of indwellers within the franchises of Rye as of others dwelling in other Ports, and do all manner of attachments and summonses of them. And the bailiff and his sergeant shall return all manner of complaints, after their nature, of foreign strangers, and shall do all manner of attachments and summonses only of the same foreign strangers. And if the plaintiff or defendant be a stranger, their plea shall be held from day to day, except it be of lands or pleas of the crown, that is to say of life and member, and if both the plaintiff and defendant be indwellers, then their plea shall be holden from fifteen days to fifteen days, that is to wit, on Wednesday. And any manner of plea shall be holden in the king's court house, reserving pleas of life and member, which shall be holden in the playne hundred.

"34th. Attachment in trespass of blood.

"Item. In plea of trespass and in blood-shedding, where a man is hurt, the defendant shall be attached by his body and be brought unto prison, without he may find sufficient pledges to undertake that he shall be at the next king's court holden; at which court, if he appear not, he and his pledges shall be amerced, and he shall be put to better pledges, and so to increase, from court to court, two pledges. And the amercement shall be thus: the first court, six pence; the second court, twelve pence; and on every court, if the mayor and jurats will, the amercement shall increase six pence in like sum, as it is in the increase of the pledge, unto the time he will appear to answer. And in case of the default of any of his pledges, as is before said, his body shall remain in prison unto the time that he hath answered to the party; and so always, provided that the increasing of the amercement be seized and taxed at the consideration of the mayor and jurats.

"35th. Pleas of debt, covenant, and pledges.

"Item. In plea of debt, covenant broken, chattels withholden, and so of other, the mayor's sergeant, as well of the in-dwellers within the franchises of Rye as of them dwelling within the Ports; and the bailiff and his sergeant of the foreign strangers shall take of the party pleading pledge to show his plea; and if he can find no pledges he must put some gage; and if he have no gage nor pledge, if he be of the franchises or of the Ports, he shall put his faith and truth upon the mayor's mace. If he be a foreign stranger, he shall put his faith and truth upon the bailiff's rod to pursue his account. And if the party defendant be a freeman of the Ports, he shall be put to distress at the first court; and if he does not appear at the first court he shall be distrained sicut alias; and if he does not appear at the second court, he shall be distrained sicut plures at the third court. And it is to wit that, at any default, he shall be amerced to the town. And all the distresses aforesaid, if they be indwellers of the franchises or of the Ports, they shall remain in the mayor's sergeant's keeping. If they be foreign strangers, they shall remain in the bailiff or his sergeant's keeping. And if the defendant will not justify himself by none of the distresses aforesaid, then he shall be put to pledges to appear at the next court in plea of trespass; and if the party defendant be indweller, and the same defendant has been distrained by his goods and chattels, within the franchise, to appear and hath not appeared, then he must be put to two pledges,

which two pledges shall undertake that they shall bring his body to the next court to answer, or else they to answer the party for him, as he should. And in case that both the parties. Be here foreign strangers, or else one stranger and the other in-dweller, then shall the court be holden every day afore noon, in the hour of prime, and in the afternoon, about the middle of the afternoon, after the law-merchant. And when the parties are come into court in their proper persons, or else by attorneys, the plaintiff shall tell his demand against the defendant, asking licence of the court to tell out his tale without any reproof, and the defendant, in like wise, may ask licence of the court to answer and defend against the plaintiff, without reproof or reproach; and the mayor shall give them licence; but when in any plea which is pleaded by sergeant or by learned counsel at the bar, then the parties have no licence to plead, but it be at their own peril and jeopardy; and in case that the party plaintiff plead upon a specialty, whether it be by tale or by writing obligatory, if the defendant will deny it, then the plaintiff shall prove the specialty by two men and himself, which were at the making of the said deed; and in case the plaintiff cannot so prove the specialty, the party defendant so shall go quit without delay; and the party plaintiff in mercy. And in case that the party plaintiff may prove that to be the deed of the defendant, then the defendant shall be in mercy, and must agree with the plaintiff for the principal and, over that, to have his damage. And in case that the party plaintiff have no specialty, and saith, in his narration, that he is ready to prove his intent by true and lawful men of sight and hearth, then the party defendant shall wage no law against his suit, and in case that the plaintiff telleth not in his declaration that he will prove by sight and hearth, then the defendant shall acquit himself by his sole hand, or else himself with two hands, at the discretion of the mayor and jurats, whether he be stranger or indweller.

“Item. In case where heirs or executors be impleaded, and the party plaintiff hath no specialty, the party plaintiff must, in his declaration, show that he would prove the debt by sight and hearth, and that by credible persons.

“36th. Arrest of a freeman.

“Item. When any freeman of this franchise, or of any of the Ports, seeth his foreign debtor within the said franchise, he may lawfully arrest him or his chattels, if he see him or his chattels fugitive, so that incontinently, without tarrying, he go unto the common clerk to enter his account, and then immediately to go to the bailiff, or to his sergeant, to show him of the said arrest; not to make deliverance of the said person, nor of the chattels, in the absence of the bailiff, or of his sergeant; and in the delivering of the person or of the chattel, one of the parties to be in mercy. If it be the indweller within the franchises, or of the Ports, the amerciamment to the town; if it be the foreign debtor, the amerciamment to the bailiff.

“37th. Of imprisonment after judgment in an action.

“Item. In any manner of plea, where any man is adjudged, whether he be indweller or foreign stranger, and the judgment given in the king's court by the mayor and jurats, he that is condemned shall remain in the court-house until he hath paid or agreed with the party.

“38th. Damages, by whom taxed.

“Item. In right of damages recovered in the court, the said damages shall be taxed by the mayor and jurats, if in case that he that is condemned will so desire, and that after the nature of the plea.

“39th. Voluntary appearance of a freeman before summons.

“Item. In case any freeman complaineth himself of another freeman, which cometh to court without summons or attachment, knowing of such complaint from him, and the party plaintiff will declare against him, the defendant may delay the day under these words: Mr. Mayor, may it please you to understand and know how that I am a freeman, and am not now bound to answer unto the party; because I am not summoned nor attached for this to be in the court against him at this day. Therefore I ask my free summons and delays, as a freeman ought to have in this court.’ And then the mayor must award that to him.

“40th. Action against a woman covert to bar merchant sole.

“Item. If any woman that is covert-baron be impleaded in plea of debt, covenant broken, or chattels withholden, and she be known for sole merchant, she ought to answer without the presence of her Baron.

“41st. Plea of lands and writ of right patent.

“Item. In plea of lands, the plea shall be holden in the king's court, which plea may not be holden without the mayor be in presence. And it ought to be holden from fifteen days to fifteen days, whether the plea be between an indweller and a stranger, or between the indwellers, or between the strangers, of

all manner of lands, tenements, rents, and possessions within the franchises; and all manner of pleas may be tried within the franchises by simple plea (the writ of right patent reserved, in the which must be said 'Quod si non facis Vico Sussex face, &c., quinque Portuum,' &c.; and such manner of writ used to be pleaded in the king's court in the common pleas reserved), that in some writs there be many delays, as in the writ of mort d'ancestre, and others, &c.; and after the surety found to pursue his plea, the disseisor is summoned to come unto the next court to answer. If he come not to the court to answer unto the plea, the land or tenement shall be taken into the mayor's hands, because of his default. And if they be not re-plevied within fifteen days next ensuing, he shall lose the seisin of the land, and in case he make no default he may ask view of the lands, if he will, and after view of the land the disseisor may by no manner of acception abate the plea, but in this case it must pass by the verdict of twelve men. And it is to wit, that, after the parties have appeared in court, they may make no delay, but to pursue from court to court, and, if they will, by their attorneys. But in plea of land, no attorney shall be accepted, without he be accepted in the playne court before the mayor and jurats.

"42d. Of novel disseisin.

"Item. In plea of novel disseisin, that is to say, when any person is newly disseised of his lands or tenements, after the declaration made of his plaint, if the disseisor cometh into court in person, or by his attorney, the plea shall run, if he will not knowledge his offence; else he may answer the plea if he will.

"43d. Dower.

"Item. In plea of dowry, the woman, after the death of her Baron, shall come before the mayor and jurats in this wise, saying, 'I find surety against such a man, in plea of dowry.' And then the mayor shall require the tenant to deliver the dowry of such lands and tenements, as her husband died seised of.

"44th. Judgment in all actions.

"Item. When the parties have pleaded in court their pleas, whether that it hath been by their proper persons or by sergeant, the common clerk shall record the process of both parties, after the nature of the plea of the process; and then the mayor and jurats shall go on in judgment, which judgment shall be given by the mayor's own mouth in the king's court.

"45th. Fault in judgment, how reformed.

"Item. In case that any faults be found in such judgment, it is in the mayor and jurats' election to have interparlance with their brethren of the Five Ports by a Brotherhood, to have their good advice and information, how and in what manner they should minister right unto the parties after the plea before them pleaded, which judgment shall be delayed until the next court then ensuing.

"46th. Strepeth, waste, and distress for rent behind.

"Item. When any man holdeth any tenement by any free rent to be paid out of it to another man, and the tenant strepeth and wasteth the said tenement, so that they that ought to have the said rent have not their rent of it, nor sufficient distress to the value thereof in the said tenement may be found, then he that so lacketh his rent by such means, by the space of one whole year and a day, shall come before the mayor and jurats in playne hundred and complain him there; then the mayor and jurats shall bid him go unto the said tenement for to seek a distress, or for the possessor of the said tenement, which should pay the said rent and arrearage. And if he can find no distress, nor the possessor to pay him his arrearage, then he shall come unto the next hundred to show his complaint, like as he did before. And then it shall be adjudged him to go unto the said tenement or land, and by the on sight of true men he shall take off the door, put it overthwart the entrying of the said tenement, and if so be that no man come within a year and a day, then it shall be adjudged him that he put stakes in the ground, upon which shall be made proclamation that if any man or woman claim any right in the said land or tenement, &c., he come within a year and a day, from the day of proclamation made, to pay and to satisfy to the party plaintiff the arrearages, and all that after the manner of the franchises of the said town ought to be done; or else to signify why this he ought not to do, and that upon pain of losing the said land or tenements, if no man come within the year and day, to contrary or do as is abovesaid. Then, in the next hundred court ensuing, it shall be adjudged him that asketh the aforesaid rent that he have seisin of the said lands and tenements. And if one man or woman come within a year and a day, or else before the judgment given, to pay and do all that ought to be done for the said lands and tenements, he may save the said lands and tenements; or else, if he come and say that he claimeth not the said lands and tenements to hold of him, nor that unto him anything doth owe, then they must plead for it in that case, or else the asker cannot otherwise recover his rent.

"47th. Waste by tenant for life.

“Item. If any man or woman hold any tenement in the said town for term of his life, the reversion thereof appertaining unto another, and the said tenant hath streped or wasted the said tenement, the mayor and jurats, at the request of him that is in the reversion, shall compel the aforesaid tenant to repair sufficiently the said tenement, and to maintain it so that he be able to do so, or else after the rate of the faculty of the said tenant, as it shall seem by the consideration of the mayor and jurats, what ought upon it to be done reasonably; and if the tenant will not so do, he shall utterly lose the aforesaid tenement.

“48th. Withernam and of process.

“Item. The mayor and jurats, as they ought to, take withernam of the citizens of London, and of other, as they think convenient to be done, for any cause done against the liberties. And they may, as they ought, take withernam for many causes, that is to say, if any freeman of the said town come unto the mayor and jurats, desiring them to write their letters under the seal of the office of mayoralty, or else under the common seal, when the case it requireth to pray for him unto the citizens of London, or to the burgesses of Calais, or unto any other place within the realm or without the realm, wherever the king our sovereign lord hath liege or amity, that they will do, and see to be made done, payment and satisfaction of such sums of money for covenant or trespass, which such a Baron your combaron could justify, &c., whether unto other combaron T. G. as he saith, &c. And in case that, by petition of the first letter, the said citizens or burgesses nothing do unto the matter, nor send any answer in writing, then there must be sent unto them another letter sicut alias, and if they do nothing unto the matter then, there must be sent unto them the plures, under the common seal; at the which third letter, if they do nothing unto the matter, as it is aforesaid, then he that serveth the said process must come before the mayor and jurats, in open court, to depose upon a book of the Holy Evangelists that he or his attorney hath duly and truly delivered unto the mayor, or bailiff, or justice of such city, &c., the three letters of his process, after the statute of the liberty; and if the said mayor and bailiff, &c. hath deferred to do him justice, this done it must be adjudged that the whole commonalty of the place to whom the process is sent shall pay the debt, provided always that the mayor and jurats be ascertained by deed and lawful approbation that the debt be due; in affirmance whereof the indebted shall swear upon the mace that it is done, according to the nature of the process. And it is used and accustomed that, in case that the inhabitants of the said commonalty, so condemned, the said town and port of Rye do eschew to come to; and in other places of the Ports they do come and resort, that then the mayor and jurats shall send their letters unto the said Ports, so that it be of the Five Ports, and by their letters record the process, the debt, and the judgment. And then they shall, after their custom, do like distress and execution of the said record and process aforesaid, as the aforesaid mayor and jurats of Rye should do.

“49th. Process and withernam for hindering a freeman.

“Item. Likewise, if any freeman of Rye be within the city of London, or in any other place within the realm of England, and in any other region where the king hath any liege or amity, interrupt to sell or else to buy his merchandize, otherwise than he was wont to be, or else if any distress upon him be wrongfully taken, or any custom or toll against the franchises of the Ports be asken of him, or else if any robbery or depredation be done upon the sea, or else in the land, upon the freemen of any commonalty of the Five Ports, so that they that be robbed or despoiled can give information of the name of the transgressors and of the place that they be of, then shall letters of process, at the suit of the said freemen, be directed to the place, the letter original, alias, and plures, as it is aforesaid, and in case that no remedy or amends be made, or else sufficient answer in writing be had, the withernam shall be adjudged against the aforesaid commonalty, both upon their goods and upon their persons, unto the time that the said offence be satisfied, forthwith the damages, which evidently appeareth to have been done and sustained in this behalf.

“50th. Withernam against a lord for staying a freeman for stallage.

“Item. If any lord do distress any freeman for picage or for stallage upon his own ground, and he be prayed by the mayor, by his letter sealed under the seal of the office, to deliver the said distress, and to deliver it he doth refuse; then, in this case, it was wont to be awarded a withernam upon all his tenements.

“51st. Partnership in merchandize.

“Item. The freemen of Rye were wont, and ought, to be partners in all manner of merchandize, whether they are in presence in the buying and in the selling of it, if they will claim any part, unless the buyer or the seller can allege sufficient cause why he that so claimeth part in the said merchandize is not worthy to have part; as thus, that he is convict in perjury, and else that it hath been adjudged that he should have gone part in none merchandize, because he did run away from the franchise, what time he

should pay his part for the king's service; and else that he was run away in the time of war, and came not again within the day to him limited of his coming for the defence of the town; and else if he have done anything prejudicial unto the franchise, whereby he is adjudged to lose his freedom and free custom; and else, when before time he hath claimed part in merchandize that hath been bought, and in the same merchandize hath been losing money and he hath refused to pay his part of the said loss, after his rate and portion, &c. But then shall no manner of stranger, whatsoever condition he be of, have no part of no merchandize bought by a freeman, without it be by the good will of the freeman, for against his will he shall have no part.

52d. The Charter, that none shall be partner with them, against their will, in Ireland.

“Item. Where the freemen of the said port were wont mostly to be interrupt of their liberties was in the ports of Ireland, till the noble Prince Edward, late King of England, grandfather unto King Edward the Third, did give and grant unto the Barons of the Five Ports his great Charter, which afterwards was confirmed by King Edward, father unto King Edward the Third, of the which Charter the tenor followeth : “We have granted also to the said Barons and men, for us and our heirs, that, of their lawful goods and merchandizes, which, in due manner, they shall happen to buy within our land of Ireland, no man be partner of those goods and merchandizes, nor with them, against the will of the said Barons and men, shall he partake thereof in anywise.”

“53d. Of a freeman distrained out of the liberties for merchandize.

“Item. In likewise if a bruster, free, hath made ale, and sell it in the foreign, in fairs, or in markets, and the lord of the soil will distress her, against her will, for the sale of the said ale, then, at the complaint of her, the mayor was wont to send his letters for to have redelivery of the said distress, inasmuch as the Barons of Rye be free to sell and buy freely.

“54th. Lands bound by recognizance.

“Item. In case where any man (whether he be indweller or else stranger) hath any lands, rents, or tenements, within the franchise, and hath bounden the lands, rents, or tenements to some indweller, or else to some stranger, or else his own person, by recognizance before the mayor, and afterwards it be found that he hath aliened the said lands, rents, or tenements, and the party to whom the said lands, rents, or tenements were bound shall have the said lands, rents, or tenements, without any plea, unto the time that he be satisfied of his duty, so that it appeareth in the court rolls the recognizance made of the same lands or other, &c.

“55th. Complaints of freemen by freemen out of the liberties.

“Item. In case that any man of the town of Rye do complain him of any other man of the same town, in any other place than within the said town of Rye, he that so complaineth shall be punished because of spite done unto the town, without that it be for lack of justice of the mayor and jurats, in which case the mayor shall be tried before the Lord Warden in the court of Shepway, or in some other place.

“56th. A freeman shall have part of freeman's merchandize.

“Item. If any merchant, neighbour, or stranger bring any merchandize to sell unto the town of Rye, all the freemen of the said town, which be present unto the buying of the said merchandize, shall have part in it, if they will claim part; and so shall the freemen that be absent have part, in case that any man that is present in the buying of the same do claim part for any freeman that is absent; and the said merchandize shall be evenly divided according, both in gains and in loss.

“57th. Part of foreigners' merchandize, bought within the franchise.

“Item. In case that any stranger buyeth any merchandize within the franchise (whether it be of them of the franchise and else of other), they of the franchise shall have half of the said merchandize against the stranger, if they will ask to have it.

“58th. Orphans and their goods.

“Item. In case that any man dieth within the franchise of Rye, and the heir be within age, then the mayor shall have the view of the child and all his lands, rents, and tenements, and of all his movable goods; and, by the mayor and jurats, the child shall be put unto ward, unto the next kinsman that the child hath of his blood, unto whom the said inheritance may not descend, and all his goods and chattels shall be delivered unto the said guardian, by indenture made between the mayor and the said guardian, unto the time the child be of full age, and that one part of the said indenture shall remain in the common treasury; and, in case that there be none of the child's blood, then the mayor shall take and deliver the aforesaid goods and chattels unto some sufficient man of the franchise, in keeping, until

the time that the child be come unto his full age, at the which time the child shall have them delivered unto his care.

"59th. Nomination of chaplain to Saint Bartholomew's Church, and admittance of brethren and sistern there.

"Item. The mayor of Rye and jurats, forthwith the commonalty, shall have the nomination of the chaplain, which is called the Custos of the Hospital of Saint Bartholomew, besides Rye, which said chaplain his name, in time of peace, shall be sent unto the Abbot of Fyscamp, and, in time of war, unto the Lord Chancellor of England; and, by one of them, he shall be presented unto the Bishop of Chichester, and by him he shall have institution; and also the mayor of Rye shall take account of the said chaplain of Saint Bartholomew four times in the year, if he will. And in the said hospital be both brothers and sistern, sometimes more, sometimes less; but, nevertheless, neither brothers nor sistern shall be admitted into the said hospital without it be by assent of the mayors and of the commons. And also the rules and statutes of the said hospital be read before the brethren and sistern, which shall be accepted and received before that he be received.

"60th. Freemen decayed, and seal of hospital.

"Item. The mayor may, by the assent of the jurats, where he findeth, amongst his commons, man or woman, which hath competently borne charges with them, in their time, for the welfare of the town, and they be now impoverished and impotent, decayed of their goods and chattels, and little goods have to live with, he may put the good man or woman unto the hospital to take their sustenance among the brethren and sistern of the said hospital, without anything paying for it. Unto the said hospital. And the mayor and jurats shall have the keeping of the seal of the said hospital; so that the brethren and the sistern of the said hospital shall nothing sell or diminish, without it be by assent of the mayor and jurats.

"61st. Election of brokers.

"Item. It is to be understood that anon, past the election of the mayor of Rye, the mayor and jurats shall elect brokers and certain men to gather the maltods and keep the weights and measures, which men shall be sworn to do right, as well unto strangers as unto indwellers.

"62d. Bailiffs to Yarmouth.

"Item. When the bailiff is elect to be at Great Yarmouth, and he hath taken his oath what time he shall ride towards the said place, he shall have with him his letters patent, under the common seal of the town, sealed to do and to exercise the ancient manner of the liberties of the said town, after the course of the king's Charter upon the premises granted to the Barons of the Ports.

"63d. Proceedings in actions, and making special acts for the town.

"Item. In all manner of causes and articles, or in pleas, personal or real, of the which there is no special remembrance or mention made in this book, the mayor which is judge, with his brethren jurats, shall have recourse unto the laws of natural reason, upon which, and of the which, do proceed and are founded all the laws and customs, according and concerning unto the laws of England.

"64th. Election of Lord Warden.

"Item. When it shall fortune the Lord Warden of the Five Ports to decease, and else to be changed, our sovereign lord the king was wont to send his letters patent to commit another warden, which warden so committed, when he thinketh most opportunity, was wont to send his letter unto each port of the Five Ports, and unto their members, wherein is either mayor or bailiff, that, upon a certain day, they be before him at Shepway, so that his said letters be delivered unto the mayor or unto the bailiff (if there be no mayor), of every foresaid town of the Five Ports or their members, forty days before the day of Shepway, and, in like case, in any other court of Shepway; and also, on a king and queen's coronation, the letters thereof were wont to be sent forty days before the said coronation.

"65th. Burgesses to the coronation.

"Item. The Barons of the Five Ports owe to be summoned, in the king and queen's coronation, by writing forty days before the coronation; and of all the ports there must come thirty-two Barons all in one clothing, and they shall bear the cloth over the king and over the queen, with four spears, of the colour of silver, and four little bells gilt, having above the cloth, which is called the pall, and shall come from the King's Treasury; and at every each of these four spears shall be attending four Barons of the said Ports; and, the said day, the said Barons of the Ports shall eat in the king's hall at dinner, next unto the king or queen at the right hand.

"God save England and the Towne of Rye!"

The Customal is of great importance, as a further exemplification of the Charters, and also as an example of the peculiar manner in which each port acted in carrying the various articles, contained in the same, into practice.

Lyon, in his *History of Dover* (published in 1814), gives the Customals of Dover, Sandwich, Romney, Rye, and Winchelsea, observing that these are all that are known to have been preserved to our own time.

"Roger Mortimer, constable of Dover Castle, in the reign of Edward the Third, ordered each of the mayors of the Cinque Ports and their two ancient towns, to deliver into his Castle, at Dover, copies of all their ancient customs and usages, which they had enjoyed from their first enfranchisement, so that, in case any appeal to him for erroneous judgment, in any of the mayor's courts, he, as judge of his court at Shepway, might have a guide to regulate his own decisions.

"It was a rule with the Barons of the Cinque Ports, that their ancient customs were not to give place to new statutes or new laws." Thus we see of what great importance they originally were.

As the Customals of different Ports varied in some few particulars from each other, it may not be uninteresting to point them out, for the amusement and instruction of those who are curious in these matters.

In Rye the mayor was chosen on the Sunday next after the Feast of St. Bartholomew, which is August 24th, at the cross in the churchyard, down to the year 1603, when he was chosen in the court-hall; but still on a Sunday, until the year 1632, when the day was changed to the Monday next after the Feast of St. Bartholomew, and so continued until the passing of the Municipal Corporation Act, in 1835, when the election of mayor was fixed to take place not only in Rye, but in all the corporations in England, on November 9th in every year.

In Dover the mayor was chosen on the Feast of the Nativity of our Lady, which is September 8th.

In Sandwich the mayor was chosen on the Monday next after the Feast of St. Andrew the Apostle, which is November 30th. Romney was originally governed by a bailiff, but on what day chosen does not appear, though in case the town was at any time without, the Archbishop of Canterbury was to send one. This privilege of the primate arose, it may be presumed, out of the power originally possessed over this town by his predecessors, as far back as the time of William the Conqueror, when it was said to be the property of Archbishop Plegmond. This Port is now governed by a mayor, and has been since the reign of Elizabeth, who is annually chosen on the Annunciation of the Blessed Virgin, March 25th, unless it falls on a Sunday, and then he is chosen on the following day.

In Winchelsea the mayor is chosen (for though the Parliamentary Reform Bill has deprived both this port and Romney of their representatives, yet the Municipal Corporation Reform Bill has left them in the full enjoyment of all the other privileges which they possessed at the time of its passing,) on the Monday after Easter, that is, on Easter Monday.

In Hastings the mayor was chosen on the third Sunday after Easter, when the freemen assembled on the beach and elected him, after which he went to the court-hall, and was sworn in. In Hythe the mayor was chosen on Candlemas Day.

The punishment for refusing to execute the office of mayor when elected was, in Rye, "to beat down his chief tenement." In Dover the commons were "to draw down his chief messuage." In Sandwich the commonalty, after three notices, were "to pull down his house;" but if the house he lived in was not his own, then he was to be disfranchised, and never to be restored to his freedom until he submitted to the commonalty. In Romney, when any one chosen to be a magistrate for the year, for the governance of the town, refused to act," the bailiff and commons went to his house and put him out of it, together with his wife, his children, and his servants, made fast the windows, sealed the doors, and sequestered his goods and chattels," and if he broke in upon his property he was imprisoned until he made agreement with the commons. In Winchelsea the commons were to go and "shut in his chief tenement."

In case of the death of the mayor of Rye before the end of his year of office, the jurats were to assemble the commons and elect a new one for the remainder of the term. In Dover they did the same. In Sandwich no provision was made for this emergency; while in Winchelsea each jurat, in his turn, was to perform the office.

In Rye the commonalty was summoned by the ringing of a bell on the top of the court-hall. In Dover, Sandwich, and Romney a horn was blown for the same purpose. At Winchelsea a horn was also blown.

In Rye there was a bailiff appointed by the king, under the seal of the Court of Chancery. In Dover it was the same. In Sandwich there was also a bailiff, who received his patent of office from the king under white wax, because they paid no attention to patents under green wax. In Winchelsea this officer was appointed under the great seal. But in Romney the bailiff came under the nomination of the Archbishop of Canterbury, with a commission sealed with the great seal.

In Rye, Dover, Sandwich, and Winchelsea the bailiff appointed an under officer, who, in Dover, was called a sub-bailiff; in Sandwich, a catch-poll; in Rye and Winchelsea, a sergeant; while in Romney I find no such office mentioned.

In Rye, Dover, Sandwich, and Winchelsea the mayor is the coroner; but in Romney Customal no mention is made of such an officer. In Rye the mayor's sergeant summoned a jury to view the dead body; in Dover and Winchelsea the bailiff did it; while in Sandwich it merely says the mayor and jurats are to inquire into the matter.

In Rye, if any one was charged with a crime affecting life and limb, he might acquit himself by means of compurgators. In Sandwich, Romney, Winchelsea, and Dover, the same. When any man was condemned to death in the town of Rye, he was to be executed by the bailiff or his sergeant, upon the Saltness, on the east side of the town, behind the salt water of the same.

In Winchelsea criminals were to be hanged in the Salt Marsh, on the north side of the town, in the salt water of the same town; but no mention is made of the officer by whom execution was to be done.

In Dover, all those who suffered death were led to a cliff, called Sharpness. If the criminal was condemned at the suit of the king, the bailiff was to do execution; if at the suit of some other party, the appellor was to do it.

In Sandwich, all who were condemned in cases of appeal of life and member were to be buried alive, at a place set apart for this purpose, at Sandown, called the Thief's Down. But by whom it saith not.

In Romney, when a man was found guilty of felony, and was condemned to be hanged, the bailiff found the gallows, and the rope, and the suter; and he who made the appeal the hangman. But if he could not find the latter, then he was to do that office himself; and he might keep the prisoner in gaol until he found a hangman, or chose to execute himself.

In Rye, Dover, Romney, and Winchelsea criminals were allowed sanctuary; but the Customal of Sandwich makes no allusion to it. In this case the criminal's goods and chattels were forfeited to the king.

In Rye, a man found cutting a purse had one of his ears cut off; if he came again into the town, he lost his other ear; if a third time, he was liable to lose his life.

In Dover a cutpurse was placed in the pillory for the first offence, when the people might do him any villany; and, after that, he had one ear cut off and forswore the town, when, if he returned a second time, he lost his other ear.

In Sandwich the pickpocket was, on proclamation, sentenced to lose one ear, and to abjure the town. And if any person, though not the same, be found to be without an ear, or marked as a thief (whether marked in the town or not), he was to be condemned to die.

In Romney a cutpurse was set in the pillory, at the consent of the party robbed, and, by the same consent, he lost one ear; he was then to pay a fine to the town, and forswear entering it ever again. If found a second time he was again placed in the pillory, and lost his other ear. If found a third time in the town cutting a purse, then he was to bear another sign, by which he was to be known as a thief; or, at the consent of the party, was to be hanged.

In Winchelsea the punishment of the cutpurse was similar to that in the town of Rye.

In case of bloodshed, the mayor or any of the jurats of the town of Rye, on seeing the same, might attach the guilty party, without the suit of any other, and call upon him to give surety for keeping the king's peace; and if he resisted the mayor or jurats, he might be put to a good fine.

In Dover, on complaint made of bloodshed, the defendant was to be awarded to prison till he found pledges to answer the party; and if he came not at the first court, he and his pledges were amerced, and they were bound over to appear at the next court.

In Winchelsea the bailiff might attach any man without any assent, when he drew blood of another in violence, might put him in prison, if he that was hurt would pursue; and he might also put him to pledge for the peace to be kept. And if any man will make any rescue against the bailiff for drawing blood, the mayor and the sworn men shall help him, if they be required, on the king's behalf; and that

may the mayor and every jurat do when they see any man striking, or disturbing the king's peace.

In Sandwich and Romney there is no article touching on the particular charge of bloodshed.

In Rye, if any man (whether freeman or stranger) had committed any felony, and fled there for refuge, while he conducted himself well and truly was not to be attached, unless by order of the lord warden.

In Dover the custom was to leave such a man at liberty, without suit was made in due form, unless he brought with him beasts or other cattle, which people had reason to suspect were stolen, and then the bailiff put him in prison for three or four days, to see if any one appeared against him, and if no one did appear, and he could give no satisfactory account of how he came by the beasts, these were to be forfeited to the king, and he set at liberty.

In Sandwich the felon was only to be given up to the mandate of the lord warden, and even then, if he could find six bondsmen, he was to be taken from prison and delivered to his bail. His trial and final judgment were to take place within the franchise of the town.

In Winchelsea the custom was similar to that of Sandwich. In Romney no provision was made for this case.

In Rye any violence offered to the mayor was severely punished; but neither of the other Ports contain a similar article. When any man, a stranger, came into the port of Rye, and dwelt there for a year and a day (being of good character, and desiring the franchise), he might go to the playne common court, praying for the same, when it was awarded what he was to pay; which being paid, he took the freeman's oath, and was duly enrolled.

In Dover there is no rule laid down for the admission of freemen.

In Sandwich a stranger was admitted to the freedom of the town in the same manner as at Rye, only he had to find four sureties for the true and faithful performance of his oath.

In Romney, if a strange man, of good life and conversation, be dwelling within the town, and desire for to be a freeman, the jurats may grant the franchise, he paying to the commons as they may accord.

In Winchelsea the custom was the same as in the preceding towns.

At the conclusion of his oath the new freeman in Rye exclaimed, "So God me help!" while he of Winchelsea said, "So God me help, and All Saints!" In the former place he kissed the mayor; in the latter, the book or Bible. In Rye he paid a fee of two shillings to the mayor's sergeant, and twopence to the common clerk for the entry. In Sandwich he put into the common horn thirteen pence for his admission, of which the mayor had twelve pence, and the common ward man one penny.

In Rye, if a man was the son of a freeman, born after his father was made free, he was admitted on his father's copy, without paying any fee. If he was a native of the town, but not born free, he paid twenty shillings, and if a stranger (that is, not born in the town), forty shillings for his freedom, and one shilling for bottles and hooks; of which two last-mentioned things the first was a leathern bucket for carrying water, and the other a large hook, with a very long handle, for the purpose of pulling down buildings in case of fire, to prevent its progress, which in a town built entirely of wood, as Rye originally was, must have been very rapid, if not thus stayed.

In Sandwich the freeman's fine was sometimes half a mark (six shillings and eightpence), sometimes forty pence, according as the person might be useful to the community in the king's service and other occasions. In this town strangers might obtain their freedom in three different ways: viz. By paying a sum of money, as above; by marriage with a free woman; and by purchase of a free tenement.

In Romney, any son born after his father's freedom was free, but not otherwise. No illegitimate son could be admitted by birthright. A stranger paid forty shillings for his freedom.

In Winchelsea no mention is made of the precise sum to be paid on admission. At present the charge is three guineas for the stamp, and one to the corporation.

The mayor and commonalty of Rye had power to grant and confirm the lands, &c., within the franchise, to chantries or masses, to the support of the hospital, or to the work of the church of Rye, without licence of the king, of any other lord, or statute made.

The mayor, jurats, and commonalty of Winchelsea had the same power; but no mention is made of such in the Customal of either of the other Ports. Is it possible that this privilege was granted to the two ancient towns, and not to the older Five Ports?

In Rye a court of record was held on every other Wednesday. In Dover it was held every Friday. From the beginning of harvest until Michaelmas it was held on Sunday. From the Friday next before

Christmas until Saint Hilary be passed; and from the time that the Passion be entered until fifteen days of Easter be passed, they used to hold no court. The court was held on Sunday, not to interfere with the getting in of the crops of one year, and sowing the seed for another. The two periods when no courts were held were the great feasts of Christmas and Easter, and the solemn fast of Passion Week.

Sandwich held a court weekly; but on what day I know not.

Romney had its court every other Monday; Hastings on alternate Saturdays; and Winchelsea once a fortnight, on Tuesdays.

In Rye, if any married woman carried on business on her own account, and was sued for a debt, she was to answer without the presence of her husband.

In Sandwich, if a married woman dealt publicly in fish, fruit, cloth, or the like, and was sued for the amount of goods delivered to her, she was to answer with or without her husband, as the creditor pleased.

In Winchelsea the custom was the same as in Rye.

In Dover and Romney there was no provision made for this case.

A woman, on the death of her husband in Rye, on applying to the mayor and jurats, had the dowry of such lands and tenements as her husband died seized of delivered to her.

In Dover the widower held, during the term of his life, the heritage or purchase of his late wife; and the widow, in the same way, held her late husband's property, so long as she kept herself sole; but if she married, then she lost the profit thereof, and it went to the next heir, or to the executor in gavelkind.

The customal of Romney says, "no widow shall be endowed of other lands or tenements, within the franchise, than those her husband died seized of."

Sandwich and Winchelsea are silent on this point.

In Rye, in the case of any fault in the judgment pronounced by the mayor, he and the jurats might have interparlance with their brethren of the Five Ports at a Brotherhood, as to the best mode of rectifying the error.

In Dover, if any party complained of false judgment to the lord warden, he sent his writ to the mayor, jurats, and bailiff, to do right to the party; and if they did it not, the warden might send a second and third time. If, after this, justice was not done, the warden might send his lieutenant, or come himself, into the franchise, and do right to the party aggrieved, as the usage of the port was.

In Sandwich, Romney, and Winchelsea, no special mention is made of this right; but as it was provided for by the Charters, probably they did not deem it necessary. These make the appeal to the warden, whereas Rye made it a custom to consult with the Brotherhood.

These are the principal particulars in which the several Customals of the Ports differ from each other; showing the manner in which each, in its individual character, carried into effect the various powers and privileges, which were conveyed to them by the Charters, in their general or corporate character. They differ in trifles, but not in essentials.

The Customal of Rye contains 65 articles; that of Romney, 64; of Sandwich, 48; of Winchelsea, 43; and of Dover, only 37.

The Dover Customal concludes with these words: "Thus end the Liberties of Dover."

Winchelsea thus: "These writings were compiled by Thomas Hokernam, Town Clerk of Winchelsea, A.D. 1557."

Rye ends with these few emphatic words: "God save England and the Towne of Rye."

While Romney ends with this valuable information: "Also, it is to wit, that the usages, all in the manner as they be here before written, were thus returned in the Castle of Dover by the command of Sir Roger Mortimer, Constable of Dover Castle, and Warden of the Cinque Ports, on the morrow after Saint Michael, in the thirtieth year of the reign of Edward III; and all, at that same day, returned every town of the Cinque Ports their usages, which they claim for to use within themselves. Amen."

The date of this must have been September 30th, 1356.

There are some few obsolete words in these Customals, which I shall endeavour to explain before proceeding further.

ABEARING. Behaviour.

ACCEPTION, sub. Exception.

AND, conj. Or.

ARTICLE, verb. To name or insert in order.

BARON, sub. A husband. Baron and Feme are law terms for man and wife.

BLEMISHMENT, sub. Injury.

BRUSTER, sub. A female brewer.

COVERT BARON, sub. A married woman.

CUTPURSE, sub. A thief who cut purses from people's girdles, when it was the custom to carry them there.

TO CONTRARY, V. To do anything in opposition.

TO DO THE COUNTRY. To summon a hundred court.

EVERICH, adj. Every. Every each. Every one.

FORTHWITH, adv. Together with.

FORTUNE, verb. To happen.

HEARTH, sub. Hearing.

INDWELLERS, sub, Inhabitants of the port.

INTERPARLANCE, aub. Deliberation. Consultation.

INTERRUPT, adj. Interrupted. Hindered. Molested.

KNOWLEDGE, verb. To acknowledge.

MERCY, sub. Amerciament or fine. So called because levied at the mercy of the mayor.

MORTIFICATION, sub. The power, or act, of conveying property into mortmain. An expressive word. Mortmain means Dead Hand; Mortification, the act of losing the vital qualities.

ONSIGHT, sub. Inspection.

OVERSIGHT, sub. Overlooking. Care.

OVERTHWART, prep. Directly across. In a transverse position.

PLEYN, adj. Fall. (From the French Plein, " Full,"Open."

PRUDENTS, sub. The wise and discreet men.

PRIME, sub. Morning.

REARED, part. Pass. Summoned. Called together.

SALT NESS, sub. Salt Cliff. Ness, a nose or point of land jutting out into the sea; and Salt, from the water being so.

SICUT ALIAS; PLURES. Law terms. Sicut alias is a writ issued when the first was not attended to; and Plures, or Pluries, was a third writ, issued on failure of the second.

SISTERN, aub. Sisters. The true Saxon plural.

SUTER, sub.

VILLANY, sub. Mischief.

For the extracts made from other Customals than that of Rye I am indebted to the Rev. John Lyon, who inserts them in his "History of Dover," but does not very clearly show whence he obtained a sight of them. His words are, "a manuscript in the possession of a gentleman, whose ancestors filled a high office in Dover Castle, contains, among much interesting information, copies of several of the Customals of the Cinque Ports and their two ancient towns." He adds nothing more, leaving it, I suppose, to be inferred that he copied his Customals from those above alluded to. But this is not material, any further than to show that Lyon had not seen the manuscript in the British Museum; inasmuch as this differs in several particulars from his copy of the Customal of Rye. To these discrepancies we shall now call the attention of our readers, and for this purpose shall take the articles in regular succession.

Article 1st. The Manuscript says the election of mayor is to take place at the cross in the churchyard; but

this is omitted in Lyon. When the inhabitants of Rye, in 1825, elected a mayor in opposition to the corporation, they assembled in the churchyard, at a spot near the south porch, where the cross was supposed to have stood, their legal adviser considering this a matter of some importance.

4th. In the mayor's oath Lyon omits the word profit, saying, "the common of the same keep," and not "the common profit of the same."

5th. Lyon says the jurats are to be chosen from "the prudence of all the commonalty." The MS. Says "the prudents." Why not "prudent," as well as "wise," or discreet, which is often thus used?

7th. The MS. Gives these words, as part of the mayor's se geant's oath, viz. "true arrests I shall do, and truly all other executions," but nothing about the common clerk; whereas Lyon says, "true arrests and true entrance I shall make with the common clerk of all arrests."

8th. Lyon omits the words which direct that the bailiff's commission was to be read in "hundred place."

12th. Lyon says, "the mayor shall do the county;" the MS., "shall do the country." Lyon says, the party indicted was to stand "before the county;" the MS., "before the court." Lyon has "in due form of law;" the MS., "in due form of the land." The former has "his proclamation;" the latter, "like proclamation."

14th. The MS. Says, the bailiff is to "do execution;" and Lyon, "to see execution." It appears to have been the duty of the bailiff or his deputy to execute criminals, therefore "to do" is more proper than "to see execution."

15th. In the MS. It is said, "the pleas ought to be holden in the market, and pleyn hundred;" while Lyon says, "they ought to be holden in pleyn hundred" only. The omission of the word market may not seem, at first sight, to be of much moment; but, when we come to remember that many courts were, in the ancient and simple times of our Saxon ancestors, held in the open air, it will serve to mark the antiquity of this article of the Customal, ordaining that the hundred court should be held in the open market.

16th. Lyon says, the mayor must attach the moveable goods "within the franchise;" while the MS. Omits them, which is not so well, supposing the mayor to have no right to attach goods "out of the franchise." Lyon adds, that the goods are to be attached by the "oath" of the mayor; whereas the MS. States more correctly, as we think, that they are to be attached by the "oversight" of the mayor. Lyon says, the goods are to be forfeited if the accused is "committed," which evidently must be wrong, as the commitment is previous to trial, and before a man can be found guilty; but the MS. Much more properly says, if he is "convict. The MS. Says, "the appellant in nowise may be absent, albeit he should declare nothing against him;" but Lyon says, "the appellant shall in nowise be absent, when he declares against him, who hath so appealed." This is contradictory, because the appellant must be present, otherwise he could not declare against him. The words "of a foreign country" are omitted by Lyon, whereby the sense is less perfect; for there is a difference between a stranger and one of a foreign country; the former means an Englishman not of the town, the latter a native of some foreign realm.

18th. Lyon has "decree of the church;" while, in the MS., it is "degree of the church." The former appears to be the preferable word. The MS. Says, "the mayor shall answer unto the town" for the goods and chattels of the felon seeking sanctuary; Lyon says, "unto the crown," which I would submit is wrong, as whatever the mayor had the right to seize belonged to the town, while what the bailiff seized went to the crown.

19th. The MS. Says, "any one found cutting a purse in the market-place or any other place, he shall lose one ear," &c.; while Lyon says, "any one found cutting a purse shall lose one of his ears in the market-place," which is a preferable reading.

21st. Lyon says, the felon-foreigner must find "six pledges;" while the MS. Simply says, "any pledges."

24th. Where Lyon writes "but the jurats," &c., it should be "by the jurats," &c., as in the MS.

28th. The MS. Says, a stranger, previously to receiving his freedom, must have resided "a year and a day in the town;" but Lyon says only "a year," which I consider wrong, for the former was certainly the rule acted on, and this agrees with the Customals of Sandwich and Winchelsea; that of Dover is silent on the subject, and Romney specifies no particular time. Lyon says, the new freeman, having taken the oath, was to "kiss the book;" whereas the MS. Directs that he should "kiss the mayor," and this I believe to have been the custom.

29th. Lyon concludes this article with the words, "free and stable for ever;" while the MS. Says, "firm and stable for ever," which seems more correct.

30th. According to the MS., when certain conditions of the recognizance were recorded by the mayor, they could not be broken; but, according to Lyon, it seems as though they could.

31st. The MS. Says, "the mayor and commonalty," &c.; whereas Lyon says, "the Barons and commonalty," which must be wrong, because the Barons and commonalty are the same.

35th. Lyon has "the party pleading to issue his own," which is not very clear; but the MS. Has the words "to pursue his account," which is intelligible.

36th. The MS. Says, when any freeman seeth his foreign debtor "within the franchise," which three last words, though very important, are not in Lyon. The latter has "chattels or furniture;" while the former has "his chattels fugitive," which greatly improve the sense.

39th. Lyon has "free commons and delays;" while the MS. Has "free summons and delays ;" the word summons being more in accordance with the preceding part of the article than commons.

43d. The MS. Says, "the mayor shall require the tenant to deliver the dowry;" Lyon, on the contrary, "shall require the hundred to deliver the dowry."

46th. Lyon says, "he that is so behind in the said rent shall come before the mayor," &c.; but the MS. Much more properly says, "he that so lacketh his rent," because it was for the landlord, not for the tenant, to complain. The words, "if he come and say that he claimeth not the said lands and tenements to hold of him," are rather obscure. The meaning seems to be this: "If he come and say that he claimeth, not to hold of him ;" that is, that the lands and tenements are not the plaintiff's property.

48th. Lyon writes, "wheresoever the king, or sovereign lord liege, hath amity;" and the MS., "wherever the king our sovereign lord hath liege and amity;" which latter we prefer. Lyon's words, from "A.B." to "in writing," are not so clear as those in the MS.

50th. The MS. Has "picage or stallage," but Lyon omits picage. Where the former has "tenements" at the end, the latter has "tenants." The former is the better word we submit.

51st. In this article Lyon is evidently wrong in saying a stranger could claim, equally with a freeman, to have a share in any merchandize, because this is directly in opposition to the spirit of the Charter and Customal, which secure this right as a privilege peculiar to a freeman; and the concluding part of our Customal says expressly, "that no manner of stranger, whatsoever condition he be of, have no part without the good will of the freeman."

52d. Lyon omits the words of the Charter having reference to Ireland, which we have inserted, and which may be useful to the reader as he does not give the Charter, and therefore it cannot be referred to in his work.

53d. Lyon concludes with the words, "free through the whole realm of England," which our MS. Does not contain, and consequently is not so explicit as Lyon's.

55th. The MS. Says, "the mayor shall be tried;" Lyon, "the matter shall be tried." We prefer the former because the mayor was the party to be tried on the charge of "lack of justice."

57th. Lyon writes, "whether he be of himself of the franchise or also of other," which has no meaning; but the following words in the MS. Make sense of it: "whether it be of them of the franchise and else of other." That is, whether the merchandize was bought of a freeman or else of a stranger; and being often used in the MS. For "or."

58th. The MS. Says, "the mayor shall have the view of the child;" while Lyon has, "the mayor shall have the veve of the child." Whether "veve" is so correct as "view" we must leave lawyers to decide.

Perhaps our readers may think we have been too minute and over-scrupulous in thus noticing all these little discrepancies between the Customal inserted in Lyon's work and that which we have copied from the manuscript found in the British Museum.

Should such be the case, our apology must be that the glory of the Cinque Ports has departed; that, as Eneas said to Dido, "Troja fuit," Troy was, but is not; so we may say, "the Cinque Ports have been, but are no more." Their Charters are become waste paper, their Customals a dead letter. In the next generation there will be scarcely a living evidence of the ancient usages and customs of the Ports; hence we have thought that every little brand plucked from the devastating fire of all-consuming Time may, at some future period, assume a value which, at the present moment, it does not possess. We will now proceed to the examination of the Customal of Rye.

The first articles relate principally to the election and appointment of the various municipal officers, who were to administer justice, and watch over the various rights and privileges which were granted to

the Cinque Ports and ancient towns by the Charters, and exemplified by their Customals.

The election of mayor was originally fixed on the Sunday next after the Feast of Saint Bartholomew the Apostle, nor was this day peculiar to Rye alone, as we find that the mayor of Hastings was likewise chosen on a Sunday. This arrangement was made when the Roman Catholic was the established religion of the land, and as this Customal of Rye was in use in the year 1568, being the ninth of Elizabeth, we may conclude the election took place on the Sunday at that time. Thus it continued down to the year 1632, when the election was changed to the Monday after St. Bartholomew, and was then held in the court-hall and not in the churchyard.

When the mayor, jurats, and commonalty were assembled, the mayor took his place, on the centre of the bench, in a seat with arms, having the king's arms over it to mark his precedency; on either side of him were arranged the jurats, his deputy on his right hand, while in front, on either side, was placed a mace, one belonging to the mayor's, and the other to the town's sergeant. The mayor's sergeant then cried on the court, when the mayor, having made a few remarks, explanatory of the business for which they were called together, the commons or commonalty, that is, all that body of free Barons, who were not jurats, retired to the outer hall, and elected for their mayor the jurat who had been put in nomination on the previous Saturday, on which day an assembly was held for that special purpose. It will be observed here that the jurats remained in the inner or principal hall, taking no part in the election. Such was not the case, we suppose, in earlier times; for, as the new mayor was not compelled to choose for his jurats all or any of those of his predecessor, an old jurat might at once be deprived of his honour as a magistrate, and of his privilege of voting as one of the commons. But when the custom was introduced of nominating the same jurats year after year, establishing the maxim "once a jurat, always a jurat ;" then it was no more than just and equitable that this body should refrain from voting in the election of a mayor.

The commons, having elected their mayor, returned to the inner hall, and communicated his name to the common or town clerk, who, having proclaimed it, swore him into office; when the old mayor put into his hands his white wand of office, and surrendered to him his seat. The new mayor then returned thanks to the commonalty for the honour conferred upon him, and proceeded to call his jurats, from whom, being sworn in, he selected one to act as his deputy. This has been considered an unjustifiable innovation, no such officer being recognized either in the Charters or the Customal, in the sense here adopted. The Charter of Charles II provides that, in case of sickness, infirmity, or necessary absence from the town, on the part of the mayor, he may make and constitute one of the jurats to be his deputy under those circumstances, and the same jurat to be his deputy, whenever the same cause may arise, during his mayoralty, without any fresh appointment.

The difference seems to be that, by this Charter, the deputy was only to be appointed in a case of necessity when such should arise; whereas, by the new custom, the mayor selected a deputy, whether he was required or not, from any of the causes above enumerated. But it is fair to observe here that Jeake says, long before this Charter, the custom of Rye was, in the absence or sickness of the mayor, for the eldest jurat to act as deputy of the mayor, and, in his stead, to do all that the mayor might do, although such jurat had no deputation in writing under the hand and seal of the mayor to authorize him thereunto. He alludes, besides, to an opinion of Sir Roger Manwood, which he had seen, in Queen Elizabeth's time, confirmatory of the same.

By the custom of Rye and the other ports (though not specified in the Charter) the number of jurats was to be twelve. Jeake, writing in 1678, upwards of a century after the date of our MS. Customal, says, "of these jurats, by the customs of the Ports, in every corporation should be twelve besides the head officer, as it were a jury of justices." Of the old custom there can be no doubt but, after Jeake's time, this number, in the course of years, was really lessened much, and virtually still more. I say virtually, because some were appointed who were never expected to act, and others who never could act. When the Cinque Ports first returned members to parliament they were to return some of their own body, free Barons; and, afterwards, when strangers were elected, it was considered necessary that these should be free Barons also; whence, on being chosen, as their representatives, they were subsequently admitted to the freedom of the town, and, while representing the town, these were nominated jurats, but, of course, were never expected to perform the duties of the office; while others, though freemen of the town, residing at a great distance from it, were unable to act. Thus, from one cause and another, the jurats at last, dwindled down to the small number of six, who were resident and therefore capable of performing their functions. This was the case in 1818 and also in 1825, as appears by the petition presented to the House of Commons in the latter year.

We may observe here that the first time the title of mayor is recognized is in the Charter of Edward III. If he refused to take the office, when elected, the commons were to pull down his house. The mayor

had the privilege of making a freeman, during his year of office, and this he generally exercised on the day of his election.

The mayor and jurats having been chosen, then with the commons proceeded to elect the following officers, viz.: the town clerk, chamberlain, mayor's sergeant, common sergeant, clerks of the market, crier, and scavenger.

The town clerk was formerly called the common clerk, because he was a commoner, Jeake says; and also from being clerk in common to all the different courts, whether those held before the mayor and jurats alone, or those in which the commonalty were also assembled and had a voice. This officer issued all summonses, warrants, and other documents necessary to the due administration of justice, was the legal adviser of the corporation, and made the necessary entries in all their records. His salary, of late years, was twenty pounds, independent of his fees, which were as follows:

For process in a debt under forty shillings.

	s.	d.
Summons	2	0
Order nisi	1	6
Rule absolute	1	6
Attachment	5	0
Total	10	0

For every summons, 4s.; and for each warrant, 3s.

The chamberlain is not mentioned in the Customal, though Jeake tells us it was customary to send this officer, as one of the representatives of the town, to the Brotherhood. It was his duty to collect all rents, to keep the accounts, and to superintend the works ordered to be done by the corporate body. His salary was ten pounds a year.

The mayor's sergeant was chosen by himself, and was also called sergeant at mace. He was to execute all processes issuing from the court of record and to summon all juries. His annual salary was twelve guineas, besides which he was entitled to the following fees on a process for debt under forty shillings:

	s.	d.
Summons	1	0
Order nisi	1	0
Rule absolute	1	0
Levy fee	10	0
Total	13	

The Customal does not recognize a common sergeant nor does Jeake speak of one; but one was elected of late years. He attended all courts; but his principal duty seems to have been to summon the freemen or commonalty to all assemblies, and hence he was called the common (or perhaps should be called) the commons' clerk, as being more particularly their officer, in contradistinction to the mayor's. His salary was eight guineas a year.

The clerks of the market were to attend the market, which was formerly held twice a week in the market-house, on Wednesday and Saturday, to inspect the weights and measures, see that all provisions there exhibited were good and wholesome, and to collect the tolls, which were their perquisites, and constituted the only pay they received for their attendance. The two sergeants were usually the clerks of late years, and received the tolls of the market in alternate weeks. These officers are not mentioned by this name in the Customal, but seem to have duties very analogous to those of the brokers, whose election is provided for in the sixty-first article of the same.

The town crier's duties were to give public notice of all sales. By auction or otherwise, when called upon to do so, and also to publish all proclamations. He, likewise, was to impound all stray cattle. For these various things he was to be paid certain small sums, as agreed on between him and his employers, and which constituted his salary.

The scavenger was to sweep the streets, for which he received a small weekly stipend, besides the manure he collected.

At the general sessions, held in December, four constables were appointed; one of whom was called the high constable. Then, also, was chosen a grand jury, whose business it was to present all nuisances,—

and to examine all weights and measures in the town, to see that none were defective; while all inhabitants between 15 and 60 were to appear to be enrolled.

The above we believe to be a pretty correct outline of the municipal constitution of Rye for a very long period anterior to the time of passing the Municipal Corporation Act, which was in the sixth of William IV, Sept. 9th, 1835, and by which the old system was entirely done away with, and a new one established in its stead.

By this act no new freeman can be elected; but any man who would, under the Charter and Customal, be entitled to his freedom by birth, still retains this right, and, by virtue of it, may vote for a member of parliament; but this has no effect as regards his strictly municipal rights. In this latter respect the name of freeman is extinct. Now every man who has resided in, or within seven miles of the town, and occupied any house, warehouse, counting-house, or shop therein, for three years previous to the last day of August in any year, is a burgess of the borough, and entitled to vote in the election of town councillors, provided he is of full age, and has paid the poor's rates on the same.

The overseers, every year, are to make out, on the 5th of September, alphabetical lists of all persons entitled to be burgesses; one of which lists they are to hand to the town clerk, one to affix on or near the outer door of the court-hall, and another to keep themselves, and which latter they are to allow any person to peruse at all reasonable hours between the fifth and fifteenth days of September, in every year, without the payment of any fee.

The town council, which consists of sixteen members, has the management of all the municipal affairs of the town, and are elected as follows, viz.: On the 1st of November, 1835, each burgess who chose to vote made out a list of sixteen persons, whom he thought most fit to fill the office of councillors, and these lists were delivered to the mayor then in office, who looked them over, to ascertain the sixteen who had the majority of votes, and these were declared to be elected. Of course each councillor must be on the burgess list to be eligible.

The council being thus constituted, they were, on the 9th of November, to choose from their own body four aldermen, who were to be magistrates of the borough so long as they continued in office. And on this same day they were to elect a mayor, who was not necessarily an alderman, but he might be chosen from any part of the body. The council bears the title of "The Mayor, Aldermen, and Councillors of the Borough of Rye." The electors are called "The Burgesses of Rye." While the whole corporate body are styled "The Mayor, Aldermen, and Burgesses of the Borough of Rye."

The council consist of four aldermen and twelve councillors. Four of the latter go out of office every year, on November 1st, when the burgesses elect four others, or the same again, if they think fit, to supply their places. Two of the aldermen go out of office every three years, but may be re-elected.

Two assessors are to be elected by the burgesses annually, on the 1st of March, whose duty it is to hold an open court, in conjunction with the mayor, for the purpose of revising the burgess list, at some time between the first and fifteenth day of October, in every year, of which three days' notice must be given.

On the 1st of March, also, in every year, the burgesses are to elect two auditors, whose business it is to examine the treasurer's accounts on the 1st of March and the 1st of September yearly.

The council meet every year to nominate a mayor, on the 1st day of November.

On the 9th of November they elect the mayor, who, on being elected, makes the following declaration :

"I, A. B., having been elected mayor for the borough of Rye, do hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof, according to the best of my judgment and ability; and I do hereby declare that I am seised of real or personal estate (or both, as the case may be) to the amount of one thousand pounds, over and above what will satisfy my debts."

If the mayor, on being elected, refuse to take office, he is liable to a fine of thirty pounds; an alderman, to one of twenty, and a councillor, of ten.

The alderman makes a similar declaration to that of the mayor, only that he declares his qualification to be five hundred pounds, or a rating of fifteen pounds a year to the poor.

The councillor's qualification is the same as the alderman's, and he makes the same declaration.

On the day the mayor is elected the council appoint a town clerk and a treasurer.

The mayor is not only a magistrate of the town, but also of the counties of Sussex and Kent, during his mayoralty and the year ensuing.

The town clerk, treasurer, auditors, and assessors have the following salaries, viz.:

	£	s.	d.
The town clerk	30	0	0
The treasurer	10	0	0
The auditors, each (hitherto nothing)			
The assessors, each			
The mayor had (do.)	30	0	0

The council have power to make a borough rate, and also to make by-laws; which latter one was exercised on October 20th, 1836, but which are too long to insert, having nothing very particular in them.

As the Act of Parliament has been so recently passed, by which the new municipal constitution of the town is now regulated, we trust the outline we have here given will be sufficient to show the difference between the old and the new system.

Besides the officers above mentioned, there was a king's bailiff and his sergeant in the town. The former was appointed by a commission from the king, under the great seal of the chancellor. His office was not an annual one; but he held it at the pleasure of the king. Whenever a new one was appointed, he was obliged, before he could execute his office, to show his commission to the mayor and jurats in the hundred place, where it was read, and the mayor called upon him to take his oath to observe the usages and customs of the town; and then the bailiff elected his sergeant, for whose actions he was answerable, and who also took an oath similar in spirit to that taken by his superior.

What were the precise duties of the king's bailiff are not so clearly defined as we could wish; but we must endeavour to make them out as well as we can.

The bailiff, though appointed by the king, was in many respects the servant of the mayor, as he had to receive all manner of appeals, and all manner of plaints, as well of Portsmen as strangers; he was to do execution of every plaint after its nature; and he was to take all manner of fines, issues, and amerciements of him that forfeiteth them to the king; but there shall be no freeman amerced without the consent of the mayor and jurats. If the bailiff be appealed, or indicted for felony, the mayor shall receive appeal and have the ward of the prison until the king have ordered another bailiff. This is the definition of his duties, according to the Customal of Dover; which also says, the mayor, bailiffs, and jurats may hold pleas, real and personal, not taking certain points that belong to the Court of Shepway.

According to the Customal of Sandwich, the bailiff or his sergeant was to receive all plaints of freemen and strangers in all cases, happening in the town, and, according to the nature of the complaint, he was to attach or summons the party, or take security, and do everything as the case required.

In Rye the bailiff was to collect the king's petty customs, and to execute all criminals.

From the above definition of the duties of a bailiff, it appears they were multifarious. Sitting with the mayor and jurats in Dover, he enjoyed the dignity of a magistrate, while in the same Port he had the custody of the gaol, and in Rye was the public executioner. He served summonses and made attachments, after the manner of a sheriff's officer, and, lastly, he was a collector of the king's revenue in the Port of Rye.

In the Customal of this town, the mayor's sergeant makes oath that he will "true arrests do, and truly all other executions do." But if he were to perform these duties, how could the bailiff do them? And yet the latter swears to "do execution," and his sergeant that "he will truly enter all arrests with the common clerk." However, this apparent contradiction is cleared up in the 33d article of the Customal, where the duties of the two officers (the mayor's sergeant and the bailiff) are clearly defined in these words: "it is accustomed that the mayor's sergeant, for whom the mayor shall answer, shall return all manner of plaints, after their nature, as well of indwellers within the franchises of Rye, as of others, dwelling in other Ports; and do all manner of attachments and summonses of them. And the bailiff and his serjeant shall return all manner of plaints, after their nature, of foreign strangers, and shall do all manner of attachments and summonses only of the same foreign strangers." These words need no further comment.

The office of coroner, which is as ancient as the reign of King Athelstan, A.D. 925, was held by the mayor of Rye from the earliest period of its incorporation with the Cinque Ports, down to the year 1835, when the Municipal Corporation Act provided that the council should appoint a fit person (not being an alderman or councillor) to be coroner of the borough. But on complaint being made of this

unnecessary innovation the law was altered, and the mayor is now, as in former times, the coroner of the town.

The brokers, who were elected as mentioned in the Customal, seem, as we have already stated, to have been superseded by the clerks of the market. While of the bailiffs to Yarmouth, of the lord warden, and of the burgesses attending the coronation, we have spoken at great length in a former chapter. It only now remains to speak, under this head of offices, of the nomination of the chaplain to St. Bartholomew's Church, who was called the Custos of the Hospital of St. Bartholomew. He was nominated by the mayor, jurats, and commonalty of Rye; and to show how ancient this hospital and this chaplain were, and how ancient, also, must have been the original Customal of the town, it is only necessary to observe that the name of the chaplain, in time of peace, was to be sent to the abbot of Fécamp, in Normandy. Now we have seen already that Edward the Confessor, in the eleventh century, gave Rye to the abbot and monks of Fécamp, and also that, inconvenience arising therefrom, Henry III, in the thirty-first year of his reign, A.D. 1246, resumed it into his own hands, giving other lands to the abbey in return. Hence it is clear that the original Customal must have been of a date anterior to 1246, because at this time the connexion between Rye and Fécamp was severed.

We will now speak of some of the punishments awarded to delinquents, according to the Customal.

There was a legal custom in very ancient times, called canonical purgation, whereby a person accused of any felony might purge himself of the same in the following manner: if he denied the felony, he called thirty-six men of good fame, who were to appear at the next hundred court, and were to be reduced to twelve, by a process not very clear in our Customal, but which we shall endeavour to explain by means of the similar article in that of Dover, Sandwich, and Winchelsea; from which it appears that out of the thirty-six men called in Dover, if any were absent, the bailiff, on the part of the king, might relieve twelve, the mayor and jurats another twelve, and the remaining twelve were to be his compurgators. In Sandwich, if any one of the thirty-six were absent, on the calling over the names, the accused was put to death. If all were present, the bailiff might put aside twelve, and the mayor and jurats twelve. In Winchelsea the final twelve were to be selected in the same way as in the former towns; and this, we may conclude, was the custom in Rye. In both these latter towns, as in Sandwich, if any one of the thirty-six answered not to his name, on being called, the accused was to be hanged. If, on the other hand, after twelve being legally appointed, these swore, together with the accused, who first took the oath, that he was innocent of the crime laid to his charge, then the accuser was condemned to death. This law of compurgation was repealed in the thirteenth of Charles II.

The cutpurse, for the first offence, lost an ear; for the second, his remaining one; and, on returning to the town after this, his life. A man who struck the mayor with his hand, was liable to lose that hand, if the mayor chose to insist on it.

However revolting these bloody punishments may appear to us, who happily live in days when civilization has so greatly softened and humanized our legislation, they were no doubt quite in accordance with the spirit of the times in which they were enacted. Even those of the present generation, who remember how many crimes were punishable with death only twenty or thirty years ago, cannot reasonably accuse our ancestors of cruelty and bloodthirstiness.

There is one other mode of punishment, or rather a modification of punishment, mentioned in the Customal, as relating to criminals; we mean, sanctuary. According to this law, if a man had committed a felony, he might flee to the church or churchyard; when the mayor, in his character of coroner, was to go to him, and if he acknowledged his crime, he forfeited all his goods and chattels to the town, but his life was spared, provided he took an oath within forty days to abjure and quit the realm; on the doing of which he might choose any port in the realm from which he might think fit to depart, but in going to this port he was not to deviate from the king's highway, and he was to bear a cross in his hand, which was to be his safe passport.

As regards the administration of the law in civil cases, it seems to have been based on sound and equitable principles. As an instance of this, we may refer our readers to the 33d and 35th articles of the Customal, in which it is provided that, if any plaint were made in which the plaintiff and defendant were both indwellers, their pleas were to be holden from fifteen days to fifteen days; but if they both, or either of them, were strangers, then the pleas were to be holden from day to day, before noon in the morning, and in the afternoon before the middle of the afternoon, after the law-merchant.

Furthermore, the parties being called on to give pledges to pursue their plea, if they could find no pledge, that is, no one to be surety for them, then, if Barons of Rye, or of any other Port, they put their faith and truth on the mayor's mace; if strangers, on the bailiff's rod.

The 47th article makes a very reasonable provision against waste in a property by a tenant for life. On

complaint made the mayor and jurats were to compel the tenant to repair sufficiently the tenement, if he were able to do so, or else after his ability, as it should seem reasonable to the mayor and his brethren; and in case of the tenant's refusal to obey this order, he was utterly to lose the said tenement.

Lastly, we may notice here the 58th article, which was framed for the protection of orphans. Here it was provided that the mayor should have the power to take the child and all his property under his view, to have an inventory made of all his lands, rents, and tenements; one copy of which, together with the property, was to be put into the hands of the guardian appointed by the mayor, and another to remain with the common treasurer, until the orphan became of full age, when it was to be delivered to him.

If the orphan had relations, one was to be chosen as his guardian, to whom the property would not descend in case of his death; if he had no kin, then the guardian was to be some man of the franchise, that is, a free Baron.

We shall now proceed to the consideration of the 28th article, which relates to the election of a freeman.

In consequence of the great expenses attendant on the fitting out of the shipping in the different Ports, every encouragement was held out to strangers to settle in them, and to become free Barons. Hence this article, this original article, throws no obstacle in the way of persons taking up their freedom, but, on the contrary, it only provides that the stranger should reside a year and a day in the town, to prove by his conduct that he was worthy of being admitted to the enjoyment of the privileges. Having done this, it rested with himself to become a freeman or not; for, if he desired the franchise, he had only to go before the mayor and jurats in the playn common court, and pray to have it, when it was awarded what he was to pay for the same; having which award, his name was entered in the common book, and he took the prescribed oath.

The fees of different parties on admission were afterwards defined, and were as follows, viz.:

The son of a freeman, born after his father was free, was admitted, on his father's copy of freedom, without any fee.

A native of the town, but not born free, paid a fee of twenty shillings.

While a stranger (that is, one not born in the town), paid forty shillings on admission.

This innovation was effected in the reign of Queen Elizabeth. After this time other changes took place, until, at last, the number of freemen, which in the earlier times was considerable, was reduced, in 1825, to twenty-eight: two of whom were the representatives of the town, and hence merely nominal ones; two others were non-resident; and twenty-four only were inhabitants.

Of the causes of these great changes we say nothing here, as we shall have occasion to speak at large of them in a subsequent chapter. We only now mention the fact. By the 27 Municipal Corporation Act, as already shown, the only freemen that can henceforth arise will be those who, being born of a freeman, would have been free had not this act been passed. This number, in a few years, will be considerably reduced, and eventually all will die out, when the old and formerly honoured name of freeman, or more properly of free Baron, will be merged in that of free burgess, and be forgotten for ever.

It may be right to say something of the old law of withernam, mentioned in articles 48, 49, and 50. The nature of it seems well described in Lyon's Dover, and therefore we adopt that, and insert it here, so much of it, at least, as is sufficient to elucidate the matter.

"If the lord of any privileged jurisdiction, or the magistrate of a free town, compelled any of the Barons of the Cinque Ports to pay toll, or customs, which they were exempted from paying by their Charters, or if they were robbed by land or by water, or if they had any debt owing to them by the inhabitants of another town, the creditor or injured person, by applying to the mayor, might obtain his writ for any place within the king's dominions. When the complainant came into court to demand his first letter, he was obliged to declare for what purpose he asked it. He said, Sir, I want letters of process from this community, to recover a debt owing to me, by John Roe, of the town of Calais, according to this obligation, or for merchandize sold to him, or for any injury sustained, and which is justifiable in the town in which John lives."

"The mayor then granted him the letter, addressed to the chief magistrate of the town of Calais, or of the town where the debtor or trespasser resided, to request him to examine into the merits of the claim, and, if he found them justifiable, then to justify and compel the said John either to pay the debt, or to make the complainant recompense for the injury he had sustained.

"If the first letter remained unanswered a limited time, a second was sent, and also a third, and there

the application to the magistrate or to the governor of Calais ended."

"The complainant then went into court before the mayor, and deposed that his letters had been sent, and that he had acted in every respect as the law required of him, and that the burgesses had failed in their duty in not doing him justice. He again proved the justness of his claim, and the mayor pronounced judgment against the whole commonalty of the town of Calais for the sum demanded. A writ was then issued to seize the effects of the first person from Calais who should bring merchandize within the jurisdiction of the mayor of Rye, because the magistrates of Calais had refused to do justice.

"If the inhabitants of Calais, after this proceeding, withdrew themselves from Rye, to traffic with any other town within the liberties of the Cinque Ports, the mayor sent his letter, with the record, to the chief magistrates, and, according to their ancient custom, either of them might take a distress upon the record in the same manner as the mayor of Rye would have done, if they had brought the goods into his jurisdiction.

"Though the goods taken under this writ were absolutely forfeited to the amount of the debt and costs, yet, by the courtesy of the Cinque Ports, the proprietor of them had time allowed him to return home to acquaint the magistrates with what had happened to him by their neglect.

"If this application of their own citizen did not induce them to make the proper inquiry, and to do justice, the king's bailiff, after retaining the property forty days, with the assent of the magistrates, ordered the goods to be appraised and delivered to the plaintiff to be sold. If they produced more than the debt and cost, the surplus was sent to the owner."

"The last mention of the process of withernam, in the Register book of the Cinque Ports," says Lyon, "was in the year 1669."

Jeake says the Ports sent no process to foreign corporations, after judgment was given against them in Paramor and Ferral's case, and which is to be found in Anderson's Reports, though he doubts whether all customs of places, confirmed by so many Charters, and practised time out of mind, ought to be conformable to the strict rules of the common law of the nation.

As Jeake wrote in 1678, his date, though not mentioned, probably does not differ much from that given by Lyon. But, unless the writs of withernam were of two kinds, these statements are irreconcilable with the fact that, at a Brotherhood held at New Romney, in the year 1811, the following record was made, viz. The major, jurats, and commonalty of the Port of Winchelsea were fined fifty pounds for their contempt, in not making any return of members to the house, according to ancient usage and custom; and, in case of non-payment, process of withernam was immediately to be issued against them.

We judge from this entry that there were two kinds of writs of withernam, viz. One lying against other towns unconnected with the Cinque Ports, issued by the mayor of the individual town in which the complainant resided, and the other issuing from the Brotherhood against one or more of the Cinque Ports, which had infringed the laws of the same. And this idea seems to be borne out by the words "foreign corporations," made use of by Jeake in the extract above quoted from him; from which it is reasonable to infer that he implies by them that, although no process was afterwards given against foreign corporations, still process might issue against their own. A writ of withernam was not issuable against a private individual, but only against a corporate body.

There is one other article, and only one, in the Customal which we deem it necessary to note here. It is the 31st, relating to the power of making grants in mortmain, and which shows the great importance which our early sovereigns held the Cinque Ports to be of, otherwise they would not have given up the power, which in all other cases they possessed, of putting a veto on such grants.

It appears that, in the early periods of our history, no one could grant lands in mortmain without the permission of the mesne lord, and that of the lord paramount the king. As, under the feudal tenure, one great source of the sovereign's revenue arose from the various fees, paid on the death of a tenant, on the alienation of lands, on the wardship of minors, and on the marriage of heirs to estates, of course it was necessary to guard against the numerous grants in mortmain, which the clergy, in those days, were always striving to obtain, and which, when obtained, deprived him of these fees, and thus impoverished his exchequer. Hence we may judge how great was the privilege granted to the Cinque Ports, in allowing them to mortify the lands, tenements, rents, and possessions within their liberty, without permission from the sovereign or any other lord.

Although by the statute of mortmain Henry VIII, on the dissolution of the monasteries, made it illegal to grant lands in mortmain for the future; yet we find that Queen Mary suspended this statute for twenty years, and, as the religion of the state, in the reign of Elizabeth, was of a very nondescript kind, it is probable these grants were not then entirely done away with, and this may be the reason why this

article is retained in the Customal of Rye, which was drawn up in the ninth year of her reign.

Whether the Barons of Rye availed themselves of this privilege we cannot positively say; but, in the first part of this work, we have seen that certain marshes inclosed on the north side of the town, about the year 1332, were called St. Mary's Marshes, and, as the church was dedicated to this Saint, it is not improbable that they were granted for the support of this edifice.

For the purpose of carrying into practice the various laws contained in the Charters, and explained in the Customals of the Cinque Ports and ancient towns, the following six courts were established, viz.: the Assembly, the Guestling, the Brotherhood, the Court of Shepway, the Hundred Court, and the Court of Record.

In the first four of these courts all the affairs, relating to the Barons of the Cinque Ports, as well in their individual as in their corporate character, were transacted.

The Assembly was a court held in each individual town, at which no one could be present either to take part in or to be a spectator of the proceedings, which then and there took place, unless he was a free Baron. To this court came all those, who were desirous of the franchise and were qualified to receive it, to claim the same; here they were admitted and here they were sworn in. At this court were elected the mayor and jurats and all the municipal officers; the accounts were examined and passed; leases of the town-property granted; and by-laws made for the promoting of order and peace among the inhabitants.

The Guestling was of three kinds. We have seen that formerly the Ports were separated into two divisions-the eastern and western; the former consisting of the four in Kent, and the latter of the three in Sussex. Either of these divisions seems to have had the power of holding a Guestling, which was composed of certain delegates from each of them, for the purpose of conferring on some particular business, which affected the rights of all. Such a Guestling was held in 1516, as shown in another part of this work.

The second court of Guestling was composed of the mayors' bailiffs, and other Barons of the members of the Cinque Ports and ancient towns, such as Pevensey, Tenterden, Folkstone, and so on.

The third Guestling (and whence it is said to have acquired its name from being invited as guests) was when the members of the second court sat with the Brotherhood to consult on the general affairs of the head-ports and their members.

The Brotherhood was the Cinque Ports' court of parliament, to which all the graver matters, touching their rights and privileges, were referred. If their rights were infringed they took immediate steps to obtain redress. If the Barons of any individual port had cause for complaint, they carried their case before this court. The bailiffs of Yarmouth, elected by the individual ports, were either rejected or confirmed in their election by the members of the Brotherhood. If the judgment of the mayor of any port was complained of he might submit the case to his brethren, the mayors of the other ports, for their advice how to act therein.

The Court of Shepway was the highest of all; it was presided over by the Lord Warden, and was the great court of appeal, to which all disputes were carried which might arise between any of the Ports themselves. Here also were tried all cases affecting the king's person and dignity. In the last two Courts, the Hundred Court and the Court of Record, were tried all offences, whether civil or criminal, which arose in the respective towns to which they appertained. In the former were tried the criminal, and in the latter the civil suits. The Court of Record was held from fifteen days to fifteen days, and that of the Hundred once every quarter.

The following case may serve to give some idea of the business which came at times before the Court of Record: "To all Christian people that this present writing shall see or hear the mayor and jurats of the town of Rye sendeth greeting, in our Lord everlasting: And forasmuch as it is meritorious therefore to you we certify that, whereas a boat called the Mary Knyght of Schute, in Flanders, and lade with wheat, wherein, under God, was master and owner Peter Wytte, of the said town of Schute; Hayn Frysse, John Ranke, Haukyn Miller, and Haukyn Russe, mariners in the said boat, late being on the sea, was taken by a Baling of Calais, called the Mykell, in the which was master, under God, W. Corteys; Robert Brown, of Calais, owner of the said Baling, and by the George of Calais, wherein, under God, was master Clark Stephen, of Sandwich, and the said Robert Brown owner; the which said Peter Wytte, Hayn Frysse, John Ranke, Haukyn Miller, and Haukyn Russe, before us personally appeared in the court of our sovereign lord king, in the said town of Rye, holden the 20th day of February, in the year of our Sovereign lord king, the 33d; the which Peter, by his sacrament duly examined, declared and said that the said wheat, the which that the said boat was lade with, was longing and pertaining to Peter Classon and Peter Johnson, of the town of Delffe, in Holland, and was lade at the key at Rouen; the

said Hayn, John, Haukyn, and Haukyn would not swear in no manner of wise, nor would not affirm fairly and fully, and say that the said wheat or any parcel thereof was longing to any man of Flanders, nor to any of the Obbeysauns of the Duke of Burgoyne; for they know not their merchant, neither the merchant bad them not swear nor told them whose wheat it was, as they said. And the said Cortey's hath agreed and paid the admiral his share, and furthermore has content and paid to the said Peter, Hayn, John, Haukyn, and Haukyn, for their freight and portage, six pounds and two hamberbonnes of wheat.

“Witness, February 24th, anno regni Henry 6th 33, A.D. 1454.”

It would appear from this that the Mary Knyght had been illegally captured by the Mykell, and, in consequence, the master of the latter had to pay that of the former for his freight and port-dues, and also a certain proportionate share of the value of the cargo to the admiral of the Cinque Ports, as a fee due to him for having the case adjudged in one of the ports within his jurisdiction.

Such were the courts originally, and such were their several jurisdictions and powers. Let us proceed to examine their present state.

The Court of Shepway (the high court of appeal) has, for a great length of time, sunk into desuetude. The Brotherhood, in all probability, will never be assembled again, and the Guestling is doomed to share the fate of her elder sister.

The Assembly is no longer known by this name; but may, perhaps, be considered as in some measure surviving in the quarterly and special meetings of the present town council.

With the particulars of the present state of the Hundred Court and the Court of Record, I have been favoured by my friend Mr. Butler, the present clerk of the peace, and which I here insert for the information of my readers.

Of the Hundred Court, or Court of Quarter Sessions.

The quarter sessions of the peace and general gaol delivery was formerly holden four times in the year before the mayor, jurats, and justices of the peace for the borough and liberties; the administration of justice here, as in many other old towns, being governed by custom and usage; and such continued to be the case until the passing of the Municipal Corporation Act, which uniformly regulates the holding of the sessions in the boroughs of England and Wales.

Rye, not having a grant of separate quarter sessions, and there being no recorder here formerly, has a barrister appointed to hold such session, who, in case of sickness or unavoidable absence, with the consent of the town council, may, under his hand and seal, appoint a deputy to act for him at the next sessions, but no longer. He is required to hold the court once in every quarter of the year, or at such other and more frequent times, as he may think fit, or as the crown may direct, of which court he is the sole judge; such court having cognizance of all crimes, offences, and matters whatsoever, cognizable at the quarter sessions for the county, with power, notwithstanding his being sole judge, as fully as such county sessions; but he shall not, by virtue of his office, have power to allow, apportion, make, or levy, or do any act whatever with relation to the allowance, apportionment, making, or levying of any rate whatsoever.

The mayor, in the absence of the barrister, or in that of his deputy, may open and adjourn the court, and respite all recognizances until such further day, and from time to time, as he shall cause to be proclaimed.

The quarter sessions, although not restricted to any particular time, unlike those holden for a county, are usually held in the week following that in which the county sessions take place, in the months of January, April, July, and October. The hearing of appeals against orders of removal was for some time a vexata quæstio; but the better opinion is that the borough court has no jurisdiction.

The offences usually tried, and which occasionally come before the court, in addition to larceny, are obtaining goods under false pretences, receiving stolen property, and robbery from the person; the jurisdiction over other offences having recently been much restricted.

All persons, being burgesses of the borough (unless exempt or disqualified otherwise than in respect of property), are liable to serve on the grand jury, and also upon juries for the trial of all issues joined in the Court of Record, for the trial of civil actions triable within the borough.

Public notice of the time and place of holding the quarter sessions being given by the clerk of the peace ten days before such holding, and not less than thirty-six nor more than sixty qualified persons being summoned seven days before such sessions to serve as jurors; summons being made by showing or, in case of the party's absence from his usual place of abode, by leaving for him notice, under the

hand of the clerk of the peace, containing the substance of the summons. Any person, duly summoned, omitting to attend, or, being thrice called, not answering to his name, or, after appearance, wilfully withdrawing from the presence of the court, is liable to such fine as the court shall think meet to impose, leviable by distress and sale of goods, and the fine paid to the treasurer of the borough, and by him carried to the account of the borough fund. The members of the town council, justices of the peace, treasurer, and town clerk, are exempt from serving on juries within the borough; and the burgesses of the borough are not liable to serve on any jury at the county sessions.

Justices of the peace for the borough, acting by virtue of a commission under 51 George III, cap. 36, exercise all the powers of justices in counties relating to the granting of licences to victuallers.

The last quarter sessions, holden before the mayor and jurats, was on the 21st of October, 1835, and there was none other holden within the borough until the 28th of March, 1837, in consequence of the 134th section of the Municipal Corporation Act, providing that either of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and the ancient town of Rye, to which his Majesty should not grant a separate court of quarter sessions, should, for all purposes relating to the jurisdiction of courts of quarter sessions of the peace, be respectively within the jurisdiction of the courts of quarter sessions of the peace of the nearest of the other of the said towns and ports or ancient town, to which his Majesty should grant a separate court of quarter sessions of the peace.

A question having arisen as to whether the town of Rye was to send its prisoners for trial to Hastings, which had a separate court of quarter sessions during this interregnum, instead of being committed to that town, they were tried at Lewes, the county town. However, this inconvenience only continued till March 28th, 1837, when, by the Act of the 6 and 7 William IV, cap. 105, provision was made for holding courts of quarter sessions of the peace in the manner before specified.

The following are the barristers who have been appointed since the passing of the Act, to preside at the quarter sessions in the ancient town of Rye:

1st. Charles Austin, Esq., Q.C., appointed in 1837.

2d. Edmund Clark, Esq., appointed in 1839, on the resignation of Charles Austin, Esq.

3d. William Wakefield Attree, Esq., appointed in 1842, on the death of Edmund Clark, Esq.

The salary of the recorder is £40 per annum.

The clerk of the peace is Mr. George Slade Butler.

The salary of the clerk of the peace is two guineas each session.

The Court of Record.

The Court of Record established from time immemorial (or, as lawyers say, from time out of mind, of which men's minds cannot think the contrary, and which time, according to law, is supposed to extend back to the reign of Richard I), and based upon custom, was formerly holden from fifteen days to fifteen days, for the trial of actions of assumpsit, covenant, debt, &c., before the judge the mayor, who, by his own mouth, was obliged to deliver judgment, with his brethren the jurats, with a power to reform the judgment, with advice of his brethren of the Cinque Ports, at a Brotherhood.

The Court of Record is now regulated by the provisions of the statute of 6 and 7 William IV, cap. 105, sect. 9, which, after reciting that various doubts have arisen as to the provisions of the Act for regulating municipal corporations, respecting judges in borough courts of record for the trial of civil actions not regulated by the provisions of any local Act of Parliament, or in which, at the time of the passing of the said Act, a barrister of five years' standing did not act as judge or assessor, enacts: "That the recorder, and, in his absence, such person, being a barrister of not less than five years' standing, as shall be appointed by the recorder, shall be the judge of such court, and shall hold the court at such times as the said recorder, in his discretion, may think fit, or as his Majesty should think fit to direct, and shall be entitled to have such salary paid him, out of the borough fund, as the council shall fix by some by-law; with a proviso that all rules, thereafter to be made for regulating the practice of such courts, should be approved and signed by the recorder of such borough, if there be a recorder, before the same shall be submitted to the judges of the superior courts for allowance and confirmation, according to the provisions of the said recited act."

The registrar of the Court of Record is Mr. Edwin Nathaniel Dawes.

The salary of the registrar is very trifling.

As this chapter has been devoted to the consideration of the legal customs, both ancient and modern, of the town of Rye, it may be proper here to notice that the custom of Gavelkind prevails within the

port. Robinson, in his work on the 'Custom Gavelkind,' published in 1741, says, "The lands, lying within the port of Rye, in Sussex, are partible among the males, and the wife is endowed of a moiety as in Gavelkind."

There was a custom in the town for many years to compel every stranger, who set up in business therein, without having been apprenticed there, to pay half a guinea a year to the corporation for the liberty of doing the same.

CHAPTER III.

THE PARLIAMENTARY HISTORY OF RYE.

We are now arrived at a branch of our history which requires to be touched with a very delicate hand. We have to speak of events which have occurred in our own times, and in which we ourselves have borne a part. We have to speak also of persons, many of whom are personally, and all of whom are politically, dead. And in having to do this, we would gladly follow the advice of the English author who says, "when you speak of the dead, you must tread lightly over their graves;" and still more gladly that of the Roman writer, who says, "*De mortuis nil nisi bonum*," "Speak not of the dead, unless you can speak in their favour." With a strong desire to act up, as far as we can, to the good and charitable doctrines above quoted, we must nevertheless relate facts as they are, otherwise history, which ought to be the mirror of truth, becomes a lying tale, worse than useless, like an "*ignis fatuus*," which only serves to lead astray those who are so incautious as to follow its light. Hence, with the firm determination of not unnecessarily wounding the feelings of any one, we must adopt for our motto, "*Fiat justitia, ruat cælum*," "Let justice be done, be the consequences what they may."

Towards the full understanding of the great changes which we shall have to record, as having taken place during the long space of years over which this part of our work extends, it will be necessary for our readers to bear in mind that there have been two great epochs in the existence of the Cinque Ports and ancient towns: the one antecedent to the period at which they returned representatives to Parliament, and the other subsequent thereto. Under the former epoch, which goes back to a very early period of our national history, every legal means was used to induce men to come and settle in the Cinque Ports, so that they might be the better enabled to bear the expenses contingent on the fitting out of their navy. At the time to which we allude, the great mass of the people were employed in agriculture, living in a state of serfdom, a species of slavery, *adscripti glebee*, attached to the soil, and transferred with it from owner to owner, as the live and dead stock of a farm are at this day. The Cinque Ports, with other commercial towns, were the cradle of liberty. Within these were bred up a body of inhabitants, who eventually formed that great and influential middle class, which is at once "*Tutamen et decus*," the defence and the ornament of our country. In the furtherance of this great object, every man who resided a year and a day within the liberty of any Port (being of good reputation) was admitted, on demand, to the full enjoyment of all the privileges of the same. This law was one of the earliest and heaviest blows ever aimed at the slavery of this kingdom; for, by virtue of it, if any serf escaped from his master, and took refuge within the jurisdiction of a Port, and remained there unclaimed for a year and a day, he became (subject to the provision above mentioned) entitled to his freedom. This law was reciprocally beneficial to both parties: to the serf, as being his emancipation from slavery; and to the Port in which he settled, as adding one more supporter of their privileges, and of the burdens attached to them. Having, during this epoch, no other object in view than the increase of their inhabitants, every inducement was held out to tempt men to settle in the Ports, and to take up their freedom therein. In accordance with this, we shall find. That at this time the number of freemen, in comparison with the population, was very considerable.

When we pass on to the second of these epochs, we find the picture reversed. Not that we must expect to find the change exactly coeval with the period at which the Ports were called upon to send Barons to Parliament, because, at the commencement of the time when they sent these Barons, there were two causes in operation to prevent the desire which afterwards existed of lessening the number of freemen. The one was the necessity of still keeping up this body as numerous as possible, to bear the expense of the navy, which was then continually in demand by our monarchs, for the defence of the country. The other was, that the sending members to the great council of the nation was not then considered an honour, but a burden; for, instead of candidates for the suffrages of the voters unhesitatingly spending their hundreds or thousands on an election, the represented were actually compelled to pay wages to their representatives, to induce them to take upon themselves the onerous office. It was when the Ports began to be called upon less frequently to fit out their navy, and their expenses were consequently lessened, that the franchise began to be narrowed; but the full consummation of this deplorable alteration did not take place until the representatives of the nation began to consider it an honour to sit in Parliament, and the voters began, in some sensible way or other, to discover that a vote was of some value. When this knowledge dawned on the Ports, in common with other boroughs throughout the realm, men were not long wanting who saw that if one vote was of a certain value, then the whole votes of a borough were proportionally worth more. It became a rule-of-three calculation; and hence arose that new race of beings called patrons of boroughs, whose great interest it was to lessen the number of freemen; and who, accordingly, acted fully up to this part of their vocation. It will be our

business to trace the rise, the progress, and final overthrow of the patronage of the borough of Rye, by the passing of the Parliamentary Reform Bill in 1832.

It would be foreign to our subject, and altogether unprofitable withal, were we to enter into the question, as to the exact time at which Parliaments were first assembled in this country. It will be sufficient for us to show pretty nearly the period when Rye was first summoned to return her Barons. In an old history of Sussex (published by Ward and Chandler, booksellers, at the Ship, without Temple Bar, about a century ago) it is stated that Rye sent burgesses to Parliament as early as the 42d Edward III, A.D. 1369.

Lyon, in his History of Dover,' says, "in the early period of our history the Cinque Ports were summoned to consult with the great barons and the king, in the great council of the nation."

In the Parliamentary History of the County of Sussex, appended to Horsfield's History of the same, under the head of Rye, we find a list of the representatives of this town, as taken from the Parliamentary rolls, and which confirms the statement above quoted, as to the time when members were first sent from this Port. This list is as under, viz.:

EDWARD III.

- 1360. Wills Taylor, Ricus Padding.
- 1370. The same, Johes Salern.
- 1372. The same.
- 1373. The same, the same.
- 1374. No return.
- 1377. Laur. Corboil, Stephen Elliott.

In the petition which was presented to Parliament by the inhabitants of Rye, in the year 1825, through Edward Jeremiah Curteis, Esq., M.P. for the county of Sussex, it is also stated that Rye returned two members to Parliament in the 42d Edward III. Thus this fact may be considered as fully established.

RICHARD II.

- 1378. Thomas Budding, Ricus Marchinere.
- 1379. Stephen Elliott, Johes atte Wood.
- 1383. The same, Robts Borgrave.
- 1384. Wills Taylor, Matthew Golding.
- 1384. Johes Marchaunt, Laur. Lonford.
- 1386. Laur. Corboile, Robts Dym.
- 1387. Stephen Elliott, Johes Baddyng.
- 1389. Wills atte Vaut, Jobes Meropp.
- 1390. Laur. Lunsford, Laur. Cobbayle,
- 1392. Johes Salern, Laur. Lunsford.
- 1393. Jobes Baddin, Johes Rearyate.
- 1395. Jobes Baddyng, Wills Ormed.
- 1397, Ric. Titchbourne, Jn. Langport.

In a document given by Jeake, bearing date the 17th Richard II, A.D. 1393, and which is an agreement between the three western ports, Hastings, Winchelsea, and Rye, as to the proportion each was to bear in the defraying of certain expenses, we find the following: " Provided always, that for all the time that any person or persons be sent by any of the towns of the Cinque Ports to the Parliament, by writ of our lord the king, that is to say, of every town two persons, as they were wont to come, every of the towns aforesaid shall bear and keep their charge severally."

From this extract it is clear, as already stated, that the towns sending Barons to Parliament bore the expenses of the same while in attendance there.

Under the word "Parliament," in the 'Encyclopædia Londinensis,' we find these remarks: "The sitting of Parliaments was usually forty days, so low as King Richard II, and, if they were longer detained, the subject of the wages of the knights and burgesses came into dispute; and Knyghton has preserved a memorable record of this fact in these words: 'In short, they say that they have an ancient statute, whereby, if the king wilfully absent himself from his parliament, not having any infirmity or other cause of necessity, for forty days, and not caring for the vexation of his people and their heavy expenses, it shall then be lawful for them all to withdraw from the Domigerio Regis, and return to their

HENRY IV.

- 1400. Johes Badding, Will. Atte Vant.
- 1402. Jobes Baddyng, Jobes Roberd.
- 1407. Johes Badding, Tho. Long.
- 1410. Jobes Shew, Wills Long.

HENRY V.

- 1413. Wills Long, Robt. Oweyn.
- 1414. The same, the same.
- 1417. Jobes Shelley, Ricus Posterf.
- 1419. Wills Vaut, Laurs Mersy.
- 1420. Johes Shelley, Willas Long.
- 1421. The same, Wills Thurwell

HENRY VI.

- 1422. Willus Thurwalle, Johes Shelle.
- 1424. Tho. Long, Willus Therwayle.
- 1425, Will. Rede, Tho. Pope.
- 1427. Will. Thurlwayle, Wills Broughton.
- 1428. The same, the same.
- 1430. The same, the same.
- 1432. Wills. Broughton, Tho. Pope.
- 1435. Tho. Long, Steph. Reber.
- 1436. Tho. Long, senr., Tho. Long, jun.
- 1441. Johes Sutton, Johes Chitrost.
- 1446. No return.
- 1448. Robts Unwyn, Tho. Stoughton.
- 1449. Adam Livelode, Robts. Berd.
- 1450. Robts Unwyn, Tho. Stock. 1452. The same, Ricus Kyppys

EDWARD IV.

- 1413. Ricus Wynd, Johes Tregoy.

The returns after this reign are lost until that of Edward VI, leaving an hiatus of nearly fourscore years. And now it may be well to pause a little, while we take a review of the list, so far as it has been inserted.

After the Norman Conquest there was a strange jumble of languages in England. The Church Service, as is customary in all Catholic countries, was performed in Latin. In this language the monks and all the learned of that day composed their works. The court spoke the Norman French, and the lawyers carried on all their pleadings in the same. Many of our Norman, Anglo-Norman, and Plantagenet kings could scarcely speak English; while the great mass of the population still spoke and only understood the vernacular Saxon. Hence among the names contained in the above list, we find a mixture of all these tongues, as thus:

- WILLS, WILLUS, for Willielmus, Gulielmus, Lat. William.
- Ricus, for Ricardus, Lat. Richard.
- JORES for Johannes, Lat. John.
- ROBTS, for Robertus, Lat. Robert.
- LAURS, for Laurentius, Lat. Laurence.

In the following surnames we think we detect the French, viz. Corboil, Marchaunt, Marchinere, Chitvost, and Tregoy. While in those of Wills atte Vant and Johes atte Wood, the prefix of atte bespeaks their Saxon origin.

During the period over which this part of our list runs, Parliaments were usually assembled once in every year, for the space of forty days; and this usage is borne out by the dates of the returns, which, —

with some slight exceptions, occur annually. When the king's writ was received, the freemen of the town sent up two burgesses, who were in all probability Barons of the Port, inhabitants and indwellers of the same. During their forty days of service they were paid by the town they represented, at the rate of two shillings a day, down so late as the year 1576; after which it was raised, as we shall see in due time. When the session of Parliament ceased, the office and title of representative ceased also; for we repeatedly find that on each succeeding year a fresh one was elected.

If Lyon be correct in asserting that "as early as the reign of Henry VI a trafficking system was begun by the mayor and magistrates of the town of Dover, either with the consent or the connivance of the constable of the castle," then we may fairly surmise that the same system was also commenced at the same time in the other Cinque Ports and ancient towns; whence we must come to the conclusion that we are now arrived at the second of the two epochs, alluded to at the beginning of this chapter, when the leading men in the several Ports began to see some advantages to be gained by the return of members to Parliament, but which, as yet, were not apparent to the dimmer sight of the great mass of the freemen, and which discovery resulted in the gradual lessening of the freemen, until the time arrived when, no longer being called upon to fit out their ships, these were not required to bear their part of the expenses consequent thereon, the number was reduced as low as it possibly could be, consistent with keeping up the outward show and appearance of a corporate body.

Some time about the reign of the same King Henry VI the Cinque Ports petitioned that their representatives might be permitted to return home after an absence of four weeks, instead of forty days, or only a part of them to remain, according to ancient custom. From the words, "only a part of them to remain, according to ancient custom," one would infer that, although each Port returned its representatives, the burgess from any one individual town was supposed to be the representative of the whole body of Cinque Ports and ancient towns, as regarded the general interests of them, and was expected to take especial care that no law should be enacted to interfere with the full enjoyment of all their rights and privileges.

In this reign also was passed a statute to limit the electors voting for knights of the shire to those actually resident in the county; and this, Lyon thinks, gave the hint to corporate bodies. Now, by passing a few by-laws, they might curtail the number of voters in their respective towns, by cutting off all the outdwellers. How far the acting on this suggestion was carried out, and how far it operated in promoting the attainment of the object in view, viz. That of curtailing the number of freemen in Rye and elsewhere, and hence of making the remaining body more manageable, we cannot say; but in modern times the cutting off all outdwelling freemen has been considered a highly beneficial act.

We will now proceed with our list of members.

EDWARD VI.

1552. Jn. Holmes.

1553. The same.

By these returns it would seem that sometimes the town of Rye only sent one representative to the Parliament; and this custom seems to be hinted at in the extract before given from Jeake, in which we find these words, "provided always, that for all the time that any person or persons be sent," &c.; which would seem to imply that it had been sometimes heretofore customary to return only one member.

MARY.

1554. Clement Higham, Jn. Holmes.

PHILIP AND MARY.

1554. Jn. Holmes, Rd. Fletcher.

1555. The same, Thomas Smith.

1556. The same, Reginald Moore.

1557. Tho. Fletcher, Tho. Cheyne.

We have before us a copy-list of all the freemen who were admitted in the town of Rye, from this reign down to the present time, and which we shall insert simultaneously with that of the representatives of the same. Our object is to show when the diminution first took place, and how it proceeded to its climax, in the year 1825. But here one difficulty presents itself at the very threshold, in the fact that we have no means of knowing the precise number of freemen in existence at the period from which we

propose to start in our inquiry. However, at a subsequent period, we shall be able to throw some greater light on the matter.

Names of Freemen.

John Smith, William Egliston

How admitted.

Mayor and Corporation do.

When elected. Aug. 30th, 1557. Sept. 5th, 1557.

ELIZABETH.

REPRESENTATIVES CONTINUED.

1558. Rd. Fletcher, Rob. Marshe.

1563. Geo. Reynolds, Jn. Bredes.

1571. Jn. Davinges, Tho. Fanshaw.

1572. Clement Cobb (who died, and was replaced by Henry Gayner, gent.),

Rob. Carpenter.

1585. Jn. Hammond, LL.D., Rob. Carpenter.

1586. Henry Gayner, the same.

1597. Samson Leonard, Tho. Hamon.

1601. Arth. Gorges, knt., Tho. Culpepper.

Date	Freemen	By whom elected	Notes
1 July (26 Eliz.)	John Potter; Robert Swayne; James Almon; James Gilmer		M.
& C.	Both freeborn, were admitted and sworn.		
19 Jan (27 Eliz.)	Bonyface Honyngs	do.	
1584	John Fisher	do.	
28 Aug (27 Eliz.)	Jeremy Wyman	do.	
3 Aug (28 Eliz.)	Henry Upjohn	M.	
1586	Francis Daniel	M. & C.	
3 July (29 Eliz.)	John Allen	Son of William Allen, being freeborn, was sworn a freeman.	
Saturday after St Bartholomew (29 Eliz.)	John Bentricks	M.	
15 Nov (30 Eliz.)	Anthony Cock; Lawrence Rist; Thomas Harris; John Arnold; William Thorpe; Francis Stephenson; Edward Turner; John Skinner	M. & C.	
20 Nov (30 Eliz.)	Anthony Cock; William Sharpe; Francis Stephenson	do.	
30 Jan (31 Eliz.)	Thomas Harris	M.	
27 Aug (34 Eliz.)	John Gomley	do.	
5 May (35 Eliz.)	Robert Canvers; William Cooke	M. & C.	
22 Aug (35 Eliz.)	John Dayes	do.	
20 Jan (35 Eliz.)	Ralph Bell	By the freedom of Edwd. Bell, his father.	
12 Jan (36 Eliz.)	Alexander Barnes	M. & C.	
11 Feb (36 Eliz.)	John Stynar	do.	
17 Aug (36 Eliz.)	Angle Shaw	do.	
8 Jan (37 Eliz.)	Rev. Sibbridge	M.	
27 Aug (1597)	John Durrow	M.	
19 Aug (1598)	James Monks	do.	
21 Aug (1599)	Thomas Lansheden	do.	
3 July (44 Eliz.)	Henry Walker	do.	
5 July (44 Eliz.)	Christopher Marshall	M. & C.	
15 Dec (45 Eliz.)	John Walker	do.	

On examining the above list of members the reader cannot fail to perceive a great difference in the number of returns, as compared with those of some former reigns. In the earlier ones we find they were summoned almost yearly, while in this latter there were lapses varying from two to eight years. In the reign of Richard II, in the course of twenty years, there were twelve summonses issued, while, during the five and forty years of that of Elizabeth, there were only ten.

We have already given it as our opinion that in all the first returns to Parliament the representatives were chosen from the free Barons, inhabitants of the respective Ports from which they were sent; and this opinion is strengthened by looking over the accompanying list of freemen, in which we shall find several of the names of the representatives; as thus, viz.:

Clement Cobb, freeman, 1564, member, 1572.

Robert Carpenter, freeman, 1562, member, 1572.

Henry Gayner, mayor, 1572, member, 1572 and 1586.

Thomas Hamon, although his name is not on the list of freemen, we know to have been an inhabitant of the town, of high rank and character, as appears from the following epitaph on his tombstone, within the rails of the Communion Table:

“Loe! Thomas Hamon here interr'd doth lie;
Thrice burgess for the Parliament elected,
Six times, by freemen's choice, made mayor of Rye.
And captain, long time, of the band selected.
Whose prudent courage, justice, gravity,
Deserve a monument of memory.”

Though by this epitaph it would appear that Thomas Hamon was thrice burgess, we only find his name twice, once in Elizabeth, and once in James the First's time.

We do not find the name of Robert Marshe in the freeman's list of Elizabeth; but we do that of Robert March, freeborn in 1575, who might be his son, as names are frequently known to be written with much greater variations than this. Two years after, that is, in 1577, we find the name of Simon March, freeborn; and in the year 1606, Thomas Marsh, the original name, being also the son of a freeman.

John Bredes is not on the list; but a family of this name was existing afterwards in this town; for, in 1702, we find Joseph Bredes, sen., was elected a freeman; but whether descendants of this John we cannot say. Still it may be sufficient to create a probability that the said John was an inhabitant of the town.

As to John Hammond, LL.D., Arthur Gorges, knt., and Thomas Culpepper, we imagine they cannot by any stretch of ingenuity be considered as Barons of the Port of Rye.

Considering the number of freemen admitted during the reign of Queen Elizabeth, we cannot see that any great diminution of them had as yet been accomplished, although we shall have to notice presently certain innovations, the tendency of which was evidently to effect this object. The number admitted was one hundred and sixty, and sound policy as yet forbade the too close restriction; for we have seen that in 1588 the Ports fitted out five serviceable ships and a pinnace, which served four months at their own costs; and again, in 1595, five ships of one hundred and sixty tons each, for five months, at their own costs. The pear was not yet ripe; but the two antagonistic principles were already called into existence.

During this reign many changes took place, directly or indirectly affecting the original customs and usages of the Cinque Ports and ancient towns, and which we shall proceed to notice.

Firstly. We have already shown that the burgesses were not summoned to parliament so frequently as they formerly had been; but this only affected the Ports in common with all other boroughs in the kingdom. This infrequency was the consequence of the imperious character of Elizabeth, who, self-willed like her father, Henry VIII, would brook no contradiction, and was therefore determined that her faithful commons should not too often assemble so as to learn their own strength, and thus interfere with or control her power and authority. In the first year of her reign was held that renowned parliament which changed the religion of the nation from Catholic to Protestant, and in which the town of Rye was represented by Richard Fletcher and Robert Marshe. Although we may regret that religion sat so loosely on the consciences of the nation, as to enable its representatives to change its established form of worship four times since the beginning of the reign of Henry VIII, still, as good Protestants, we can but rejoice at this last and final settlement; and, as men of Rye, that the representatives of their town should have aided in the cause.

And secondly. We have thought that we had good grounds for supposing all the earlier burgesses sent to parliament were elected from the inhabitants of the respective ports which they represented. But now we see strangers introduced to fill these offices. Nor is it probable that this innovation was at all

unpalatable to the freemen, for, up to this period, the returning of members to parliament was considered more of a burden than of an honour, as would appear from the fact that, in the 19 Elizabeth, A.D. 1576, the wages of the representatives were raised from two to four shillings a day, and, if the strangers were willing to serve without wages, the bargain might be a good one for the freemen, who did not look beyond the present moment. That such a bargain comes within the range of possibility will be apparent from the arrangement which, Lyon tells us, was made so early as the reign of Henry VI between the towns of Dover and Feversham, by which the latter agreed to allow the former to nominate once in three or four years a person to represent them in parliament, on condition of receiving from them annually the sum of forty shillings. It must also be recollected that the lord wardens assumed to themselves the privilege of returning one (or both occasionally) of the representatives of each of the Ports, therefore it is possible that these members, who were not free Barons of the Ports, might have been their nominees. At this time William Brook, Lord Cobham, was Lord Warden of the Cinque Ports, and Thomas Culpepper might be one of that family long settled in Kent. However, these are conjectures of the value of which our readers can judge as well as ourselves, and so we leave them.

When we consider how extremely jealous the Barons of the Ports were of the interference of any one with their concerns, we can but think this innovation of greater importance than at first sight it may appear to be; for, by this step, they trusted them with the management of their affairs in parliament, who had no direct interest in watching over those privileges, of which they were so justly proud, and who must naturally have been made acquainted with many of their internal affairs, which, heretofore, it was their policy to keep secret among themselves.

Thirdly. The innovation we now have to mention is of much greater moment than any hitherto noticed. We have had occasion so frequently to repeat the assertion, that the spirit of the Charters was to hold out every inducement to persons to become free Barons of the Ports to assist in the expenses of their shipping, that we are almost afraid we shall disgust our readers with again asserting it; but, unless this is borne in mind, the magnitude of the change we are about to record cannot fully be appreciated. Originally those who wished to possess the freedom of the port had only to go before the proper court and express this desire, and, on conforming to the rules laid down, he was admitted without further difficulty. But now we shall have to record the commencement of a new order of things. In the fourth year of the reign of Elizabeth, being A.D. 1561, a decree was passed, regulating the fee to be paid by different parties on their admission, by which the son of a freeman, born after his father was made free, was admitted without any fee whatever. A native of the town (not born free) paid 20s. A stranger, that is, one not born in the town, paid 40s.

In this decree we do not know that there was anything insurable; it merely went to define what was before indefinite. The distinctions in the price of admission seem fair and just. The son of a freeman may be supposed, through his father, indirectly to have contributed all his lifetime towards the expenses of the port. The native of the town, though not free-born, might still personally have borne his lot if he had not paid his scot; while, in the case of the stranger, it might so happen that he came into the town just after a heavy contribution had been raised, and therefore it was equitable that he should contribute more than the others. This decree was made at an assembly of the mayor, jurats, and commonalty, without which no decree could be binding. But as the freemen were invested with their new privileges by the mayor, who might be compelled to confer them on any person, properly qualified, who demanded them, they were the parties on whom it was necessary to impose penalties to prevent an undue exercise of their prerogative; hence it was also decreed at the same time, that any mayor offending, contrary to this order, should forfeit, for every such offence, the sum of forty shillings, to be levied, to the use of this township, by the jurats of the same for the time being.

This last provision, though not unjust, serves to show the spirit of change which then began to arise. However, there is another change to be recorded, which, far from being thus harmless, was pregnant with evils, which were not fully developed until nearly two centuries afterwards. When Mr. Henry Gayner was mayor, in 1571, a decree was made, granting to the mayor, for the time being, the privilege of making one freeman, during his mayoralty, without the payment of any fee. This was a fatal step, clothing the mayor with an authority never contemplated by the Charters, robbing the town of the fees which should have been paid, and tending eventually to close up two of the avenues through which the inhabitants of the town had been wont to enter into the sanctum sanctorum of the Cinque Ports. Under this decree no less than fourteen freemen were admitted to the full enjoyment of the privileges, at the mere fiat of one man.

Fourthly. In the records of the town is found the following entry: "At a common assembly, holden the

26th day of January, in the seventeenth year of the reign of our sovereign lady Queen Elizabeth, being then and there assembled William Davis, mayor, the jurats, and commons, it is decreed, condescended, and fully agreed that forthwith there shall be chosen, out of and from the most wise and discreet and honest commoners of this town of Rye, twenty-four persons besides the common clerk, which maketh twenty five in the whole, by the mayor and jurats; which persons, so chosen, shall be called the common council of the town, and shall every fifteen days, that is to say, the Monday before the day of the common court (and after, if need require, and thereunto specially warned), assemble themselves together before the mayor and jurats at the court-hall, there to have conference with them about or concerning the state of the said town, or about the common affairs, profit, and business of the same town, and whatsoever the said mayor, or jurats and common council, or the more part of them, shall then or there determine and agree upon; or what decree, order, or law soever they shall make, the same to stand firm and to be to as good effect and purpose, as though the whole community of the said town had been thereunto called, and thereunto consented.

And the said mayor and jurats shall not deal in any of the affairs and business of the said town which toucheth the state, profit, and general commodity of the same, without the consent of the said council, or the more part of them, and that whosoever of the said mayor, jurats, or common council which shall disclose or open at large anything talked of, spoken, or done amongst themselves in their assemblies, which ought not to be opened or revealed, and the same justly proved by two sufficient witnesses, then every jurat or person of the common council, so offending, to be fined by the mayor and the rest of the jurats and common council, or the more part of them, and also disfranchised. And if it happen the mayor himself to offend therein, he to be fined by the jurats and common council, or the more part of them, and, when he is out of his mayoralty, to be disfranchised also. Which fines to be levied, by way of distress, to the use of the town, as other duties accustomably are levied.”

Whatever might have been the object of this decree, whether the mayor and jurats, anxious to limit the power of the commons and extend their own, thought the four and twenty representatives of the latter would be a more manageable body than the whole community, or, whether it was honestly believed by all parties that the general affairs of the town might be better managed by this select body, it does not appear that the decree was long acted upon, for we find it was repealed very soon afterwards.

Fifthly. We have the following entry applicable to our present argument: “At the court-hall of Rye, the Sunday in the afternoon of the 30th of August, the 21 Elizabeth, John Fagge did make and elect unto him for jurats, assistant unto him in justice, these persons following (here follow twelve names).

“These persons, being thus nominated and set down, were as before mentioned. Thomas Young was admitted to his freedom in 1576. Whether Lennard, Gifford, and Angel were inhabitants or not we cannot say ; but that the two Conways were strangers there can be no doubt.

LIST OF FREEMEN.

“22d May, 1st James. Stephen Mason was made a freeman by the mayor and his bretheren, with the consent of the rest of the jurats, and was made free of the heap, and paid, for both his freedoms, 54s. 4d.

“27th Aug., 1st James. This day John Bayliff is, by Mr. Mayor and his bretheren, made a freeman, and paid for the same 40s.

“20th April, 3d James. This day Robert Thomas, of Rye, merchant, purchased his freedom, by the consent of Mr. Mayor and his bretheren, and paid for the same, to this corporation, £4.

7th July, 1606, 4th James. Also, at this assembly, Alex. Fawkes, of Rye, was, by Mr. Mayor and his bretheren, made a freeman, being elected by Mr. Mayor, his own appointment. “Also, at the same assembly, Geo. Service, of Rye, purchased his freedom of the town, and paid for the same 50s.

“Also, the same day, Peter Harrison, of Rye, beer brewer, purchased his freedom, and paid for the same 40s.

“This day, John Gillam, the son of Robert Gillam, late of Rye aforesaid, baker, deceased, being freeborn (that is to say) his father being a freeman before the said John Gillam was born, was, by Mr. Mayor and his bretheren, admitted by his father's copy.

“At an assembly, held 10th Nov., 4 James.

“At this assembly Rich. Fostrell did purchase his freedom, and paid for the same 40s.

“The same day, also, by the consent of the whole assembly, John Frawneys (in regard of his good services, heretofore done, and hereafter is expected to be done, unto this corporation) hath his freedom gratis.

“Also, the same day, Thos. Marsh, being freeborn, was, by Mr. Mayor and his bretheren, admitted to his freedom.

“1607. Thos. Higgons, mayor. This day Edward Griffin, of the free gift of Mr. Thomas Hamon, late maior for the year past, had his freedom given him, being allowed thereunto by Mr. Mayor and his bretheren.

“Also, the same day, John Thomas purchased his freedom, and paid, to the corporation, for the same, £5.

“Also, the same day. The said John Thomas was made free of the heap. And paid, to the corporation, for the same, 20s.

"1608, 4th July. Thos Higgon, mayor. Matthew Young is, gratis, made a freeman, by the mayor.

"16th Dec. Richard Portruff, mayor. This day, Francis Homewood was, by the consent of Mr. Mayor and his bretheren, made free, being thereunto elected by Mr. Mayor, for his freeman.

"1609, 7th Aug. This day Thomas Pett, of Rye, mercer, was made a freeman, and did pay, for the purchasing of his freedom, £5.

"Also, the same day, William Thomas, of Rye, yeoman, was made a freeman, and did pay, for the purchasing his freedom, £5.

"Also, the same day, Henry Shelby, of Rye aforesaid, sailor, was made a freeman, and did pay, for purchasing of his freedom, 40s.

"1609, 6th Nov. Richard Corkram, mayor. This day Richard Oke was, by Mr. Mayor and his bretheren, made a freeman, and did pay, for the purchasing thereof, 40s.

"Also, the same day, Mark Thomas purchased his freedom, and paid for the same 50s.

"Also, the same day, John Sole, the elder, purchased his freedom, and paid for the same 40s,

"Also, the same day, Wm. Oke, the son of the said Richard Oke, of Rye, fisherman, purchased his freedom, and paid for the same £5.

"1609, 8th Nov. Richard Corkram, mayor. This day John Palmer, of Rye, mercer, had his freedom, gratis, given him by Mr. Mayor.

"Also, the same, Stephen Frencham, Mr. Mayor's sergeant, had his freedom given him, gratis, by Mr. Mayor and his bretheren, in regard of his good service heretofore done to this corporation.

1611, 23d Aug. Rich. Corkram, mayor. This day Thos. Peacock is, by Mr. Mayor, made his freeman, gratis, as hath been accustomed.

20th Nov., 9th James. This day Joseph Bentruck and Joseph Carpenter, being both freeborn, desired to be made free of this corporation, according to the ancient usages of this town, and to them, by Mr. Mayor and his bretheren above written, it was granted.

"John Swayne, of Rye aforesaid, fisherman, the 18th day of this present month of December, in the open court of Rye, was, by Mr. Mayor and his bretheren, made a freeman of the said town, and in conson. Of his service done unto the said town, being heretofore chamberlain of the same, he paid for his freedom unto the chamberlain but 30s.

"1612, 2d Aug. This day, also, George Taylor, gent., with the consent of Mr. Mayor, Mr. Colbrand, Mr. Porter, and Mr. Young, and the assembly of the commonalty aforesaid, was made a freeman, and paid for the purchasing thereof 40s.; but this assembly, in conson. Of the good service they expect the said George will hereafter do to this corporation, have remitted 20s. Of the said 40s.

"4th Nov., 10th James. This day, being the general court day, Mr. Mayor, with the consent of his bretheren, did elect and choose Thomas Reames to be his freeman, according to the ancient usage, which he gave him gratis.

"4th Oct., 11th James. This day Allen Gribble, of Rye aforesaid, flesher, is, by our mayor, according to the ancient usage of this town, made his freeman.

"The same day, also, the aforesaid Allen Gribble was made free of the heape, and paid for the same, to this corporation, 20s. "21st Feb., 10th James. This day Thomas Smythe, of Rye, cordiner, purchased his freedom for the sum of £3.

"30th March, 11th James. This day Edward Henden, Esq., lately elected one of the Barons to the Parliament, did take the oath of a freeman to this corporation.

"21st Sept., 12th James. This day John Greenfield was made free by Mr. Mayor and his bretheren above named, being elected by Mr. Mayor to be his freeman, and, therefore, he had the same given him gratis.

The same day, also, the said John Greenfield was made free of the heape, and paid unto the chamberlain for the same 20s.

"27th Aug., 13th James. This day Mr. Phillipp Hasler had his freedom gave him, gratis, by Mr. Mayor, as his freeman for this year, elected according to ancient decree.

"1617, 5th July, 15th James. Richard Cockram was, by Mr. Mayor and his bretheren, made a freeman, gratis, as the mayor's gift.

1624, 10th Dec. This day, in open court, Richard Oake, being freeborn, was, by Mr. Mayor and his bretheren, gratis, made a freeman.

"Likewise, this day, William Key was, by Mr. Mayor and his bretheren, made a freeman of this town, and paid for his freedom 40s.

"Likewise, this day, Mr. Mayor, with the consent of his bretheren, made Thomas Ducke his freeman, gratis.

"1625, 16th Feb. This day, in open court, Mr. Mayor, with the consent of the jurats, made John French his freeman, gratis.

"22d James. This day, also, John Sharp, Gent., was, by Mr. Mayor and his bretheren, made a freeman of the town of Rye, and is to pay for the same 40s."

In these entries we may trace many deviations from the original mode of admitting men to the enjoyment of the franchise. In the 28th article of the Customal it says, "where any stranger cometh into the town and inhabiteth, and there dwelleth by a whole year and a day, and useth some honest craft, of good guiding and conversation, and desireth the franchise, he shall come before the mayor and the jurats, in the playn common court, praying to have the franchise; upon which, his petition, it shall

be awarded what he shall pay unto the commonalty for his said franchise," &c.

Thus, having complied with the rules here laid down, the stranger had only to go and demand his freedom, and he had it; and up to the end of the reign of Elizabeth, there is no instance on record, that we are aware, of any one who was thus qualified being refused admission. And the decree fixing the fine to be paid for the future, although it increased that previously received, did not interfere with the former right of admission. Accordingly we find the entries to run thus:

"Rye. At an assembly, holden the 20th August, 4th Eliz. The same day Nicholas Baker is admitted a freeman, and payeth, therefore, 40s.; scilt. In hand 20s., and 20s. Within fifteen days."

The door of invitation was not yet closed; for we find the said Nicholas Baker was allowed to pay his fine at two instalments, a favour which would not have been granted had the desire of lessening the freemen been as yet in full force. At the same assembly,

"Robert Carpenter, Thomas Bishop, John Gye, and John Prowse, be admitted freemen, for that their fathers were free, and have their oaths."

"At an assembly, the 6th of September, 9th Eliz., 1566. "The same day is made free, by his father's copy, Thomas Colbran, and, if his father was not free at his birth, then he promiseth to pay his 20s., and so hath his oath.

"The same day, Richard Stacey and John Greenaway, in consideration of their honest behaviour, be made free, and paid therefore, either of them, 40s.

"Yet, if Richard Stacey do not come and dwell in the said town, within a year and a day, then he to lose his freedom and dwelling.

"The same day is made a freeman Edward Tindall and Thomas Adale, and they have paid therefore, either of them, 40s.

"Rye. At an assembly, holden Aug. 28th, 10th Eliz., 1567. "At which assembly John Fagge is made free, and paid, therefore, 40s.

"And also, the same day, Robert Bennett and John Bennett

"At an assembly, holden the 16th April, 17th Eliz., A.D. 1574.

"John Bowes, being born in Rye, is made a freeman, and payeth for the same 20s., and 12d. For hooks.

"Edward Johnson, being born out of the town, is made a freeman, and payeth for the same 40s, according to the decree, and 12d. For hooks.

"Richard Almon, being born out of the town, is made a freeman, and payeth for the same 40s. as followeth: 20s. Out of hand, and other 20s. At the opening of the box, at Bartholomew next.

"Robert March, These two, being freeborn, have taken the Simon Smith. Freeman's oath, and do pay the wine accustomed, and 12d. A piece for hooks.

"At an assembly, holden the 9th March, 18th Eliz. 1575. "Lucy Phillips was made free, and paid for the same 20s., being born in the town, and paid 12d. For hooks, and 12d. For wine. "At an assembly, holden the 31st Aug., 19 Eliz. 1576.

"At this assembly were James Persall and John Osborne made free of the town and Ports, and paid for their freedom 40s. a-piece, and 12d. A-piece for hooks, besides the wine, and sower sworn.

"At an assembly, holden 11th Jan., 20th Eliz. 1577.

"William Copson, born in the town, is made free, and payeth for the same 20s., and 12d. For hooks."

These entries are practical illustrations of the mode in which the spirit of the original Charters was carried into effect, and show how faithfully the decree of the 4th of Elizabeth, A.D. 1561, was acted up to. In the cases of Robert Carpenter, Thomas Bishop, John Gye, John Prowse, Thomas Colbran, Robert and John Bennett, Robert March, and Simon Smith, we see the operation of the first clause; in those of John Bowes, Lucy Phillips, and William Copson, that of the second; and in those of Nicholas Baker, Richard Stacey, John Greenaway, Edward Tindall, Thomas Adale, John Fagg, Edward Johnson, Rich. Almon, James Persall, and John Osborne, we recognize the third.

In the instances of Richard Stacey and John Greenaway, the words “in consideration of their honest behaviour,” show that the words of the 28th article of the Customal were not then a dead letter; while, at the same time, the remark “that if Stacey do not come and dwell in the said town within a year and a day, then he lose his freedom and dwelling,” pretty plainly indicates that no outdweller was entitled to the enjoyment of the freedom of the town.

At the very commencement of the reign of James I, fresh innovations were made. Thus we find the fine for admission was no longer fixed, but became arbitrary, as appears under, viz.:

	£	s.	d.
Robert Thomas paid	4	0	0
George Service	2	10	0
John Thomas	5	0	0
Thomas Pett	5	0	0
William Thomas	5	0	0
William Oke	5	0	0
Thomas Smythe	3	0	0

These persons, with some few others, ending with the last-named Thomas Smythe, are said to have purchased their freedom, a word not previously used in any of the entries, and serving to mark another process by which the door of entrance was narrowed. This expression is not found after 10 James I, A.D. 1612, when we find the word elected introduced.

Under the operation of this change we shall see that the freemen now began gradually to be lessened; for, whereas during the forty-five years of the reign of Elizabeth, there were one hundred and sixty-eight new admissions, averaging nearly four yearly, in the twenty-two years of James I there were only thirty-six, being less than two a year. And these thirty-six were admitted in the following manner:

By purchase	By election	By the mayor	By birthright	Representative
19	3	9	4	1
Total: 36				

The decree now seems to have been entirely forgotten; we no longer find it said, this man, being born in the town, paid 20s., and this man, being born out of the town, paid 40s.; all right to the freedom except by birth was now rejected; and, of course, as thus two of the great original avenues to the franchises were closed that by birth became proportionally narrowed also.

This great and rapid declension of men admitted to the freedom, and the means by which this now-desired object was attained, may be accounted for, in some measure, by the fact that, during the whole of this reign, the Ports were never once called upon to fit out their shipping for the public service; and hence, the dread of this expense being much lessened, the principal check to the political wrong-doing of the parties, who were thus combining to deprive the town of its ancient liberties, was removed.

Among the novelties, now introduced, was that of conferring the freedom on the representatives of the town; the first instance of which we have in the person of Edward Henden, Esq., and this arose out of a decree of the Court of Brotherhood, which was originally made in the year 1572, and which sets forth: “That no person in future should be elected to represent either of the Cinque Ports or their ancient towns in parliament, unless they were free Barons and resident in the port or town, or an adviser of the Ports, under a penalty of forty pounds.” This not having been fully acted up to, at another meeting of the delegates at a similar court, in 1603, the subject was again introduced, when a second decree was passed, in the preamble of which they recited a part of the former which, they said, had been found by experience wholesome and profitable to the public weal of the Cinque Ports and their ancient towns and members; and yet the same had not been observed to the great prejudice of the Ports, their towns, and members.”

They therefore again ordained and established: “That if the mayors, jurats, and commonalty of the said Cinque Ports and their ancient towns, at any time or times hereafter, shall elect or choose any person or persons to be a Baron, for any of the said Ports or towns, to represent them in parliament, excepting such a person be a freeman and an inhabitant of the Ports, their two ancient towns, or their members, or some one of them, before or at the day of test of any writ, that then the mayor, jurats, and commoners, of every of the said Cinque Ports and their two ancient towns, shall forfeit and pay, for

every time so offending, the sum of forty pounds.”

These decrees seem to bear out the opinion we have previously given, that originally the members were free Barons of the Ports. We expressed surprise that the Ports should intrust their interests to the hands of strangers, and make them cognizant of all their secret affairs. Evils having arisen, as we suppose, from this system, they now reverted to their first plan, and, though they did not carry out the decrees to the exact letter, by insisting on every member being an inhabitant, they took the precaution of making them freemen, and thus of compelling them to take the freeman's oath by which they were bound to bear faith to the mayor, jurats, and commonalty of the town, and the estate of the franchises and the liberties of the said town to keep, help, and maintain to the best of their power, and in no wise to be knowing or counseling to hurt them.” In order that this act should be publicly known, it was directed to be read at the next hundred court, and upon every day of the election of a Baron to serve in parliament, under the pain of every head officer forfeiting the sum of ten pounds for every neglect. We shall find, as we proceed, that this plan was acted on in Rye down to the time of the passing of the Reform Bill.

In looking over the list of representatives for this reign we shall not see the name of Edward Henden. In the same year, 1614, in which he was elected, we find the name of Sampson Lennard, and opposite to this a blank space, which we are now able to fill up with that of Edward Henden, Esq.

In the entries under, though not all of this reign we shall find some things not hitherto observed, and on which it is necessary to bestow some passing notice. At the assembly, holden April 16th, 1574, Richard Almon paid half his fine, and had the other respited to the opening of the box at Bartholomew next. We must endeavour to explain what this box was. It appears to have been made to receive certain sums of money arising from different sources, and which belonged to the freemen in their private characters, that is to say, they were spent among themselves, and not on account of the public expenditure of the town. There was a custom prevalent in former times, that any one, becoming a tenant of the corporation paid a certain small sum by way of compliment; for a field, for instance, 10s. 6d., and so forth; these sums were deposited in the box.

October 4th, 1613, Allen Gribble “was made free of the heape,” and paid for the same 20s.

This fine was also in all probability put into the box, which might be said to contain the “heape.” The twelve pence likewise paid for wine most likely went to increase the “heape;” and, at Bartholomew tide, which was the time of choosing the mayor, the box was opened, and the freemen made merry with its contents; after which it was closed for another year, for the purpose of collecting another “heape.”

The twelve pence paid for hooks, we have before explained, was for the purpose of providing such implements to be used, in case of fire, to pull down the buildings, which were then of wood, to prevent the spreading of the flames.

CHARLES I.

LIST OF REPRESENTATIVES.

1625. Thomas Fotherby, Jn. Sackville.

1628. Thomas Fotherby, Rd. Tufton.

1610. Jn. Culpepper, Int., Jo. White.

1840. Sir John Jacob, knt.

The latter was expelled, January 21st, for being a monopolist of tobacco, and a new writ was issued on the same day, and John White returned in his stead, who was also disabled from sitting, on February 5th, for deserting the service of the house, being in the king's quarters and adhering to his party, when William Hay and John Fagge were returned.

We are now arrived at the troublous and unfortunate reign of Charles I, when, it is well known to all who are the least conversant in English history, that parliaments were very seldom assembled, and that this neglect on his part was the incipient cause of those civil wars, which were consummated by the death of the monarch, and, in his person, for many years, by that of the monarchy also. In 1625 Charles summoned a parliament, again in 1626 and in 1628, after which none was called until the disastrous year of 1640. Thus Fotherby and Sackville sat for the sessions of 1625 and 1626. Fotherby and Tufton for that of 1628. The returns for 1640 are rather confused; Culpepper and White are first returned; then it is stated Sir John Jacob, Knt., was expelled, and John White returned in his stead; this latter was also disabled, and Hay and Fagge took the seats; but, according to these entries, there would be three sitting members, viz., Culpepper, Hay, and Fagge; there is no mention of the return of Jacob,

therefore we must suppose that Jacob, by some mistake, has been substituted for Culpepper; the latter was a knight as well as Jacob, and his Christian name was likewise John. Hay and Fagge were the representatives of Rye in the election of 1640, and of course were members of the Long Parliament, which sat from this date to the year 1652, when, having fully served the purposes of Cromwell, it was by him dissolved. Having soon after been proclaimed "Protector of the Commonwealth of England," Cromwell was reluctantly compelled to call parliaments, the members to which will be noticed under its proper head.

In the second year of Charles I, when his character was not yet fully developed, the Cinque Ports, in July, 1626, fitted out two serviceable ships for three months, which cost them £1825 8s., a very considerable sum in those days. The king was at that time engaged in a war with Spain; but whether these two ships accompanied the unfortunate expedition to Cadiz we are unable to say. These were the last ships ever fitted out by the Ports.

LIST OF FREEMEN

Names.	How admitted.	When admitted.
Thomas Harrison	Mayor and Jurats	May 30th, 1625.
Thomas Webb	do.	July 11th, 1625.
Peter Bennett	do.	June 8th, 1829.
Thomas Babb	do.	July 27th, 1629.
Thomas Bromley	do.	Jan. 31, 1848.
Henry Gould	Mayor.	July 24th, 1648.
Giles Hammond	Mayor and Jurats	July 27th, 1629.
Christopher Skinner	Birthright	Aug. 12th, 1646.

The times were now "out of joint," and, as the representatives were few, so likewise were the freemen. Of the few latter who were admitted, being only eight, six were said to be made free by Mr. Mayor and the jurats, one by the mayor alone, and one by birthright. In the preceding reign some of those who were not admitted by birthright or the nomination of the mayor alone, were said to be made with the consent of the mayor, jurats, and commonalty; whereas now the commonalty are omitted altogether, marking another step towards the abrogation of the rights of the great body of free Barons of the town.

THE COMMONWEALTH.

LIST OF REPRESENTATIVES,

1654. Herbert Morley..

1656. William Hay, sen..

1658. William Hay, Mark Thomas. 1660. William Hay.

The Long Parliament, which first met in 1640, was composed of a great majority who were opposed to the king. What were the real political sentiments of the Barons of the ancient town of Rye, at the time they sent Sir John Culpepper and John White to the parliament of 1640, it may not be easy to define; Sir John, we may conclude, was thinking more of the success of his own tobacco monopoly than of that of either of the two great opposing parties of the state. White may be supposed to have been of the Republican party when elected; but afterwards deserted the House to join that of the king. Whatever might be the politics of Fagge, there seems no room to doubt that Hay was of the Puritan side, otherwise we should not see him elected to three successive parliaments, while the nation was under the complete control of Cromwell. John Fagge was a native free Baron of Rye, as was also Mark Thomas. In 1654 and 1656 we observe only one member returned for Rye, and this is explained by Lyon, who says, "when Oliver Cromwell issued his summons for a parliament in 1656, he required that they would send one Baron from each of the ports of Sandwich and Dover, and also from the town of Rye, of the best and most wise of their body, to appear at the place and time appointed."

LIST OF FREEMEN.

Names.	How admitted.	When admitted.
William Jay	Mayor and Jurats	1650.
Samuel Waller	Birthright	
Thomas Marshall, gent.		
Thomas Miller, gent.	M. & J.	
Samuel Jeake	Birthright	April 16th, 1651.

Thomas Carew	do.	
Mark Sprye	do.	April 18th, 1651.
Thomas Boys, gent.	Mayor and Jurats	June 5th, 1651.
William Rey	do.	
Richard Oake	Birthright	Dec. 10th, 1652.
Thomas Durke	Mayor	
John French	do.	Feb. 16th, 1652.
Edward Burne	do.	Feb. 1st, 1653.
Nicholas Skinner	MJ and commons	Jan. 28th, 1656.
John White, jun.	Mayor	
Mark Woodford, gent.	do.	Oct. 13th, 1657.
James Welsh	do.	Sept. 27th, 1658.
Allen Grebbell	Birthright	Jan. 17th, 1659.

Richard Norton – In full court of the keepers of the liberty of England, by authority of Parliament, Richard, son of Anthony Norton, gent – deceased, being freeborn, was made a freeman, gratis. March 7th, 1659.

During the twenty-four years of the reign of Charles I, from 1625 to 1648, both inclusive, there were only eight freemen admitted; while in the ten years, from 1650 to 1659, when Oliver Cromwell, his son, and their party held the sway in the land, we see no less than nineteen admissions, the former being only at the rate of three in four years, while the latter period averaged two yearly. Now was the time when puritanism was in the height of its glory, and when Nonconformists were no longer debarred from the enjoyment of their civil rights; accordingly we find that several of the latter were admitted to their freedom during this period, of which denomination we have reason to believe were Thomas Miller, Samuel Jeake, and Allen Grebble, and probably there were others. In this last list we observe the commons are again sometimes mentioned, as having had a voice in the making of freemen. Of the nineteen freemen here named the admissions were as under, viz.:

By election	By birth	Mayor
5	8	6
Total: 19		

Though the political body assumed outwardly a more healthy appearance, still the poison was inwardly at work, undermining the constitution; for here there were only five elected, while the mayor appointed six.

The words “keepers of the liberties of England,” used on the admission of Richard Norton, require some few remarks. After the death of Charles I, history informs us that the forms of all public documents were changed from the king’s name to that of “the keepers of the liberties of England.” But though this style was adopted as early as 1649 we do not meet with it until 1659, only a very short time before it was done away with altogether by the restoration of Charles II.

CHARLES II.
LIST OF REPRESENTATIVES.
1661. William Hay.
1678. Thomas Frewen, Henry Morley.
1679. The same, Sir John Darrell.
1681. Sir John Darrell, Thomas Frewen.

Notwithstanding the disgust which the nation at large felt against republicanism and puritanism, and the joy they manifested on the restoration of Charles II, still it was not prepared to run into the opposite extremes of Absolutism and Catholicism. During the last twenty years the representatives of the people had discovered their power, although they abused it. The king knew that power also, and, not forgetting how fearfully it had been exercised against his father, was averse to calling a parliament more frequently than his necessities compelled him.

Seeing that William Hay had sat in three parliaments of the Commonwealth, one is rather surprised to see him returned again on the restoration of Charles, when the tide of popular feeling had so completely turned. He must have kept his seat in those of 1662 and others up to 1675, when a dissolution took place. The Thomas Frewen who was returned to the two last parliaments in this reign,

was one of an ancient family long settled in the village of Northiam, in this county, one of whose descendants is now the owner and occupier of Brickwall House in the same. John Frewen, who died in 1628, was the puritanical rector of Northiam, and, it may be justifiable to assume, the member for Rye was of the same denomination. He died in 1738, and lies buried in Northiam Church.

LIST OF FREEMEN

Names	How admitted	When admitted
Thomas Tournay	Elected	Sept. 3d, 1673
Gyles Freeman	do.	May 23d, 1674
Rowland Olliffe	Mayor	April 12th, 1675
John Chambers	do.	Aug. 26th, 1676
John Spaine	do.	June 5th, 1677
Robert Swaine	Mayor	July 3d, 1678
Joseph Cooper	Birthright	Sept. 24th, 1679
John Martine	Mayor	Oct. 8th, 1679
Richard Hartshorne	Elected	Oct. 23d, 1679
Thomas Cadman	Elected	Oct. 23d, 1679
William Burwash	Mayor	Dec. 29th, 1680
Edward Frewen	Elected by Mayor, Jurats, and Freemen	Dec. 3d, 1681
William Williams	do.	Dec. 3d, 1681
Miles Edgar	do.	Dec. 3d, 1681
Charles Crouch	do.	Dec. 3d, 1681
George Bishop	do.	Dec. 3d, 1681
Thomas Odiane	do.	Dec. 3d, 1681
John Arnold	do.	Dec. 25th, 1681
John Hollyborn	do.	Dec. 25th, 1681
John Brooks	do.	March 25th, 1682
Samuel Shelton	do.	Jan. 29th, 1683
Henry Darrington	do.	Jan. 29th, 1683
Giles Davies	do.	Jan. 29th, 1683
Jacob Scarvell	do.	Jan. 29th, 1683
Thomas Friend	do.	April 27th, 1683
John Brown	do.	April 27th, 1683
Thomas Carr	do.	April 27th, 1683
Thomas Langley	do.	April 27th, 1683
Nicholas Earle	do.	April 27th, 1683
Edmond Dennis	do.	April 27th, 1683
John Shales	do.	Aug. 22d, 1683
Richard Wymondesold	do.	Aug. 22d, 1683

In this list, which runs over the space of only eleven years, there are no less than thirty-two freemen admitted in the following modes, viz.:

By election	mayor	birthright
25	6	1
Total: 32		

The reason of admitting so many new freemen into the corporation, and especially by election, requires to be examined into, for the purpose of endeavouring to unravel the mystery. It must be recollected, in the first place, that, in the year 1668, only eight years after his restoration, Charles compelled all the corporations in England to surrender their Charters, not excepting those of the Cinque Ports; but which, in the case of the latter, were, as we have already seen, regranted in this same year. This might have occasioned some change in the actions of the corporators, but not such a one as to account for the election of so many new freemen, for the majority were not admitted until after 1678. Now, on reference to the history of this reign, we shall discover that Charles, in the early part of it, granted indulgence to all sectaries in religion; but this, not pleasing his parliament, he was obliged to consent to the passing of the Test Act, imposing an oath on all who should enjoy any public office, to the effect

that they would bear true allegiance to the king; that they abjured the power of the Pope, and the belief in the doctrine of transubstantiation, acknowledging the king as the supreme head of the church on earth. Besides the obligation of taking these oaths there was also the necessity of receiving the sacrament once a year in the established church. Although these laws were principally intended to purge the corporations of Roman Catholics, yet the net was spread so wide that the dissenters were equally caught in its meshes. The Test Act was passed in 1675, and after this time it was that many dissenters were deprived of their privileges, and that fresh corporators were admitted, in all probability, who held the religious tenets, which were now a necessary part of the qualification for a corporate office. Almost all those who were elected are designated by the title of Mr. or Gent., serving to mark, as it would seem, a higher grade of persons, to the exclusion of a lower class in society, who were no longer to be indiscriminately admitted. At a future part we shall see more of the operation of these laws. In 1670 a by-law was passed, "that no person should be made free without leave of the corporation, and to pay forty shillings, except born in the town." This closed the door against all admittance by right, as was originally the law, henceforth it became an act of favour.

JAMES II.

REPRESENTATIVES.

1685. Thomas Jonnes, Thomas Frewen.

LIST OF FREEMEN.

Names.	How admitted.	When admitted.
Thomas Jenner 1685.	Elected	April 3d,
Edward Jenner (son of the above)		
John Smith 1688.	Mayor	Aug. 21st,
Nicholas Mannooth 1688.	do.	Sept. 28th,

The reign of James II extends over so small a space that it would be unreasonable to expect many events, connected with our little history, could be crowded into it.

In the Test and Corporation Acts, together with those laws, which we enumerated in our remarks at the close of the last reign, were to be found weapons of persecution, which the ruling authorities of the town hesitated not to hurl at the Non-conformists, annoying and wounding them through the medium of their religious as well as of their political opinions. From the effect of these penal laws the latter found relief in the declaration of general indulgence, which was issued by James in the year 1686, in which it was asserted that nonconformity to the established religion was no longer illegal. This declaration granting liberty of conscience equally to Catholics and to Nonconformists, the latter, hating the former quite as bitterly as the churchman did, and perhaps with more sincerity, knowing also the king's scarcely secret attachment to the faith of Rome, looked with suspicion on the boon while they enjoyed its advantages, considering it as a preparatory step to the re-establishment of catholicism, under the influence of which persecution would alike await those who conformed to, and those who dissented from, the doctrines of the Anglican Church.

As instances of this persecuting spirit are recorded in the "Memoir of the Jeake Family," which will be found in a future page of this work, it would be only a useless repetition to insert them here.

James II abdicated the throne December 23d, 1688, after which William, Prince of Orange, who then had the chief power in the country, summoned a parliament which assembled on January 22d, 1689, and which was called the Convention Parliament, because the lords and commons conferred the crown on William III, subject to certain stipulations then and there agreed upon; and to this the town of Rye returned, as their representatives, Sir John Darrell, Thomas Frewen. There was another candidate also, Sir John Austin, Bart., who petitioned against the return of Thomas Frewen, Esq., and eventually unseated him.

As this is the first contested election on record in the borough of Rye, and as the evidence produced before the committee of the House of Commons is of considerable importance, from its showing in whom, from time immemorial, was vested the right of voting for representatives, it will be proper to enter, at some length, into the examination of it.

Thomas Frewen, Esq., had twenty-six votes; Sir John Austin sixteen.

The question, as put by Sir John Austin, was this: "whether the right of election of Barons to serve in parliament for this town was in the freemen who were resident in the town only, or in the freemen of the town who are not resident there, as well as those who are resident in the same."

There was also another question raised, as to the legality of the votes of certain persons who were made freemen by a Mr. Crouch and a Mr. Tourney, who were said to be not lawful mayors.

Sir John Austin's sixteen votes were considered as unquestionably legal, being those of resident freemen admitted according to custom; while Mr. Frewen's twenty-six votes consisted of twenty-one resident freemen and five foreign, which latter, being struck off, would still leave Frewen twenty-one votes, a majority of five over his opponent, on which he contended that he was legally returned; for the question was only as to whether the non-resident freemen could vote or not, and not as to the legal admission of any of the voters to their freedom. However the committee thought differently, and struck off votes of freemen, who had been admitted by Crouch and Tourney during their disputed mayoralities. Thus Sir John Austin was declared entitled to the seat according to the following report made by the committee to the house:

"1st. That the right of election of Barons to serve for this ancient town is in the freemen who are resident in the said town only.

"2d. That Thomas Frewen, Esq., is not duly elected a Baron to serve in this present parliament for this town.

"3d. That Sir John Austin, Bart., is duly elected."

These resolutions were agreed to by the house, and the mayor ordered forthwith to attend and amend the return.

The following important evidence was given by Samuel Jeake, who had been town clerk for some years: "That he had lived above sixty years in the town, and had been free for thirty-eight years; that he had been town clerk several years; and from the 26 Henry VI to the time of the Act of Regulations, there is not one precedent of any foreign freeman who appeared at any election; that all the freemen were sworn to pay scot and lot, which was always understood to bear part of their charges of the franchises; but he never knew foreigners to pay towards the charge of the parish; that he never knew any foreign freeman ever vote, till the Act of Regulations, unless they had been members of parliament a year before; that he never knew any foreign freeman serve at any coronation, as Barons, till the time of King Charles the Second, and it was but one then; that for the eleven years that he was town clerk, there never was a farthing charges paid, by any foreign freeman, towards the charge of bailiff to Yarmouth or wharfage; but apprehended, if scotted, they ought to pay; but never knew them scotted."

This evidence, proceeding from so high an authority as Jeake, once town clerk and the author of the Charters of the Cinque Ports, must be considered of great value, as setting forth the true spirit and meaning of the grants, rights, and privileges contained in the same. And this bears out the opinion, we have so frequently expressed, to the effect that no one could enjoy the privileges unless they bore their share of the burdens, and as these were personal as well as pecuniary, it is clear that no absentee could be entitled to participate in them. The petitioner, moreover, gave in a copy of an Act of the Brotherhood and Guestling, passed the 20 Charles II, A.D. 1669, and which ordained "that none but resident freemen should vote at any election for any head officers or Barons."

This ordinance is of no further consequence than as it serves to show the general feeling upon this point; for, although the Brotherhood had the power of a parliament in affairs relating to the internal management of the different Cinque Ports and ancient towns, it had no authority in the regulation of electors of representatives to the general council of the nation.

Though the right of voting for members of parliament was thus confined to the resident freemen, still, as the expenses attending the service of shipping were now fallen into desuetude, innovation began to appear in this point; for Jeake says, "he never knew any foreign freeman vote, till the Act of Regulations, unless they had been members of parliament a year before." Thus it seems that, after the passing of this Act, in the reign of Charles II, non-residents were allowed to vote, but probably only in matters not connected with the return of representatives. Already had one foreign freeman been allowed to serve at the coronation, and members of parliament to vote in their assemblies after a year's tenure of office. As the paying of scot and lot was absolutely essential to the exercise of the privileges of a freeman, probably now was the time that the custom was introduced, which prevailed down to modern days, of making the representatives and absent freemen pay annually the sum of half a guinea,

as an acknowledgment of this necessity, towards the poor rate.

From an early period, after the Ports had the right of sending Barons to parliament conferred upon them, the lord warden, for the time being, assumed to himself the power and right of nominating, as a matter of course, one (and occasionally both) of the representatives of each borough town of the Ports; but, in 1689, this power was restrained by an Act entitled:

“An Act to declare the right and freedom of election of members to serve in parliament for the Cinque Ports.

“That whereas the election of members to serve in parliament ought to be free; and whereas the late lord wardens of the Cinque Ports have pretended unto and claimed, as of right, a power of nominating and recommending to each of the said Cinque Ports, the two ancient towns, and their respective members, one person whom they ought to elect to serve as a Baron or member of parliament for such respective port, ancient town, or member, contrary to the ancient usage, right, and freedom of elections,

“Be it therefore enacted and declared, that all such nominations or recommendations were and are contrary to the laws and constitution of this realm, and, for the future, shall be so decreed and construed, and hereby are declared to have been and are void to all intents and purposes whatsoever; any pretence to the contrary notwithstanding.”

This act deprived the lord warden of the power of nominating representatives for the Ports in general; but at Dover, from his near residence at Walmer Castle, his governorship of Dover Castle, and his chairmanship of the Harbour Commission there, he is still supposed to have sufficient influence to recommend one of the members of this town. In the other Ports, the patronage was only taken out of the hands of the lord warden to fall into the hands of some leading man in each of the same.

We now pass on to the reign of William III, when we may be said to land on the shores of the Constitution; but though the day is lighter, some of the political deeds done therein are darker.

WILLIAM III.

LIST OF REPRESENTATIVES.

1690. Sir John Austin, Bart., Sir John Darrell, Knt.

1695. Sir John Austin, Bart., Thomas Frewen, Esq.

1699. Sir John Austin, Bart., Joseph Offley, Esq.

1701. Thomas Fagg, Esq., Joseph Offley, Esq.

It was during the latter years, preceding the end of the reign and life of Charles I, that the House of Commons first began to know and to exercise its strength; and this strength was immeasurably increased when it was summoned to assemble, in conjunction with the House of Lords, to make a settlement of the Crown of England, which they placed on the head of William, Prince of Orange. Henceforth a seat in the lower house was considered, by the wealthiest and greatest commoners of the land, to be a prize worth contending for, even at the cost of enormous sums of money; and whereas formerly the dubious honour of a representative, so far from being coveted, was avoided as a heavy burden-and many instances are on record. Of boroughs having petitioned the king to be spared the expense, now elections were seldom allowed to pass over without the appearance on the hustings of rival candidates; and if any chance offered itself of unseating those who were returned, the unsuccessful parties hesitated not to present their petitions to Parliament, to try it. Thus it is that we now have to record several contests in this town; one we have already mentioned, as having occurred in 1689; a second took place in 1690, and a third in 1701.

There were four candidates in 1690, viz.:

Sir John Austin, who had 19 votes.

Sir John Darrell 17 do.

Thomas Frewen, Esq. 18 do.

Caleb Banks, Esq. 18 do.

The two former were returned, and the two latter petitioned. The question of the right of non-resident freemen to vote was not raised on this occasion; but the right to the seat was made to rest on the legality or illegality of certain persons who had been admitted to their freedom during the disputed mayoralties of one Thomas Tournay and one Crouch, the particulars of which are thus stated:

“There was a dispute between the two parties above mentioned, and it was heard before the king in

council, when the king decided in favour of Crouch, and commanded him to go down and act as mayor, Whereupon he went down and called an assembly, and, by consent of the majority of the freemen, made several new freemen; six of whom voted for the petitioners.

“That, after the making these new freemen, Mr. Tourney was, by mandamus, restored to the office of mayor, and called an assembly, in which the freemen who were made in Crouch’s time were disfranchised, as not having been admitted according to custom, there being no mayor *de jure* at that time. Afterwards Mr. Tourney called another assembly, from which the said new freemen being excluded, he admitted, with the consent of the majority of the old freemen, several others; nine of whom voted for the sitting members.

“That one Grebbell, who voted for the sitting members, was proved to be made free by his father’s copy, though his father was discharged by the commissioners for regulating corporations. “That Tutty and Jeake, sen., who voted for them also, were discharged in like manner.”

Upon the whole the committee resolved,

“1st, That Thomas Grebbell, Thomas Tutty, and Samuel Jeake, sen., being discharged by the commissioners, have a right to vote in electing Barons to serve in Parliament for this Port. “2d. That Sir John Austin, Bart., is duly elected. “3d. That Sir John Darrell is duly elected.”

The resolutions of the committee say nothing about the freemen made by Crouch and Tourney; but from the result we may judge that Crouch’s six freemen, who voted for Banks and Frewen, were rejected, while Tourney’s nine, who voted for Austin and Darrell, were retained. Probably the petitioners calculated on throwing out the votes of Grebbell, Tutty, and Jeake, when they would have a majority of two over Austin, and of four over Darrell; and, furthermore, if Crouch’s six were rejected, Tourney’s nine would be rejected also, which, leaving Grebble, Tutty, and Jeake as they were, would give them the same majority over their opponents.

The decision of the committee, whereby the votes of Grebbell, Tutty, and Jeake were retained, involves a very nice and subtle distinction between the freedom conferred by the common law of the land and that granted by corporate law; so abstruse is it, that we venture not to define it by our own knowledge, but adopt the words of the late Richard Whitten, gent, a very able lawyer, under whose advice those struggles for liberty were made in this borough, which were eventually crowned with success. His words are these:

“This resolution of the committee is decisive to show that the House of Commons did not treat the right of election as a corporate right. The commissioners here spoken of were authorized by a statute, made on the restoration of Charles II, to oust from the corporations all those who were, by that statute, declared to be unfit to continue in them. There is, therefore, no doubt but these persons were removed legally, and under the authority of the legislature, from the corporation; but the committee say in effect, by their resolution, that their removal from the corporation cannot affect their right to vote for members of parliament, which is not a corporate act; but every man of free condition, inhabiting within the town, and paying scot and lot, and who, consequently, would in ancient times have contributed to the wages of the members, was entitled to vote, whether they were members of the corporation or not. And, upon the same principle, every inhabitant was at all times entitled to vote. And this reasoning is confirmed by the fact proved, and the distinction taken, on the petition in 1702, that the election of members of parliament was not at the assemblies, but at the hundred court; at which the free inhabitants only would be suitors, and which court is solely referable to the common law, and has no connexion with the corporation.”

Names	How admitted	When admitted
Samuel Jeake, jun.	Birthright	July 2d, 1690
Nathaniel Hartshorn	Mayor	July 2d, 1690
William Piggons	Elected	Sept. 29th, 1690
William Gower	Elected	Sept. 29th, 1690
John Boodman	Mayor	July 4th, 1691
Thomas Markwick	do.	July 20th, 1692
Francis Young	Birthright	Aug. 4th, 1693
Thomas Cronch	Mayor	Aug. 4th, 1693
Robert Moore	Election	Aug. 4th, 1693
Col. Smyth (Lieut. of Dover Castle)	do.	June 5th, 1694

Robert Symons (town clerk)	Mayor	Aug. 25th, 1694
William Daun	Birthright	March 30th, 1695
Allen Olive	Mayor	March 30th, 1695
Joseph Tucker	Election	May 17th, 1695
Joseph Cooper, jun.	Election	May 17th, 1695
Richard Sharpe	Election May	17th, 1695
James Welsh	Birthright	May 20th, 1695
John Bradley	Election	July 6th, 1695
Joseph Gower	Election	July 8th, 1695
John Palmer	Election	July 8th, 1695
Philip Lilburne	Mayor	Oct. 12th, 1695
Richard Rossom	do.	July 6th, 1697
Edward Parfield	Election	July 6th, 1697
John Ruck	Election	July 6th, 1697
John Hickmatt	Mayor	Sept. 10th, 1697
Daniel Sandome	Election	Sept. 10th, 1697
John Dixon	Election	Sept. 10th, 1697
Thomas Marshall	Election	Sept. 10th, 1697
William Easton	Election	Sept. 10th, 1697
Abraham Kennett	Election	Sept. 10th, 1697
William Reynolds	Election	Sept. 10th, 1697
John Wright	Election	Sept. 10th, 1697
Walter Baker	Election	Sept. 10th, 1697
William Kurbey	Election	Sept. 10th, 1697
Edward Sharp	do.	March 12th, 1698
Thomas Morrow	do.	March 12th, 1698
Henry Hills	do.	March 12th, 1698
William Parkie	Mayor	Aug. 26th, 1699
Edward Haswell	do.	June 19th, 1700
Michael Cadman, jun.	Birthright	June 19th, 1700
John Brooke	Mayor	July 26th, 1700
Jeremiah Grebbell	do.	Dec. 20th, 1700
John Farley	Birthright	Jan. 10th, 1701
Thomas Hills	Election	Jan. 13th, 1701
Thankfull Bishop	do.	Jan. 15th, 1701
Walter Waters	do.	Jan. 15th, 1701
William Chiswell	do.	Jan. 15th, 1701
John Young	do.	Jan. 15th, 1701
George Burwash	do.	Jan. 15th, 1701
Edward Wilmshurst	do.	Jan. 15th, 1701
Morgan Warner	do.	Jan. 15th, 1701
Henry Packer	do.	Jan. 15th, 1701
John Daniel	do.	Jan. 15th, 1701
Peter Collins	do.	Jan. 15th, 1701

Here, in the short space of eleven years, we have 55 new freemen, being an average of five admissions yearly, equal to that in the reign of Queen Elizabeth, when it is generally agreed, so far as our records show, the liberties of the Ports were preserved in their purest state. This is an astounding fact, coming, as it does, in the very teeth of the observations we have considered ourselves warranted in making, to show that steps had already been taken to narrow the privileges of the town. But though a bright halo appears thus to be thrown around the temple of this ancient town's liberty, it too nearly resembles that which frequently encircles the moon, the too sure indication of coming storms. On examination we shall find that two out of the three great original highways which conducted the inhabitants to their freedom were still closed, and that alone of birthright remained, by which six only were admitted; while thirteen were made at the fiat of the mayor, and thirty-six subject to the will and caprice of the commonalty, instead of as a matter of right. This disproportion reminds one of Falstaff's tavern-bill, in

which was found two gallons of sack and only one poor halfpenny worth of bread.

However, this is an anomalous case, only to be accounted for, as we conceive, in the following manner. Contested elections had now become frequent, indicating the existence of two political parties among the electors, each of which, as it had the power, endeavoured to strengthen itself by electing such men into the corporation as they supposed would vote on their side of the question. These sudden changes in the parliamentary vane show the variations in the political atmosphere of the town; for as yet no St. Leonard [One of the churches at Winchelsea was dedicated to this saint, In which was his effigy, holding a vane in his hand, and which the priest, on being well paid, directed to such point of the heavens as the pious suppliant wished to guide his vessel in safety over the deep. (Horsfield's Sussex.)] had arisen, in whom the people had sufficient faith to place it in his hands, so that he might turn it to any particular point of the heavens from which he might wish the wind to blow. But the period shall arrive when such a saint will appear in the corporate calendar of Rye; when, for nearly a century, all dissensions shall cease, no contested elections shall be heard of, and the bare possibility of any man being allowed to enter the hundred court to vote for representative in parliament, except through the door of the corporation, was never so much as dreamed of. And those who wish to witness these things, must abide their time. At present the stream flows on, and we must sail adown it.

QUEEN ANNE.

LIST OF REPRESENTATIVES.

1702. Thomas Fagg, Joseph Offley.

1705. Edward Southwell, Philip Herbert.

1708. Philips Gibbon, Sir John Norris.

1710. Philips Gibbon, Sir John Norris.

1713. Philips Gibbon, Sir John Norris.

In the year 1694 was passed the Triennial Act, by which no parliament could be continued more than three years, and hence we see the elections at this time took place very nearly at these intervals.

At the election in 1702 there were three candidates, viz. Thomas Fagg, who had 40 votes; Joseph Offley, 38 votes; Edward Southwell, 25 votes.

The two former were returned, but the latter petitioned, insisting that "the right of election was only in the mayor, jurats, and in the freemen inhabiting in the Port, and paying scot and lot." The counsel for the sitting members denied the necessity of residency; but the committee overruled this, and decided the right of voting to be as set forth in Southwell's petition. This point being settled, the petitioner's counsel excepted against 22 who voted for Fagg and Offley, 5 of whom they said were dissenters (viz. Joseph Tucker, John Hickmatt, John Dixon, Daniel Sandome, and John Wright), and had not received the sacrament within a year before they were made free, and therefore were not qualified, according to the Corporation Act of 13 Car. II, to be freemen of the Port, since, by the constitution thereof, all freemen are concerned in the government of it.

It was urged, in reply to this, that all the freemen had a right to be summoned to their assemblies, at which meetings all matters relating to the government of the Port are transacted; while, in opposition to this, it was maintained that the elections of members of parliament took place not in the court of assembly, but in the hundred court; and this last argument was met by the sitting members asserting that the two courts were constituted by the same persons.

But not to go into needless detail, we may add here that the 22 votes objected to by the petitioners were made up as follows: 5 were dissenters, as before stated; 4 had been made free, although they had been previously rejected in the same mayoralty, and which was contrary to the usage of the Port; and 13 had been admitted by the votes of the 9 first, without which they would not have had a majority.

In answer to this, the sitting members' counsel proceeded to prove some indirect practices, to the effect that Lord Ashburnham came to the town, and treated the freemen, about a month before the election, and before the dissolution of the last parliament; that he then recommended the petitioner to them, and told them that would be the way to have a good harbour, and to have convoys and protections, in which the petitioner, being in court, would be more capable than another to serve them.

They further said, they could except to several who voted for the petitioner, as not having received the sacrament. Upon the whole the committee resolved -

1st. That Thomas Fagg, Esq., was duly elected.

2d. That Joseph Offley, Esq., was not duly elected.

3d. That Edward Southwell, Esq., was duly elected.

Which said three resolutions were agreed to by the House, and the return ordered to be amended accordingly.

In examining the evidence affecting this election, several curious matters cannot fail to strike us. The first question is as to the necessity of residency on the part of the electors, which was decided in the affirmative; but still no votes are rejected on this ground. The dissenters' votes are rejected, because they had not received the sacrament, from the sitting members, while these, though they say they could prove the same objection to votes on the other side, do not seem to have availed themselves of this advantage. Again, although Lord Ashburnham had treated the freemen for the purpose of engaging them in the interest of Mr. Southwell, the committee do not seem, from anything that appears, to have taken notice of it.

We made some remarks, under the last reign, on the unusual number of freemen admitted. In the hearing of this petition something came out explanatory of the cause; for, in excuse for making the freemen that were rejected, the sitting members said that the mayor had often declared his intention of making more freemen, and had moreover mentioned to them, that he understood that the House of Commons designed the increase of the number of electors in those places where they did not exceed fifty, and therefore had thought it a prudent precaution in them to make the freemen here at least fifty.

Thus it seems, that since the days of Elizabeth, in the course of a century, the number of freemen had been reduced below that number.

In the election of 1689 there were 42 votes given: for Mr. Frewen, 26; Sir John Austin, 16-42.

In 1690 there were only 37 recorded votes: Austen, 19; Frewen, 18-37.

But in 1702 there were 65, viz.: for Fagg, 40; Southwell, 25-65. Here was an increase upon the votes of 1690 of no less than 28; while these were again reduced to 6 only, by the rejection of the 22 which were tendered to Fagg and Offley in 1702. By the absconding of these 22, the votes would stand thus:

For Southwell	- 25
Fagg	- 18
Total good votes	- 43

In 1705, when another contest arose, there were again four candidates, as under:

Edward Southwell, Esq. Had	- 21 votes.
Philip Herbert, Esq.	- 21.
Philips Gibbon, Esq.	- 19.
Thomas Fagg, Esq.	- 19.

The two former had the return, against which the two latter petitioned. The grounds of the petition were, that one person, by the name of Martin, who had not resided in the town for twelve years, had voted for the sitting members, and that his vote, from non-residency, was not a good one; and that six others were rejected by the mayor, from the parties not having received the sacrament within the year, and who had voted for the petitioners.

The committee came to the following resolutions, viz.: 1st. That Edward Southwell, Esq., is not duly elected. 2d. That Philip Herbert, Esq., is not duly elected. 3d. That Thomas Fagg, Esq., is duly elected.

4th. That Philips Gibbon, Esq., is duly elected.

The first two resolutions, being read a second time, were disagreed unto by the House; and thus the decision of the committee was overturned, while the House was guilty of great inconsistency and of great injustice. The committee, in accordance with the principle already established, that the right of voting was only in the resident freemen, of course rejected the vote of Martin, and equally in accordance with the principle admitted in the contest of 1690, allowed the votes of the six who had not received the sacrament; and thus, adding these six to the petitioners, they would have 25 votes, while, taking one from the sitting members, they would only have 20 votes, and be in a minority of 5 votes.

In the year 1707 an act was passed to disable certain officers from sitting in parliament, by which Mr.

Herbert was deprived of his seat, he being a commissioner of the sick and wounded. A new writ was ordered to be issued, but whether another member was then elected does not appear; the probability is, that as a dissolution took place the following year, under the Triennial Act, no new election was held until November 5, 1708, when Philips Gibbon, Esq., and Sir John Norris were returned, and Edward Southwell and John Ellis, Esqs., petitioned against them; but no report seems to have been made thereupon.

In 1710 Sir John Norris and Philips Gibbon, Esq., were again returned, when Edward Southwell and John Ellis, Esqs., petitioned again. The sitting members had each 29 votes; the petitioners each 17 votes.

The committee resolved -

1st. That no person, having been proposed to be made free and rejected, could afterwards be made free during the same mayoralty.

Under the operation of this resolution six votes were struck off from the sitting members, and theirs were reduced to 23.

The petitioners' counsel objected to four others, as being made free by a majority of freemen who were dissenters, and had not qualified themselves by receiving the sacrament. On this the committee passed another resolution:

2d. That it is not necessary that the freemen of this Port should qualify themselves according to the Corporation Act, before they are allowed to vote in the assembly court of the said Port.

The petitioners' counsel then excepted to five others, but on what grounds it does not appear; let them have been what they will, they were not admitted, for the committee wound up their report with declaring the sitting members duly elected, and which was confirmed by the House.

This decision, though favorable so far as it established the right of freemen to vote for members, although not qualified by having received the sacrament, marks great inconsistency in the committees of the House of Commons, for this last completely reverses the judgment of the preceding one.

After the next election, which occurred March 3, 1713, Samuel Lynn and John Chamberlain, Esqs., presented a petition to parliament, complaining of an undue return of Sir John Norris and Philips Gibbon, Esq., by Mr. Walter Walters, not a legal mayor, who admitted and procured, by threats, bribery, and undue practices, several persons to vote for Norris and Gibbon who had no right, and denied several who had an undoubted right to vote for the petitioners; and of other illegal practices.

This petition was withdrawn, and thus all contested elections ceased for upwards of a century, when, in due time, we shall see the long downcast spirit of the town was aroused, nor was it laid again until it had completed its task of emancipation. For the present we must be content to see the town settle down in quiet acquiescence, taking it for granted, that although no Act of Incorporation ever could be produced, still it was now governed by a corporation which, casting aside the denomination which for so many generations it had received from its ancient Charters, that of "Mayor, Jurats, Barons, and good men of the ancient town of Rye," assumed the modern one of "Mayor, Jurats, and Freemen of the ancient town of Rye," under which it continued to trample on the liberties of the town until the Reform Bill of 1832, which restored its long-lost freedom, and gave it a new birth, under the new name of "The Mayor, Aldermen, and Commonalty of the town of Rye."

In 1689 an act passed to restrain the lord wardens of the Cinque Ports from interfering with the election of their members of parliament; but whether they did entirely refrain afterwards may be subject to conjecture, for in 1694 we observe that the Honorable Colonel Smyth, their Majesties' Lieutenant of

Dover Castle, was elected a freeman of the town of Rye. He was the lord warden's inferior officer, and, of course, under his command, and one is puzzled to know for what purpose, unless for a political one, he was thus admitted. However, judging from what took place in Hastings, we may conclude that the lord warden did not give up his power without a struggle. In this Port, in 1689, Colonel Beaumont, the Lieutenant-Governor of Dover Castle, was returned, although it was necessary that he, or the governor, should issue the writ, and sign the return to it.

Among the names of the representatives of Rye during this reign, we can only detect one as being a native or inhabitant of the town, and this is Thomas Fagg; the others were strangers, but some of them neighbours. Sir John Norris and Philips Gibbon, Esq., were inhabitants of Benenden, Kent; the former was an admiral, and resided at Hempstead House, the present seat of Thomas Law Hodges, Esq. There is a tradition connected with his name, that when he lay with his fleet in some port in Norway, the rats

of that country got into his ships, and were thus introduced into England. These rats burrow in the ground, whereas the original one of this country used to make its nest in the thatch of barns and other buildings. Mr. Gibbon belonged to an old family of the same place, from which has since descended Edward Gibbon, the celebrated historian of Rome, and to which the Moneypennys of Rolvenden also claim relationship, the late member for Rye, Thomas Gibbon Moneypenny, Esq., taking the name of Gibbon on this account.

Mr. Southwell must have been a man of wealth and note, for he seems to have been about the court; and hence was recommended to the notice of the freemen of Rye by Lord Ashburnham, as likely to have influence to get their harbour improved and procure convoys for their vessels. He showed his munificence by the presents he made to the church, of which we shall speak more at large when we come to treat of the ecclesiastical affairs of the town.

LIST OF FREEMEN

Names	How admitted	When admitted
Thomas Thompson		Election April 10th, 1702
John Dodd	Election	April 10th, 1702
Gabriel Keirby	Election	April 10th, 1702
Thomas Grebbell, jun.	Election	April 10th, 1702
Robert Hounsell	Election	April 10th, 1702
William Osborne	Election	April 10th, 1702
Edward Swaine	Election	April 10th, 1702
Joseph Breads, jun.	Election	April 10th, 1702
Robert Smith	Election	April 10th, 1702
— Sharpe	Mayor	Nov. 12th, 1703
John Coleman	do.	Aug. 9th, 1704
Edward Southwell, Esq.		

Philip Herbert, Esq.

These were elected members of parliament, and Herbert, being present, took the oath of a freeman, the oath of a burgess, and the oath to the Queen, according to law. Elected May 14th, 1705

Leonard Breads	Birthright	Aug. 25th, 1705
William Horsfield	Mayor	Aug. 24th, 1706
William Holstone	do.	May 14th, 1707
Henry Parker	do.	Oct. 15th, 1707
Thomas Sargent	Elected	Jan. 21st, 1708
Moses Pendle	Birthright	Aug. 4th, 1708
Henry Brockman	Elected	Jan. 21st, 1709
Stephen Barnes	Elected	Jan. 21st, 1709
John Taylor	Elected	Jan. 21st, 1709
Edward Lee	Mayor	July 20th, 1709
Capt. Nathaniel Pigram	do.	Oct. 8th, 1711
Ralph Norton	Elected	Nov. 22d, 1712
Robert Walsh	Elected	Nov. 22d, 1712
John Slade	Mayor	Dec. 3d, 1712
Thomas Moore	do.	June 2d, 1713

In these eleven years twenty-six new freemen were admitted (the members are not reckoned), being an average of more than two yearly, in the following manner, viz.:

By election	By mayor	By birth
- 15	9	28

Seeing there were no less than nine elected in one day, in 1702, we might be led to believe that a more liberal spirit had sprung up in the town; but then again, when we see only seventeen admitted altogether in the next ten years, it makes us pause before we too hastily jump to this conclusion, and we naturally inquire whether it was a spirit of liberality or of policy, which caused this sudden ebullition of patriotism. We have seen it stated before the committee of 1702, that the mayor had imbibed an opinion, it was the wish of the House of Commons that, in all boroughs, in which the number of

freemen was under fifty, enough should be added to supply the deficiency. Now these nine freemen were elected before the election of representatives, and in accordance with this opinion; but this opinion (proving to have been an erroneous one) was as quickly abandoned as it had been taken up. Rotten boroughs had grown into fashion with the government of this day; the future mayors were not slow to take the hint, and henceforward the contractive principle was adopted in preference to the expansive. We are now advanced into the heart of that system which so decidedly marks the second epoch in the existence of the Cinque Ports and ancient towns.

GEORGE I.

LIST OF REPRESENTATIVES.

1715. Sir John Norris, Knt., Philips Gibbon, Esq.

1722. Henry Lord Aylmer, Philips Gibbon, Esq.

In the year 1716 was passed the Septennial Act, which is still the law of the land. Thus parliaments, which were originally elected yearly, and even sometimes twice in a year, were, during the civil wars, extended to a most unconstitutional length by that distinguished by the name of the Long Parliament; while, in 1694, they were not allowed to sit for more than three years; but, in 1716, their existence was protracted to seven. We see the immediate operation of this last Act in the lapse of seven years between the first and second election in the reign of George I, while the duration of the last was only cut short, in all probability, by the death of the king in 1727.

Names	How admitted	When admitted
Allen Grebbell	Birthright	Nov. 16th, 1714
William Osbourne	Mayor	May 2d, 1715
Thomas Cook	do.	Feb. 23d, 1716
Joseph Cooper	Birthright	Aug. 21st, 1717
Thomas Piggins	Mayor	Oct. 16th, 1717
Samuel Jeake	Birthright	Aug. 19th, 1719
James Lamb	Mayor	Aug. 17th, 1720
Love Lockett	do.	Aug. 18th, 1721
William Waylett	Birthright	Aug. 26th, 1721
John Easton	do.	Jan. 16th, 1722
Wilshire Slade	Mayor	May 8th, 1722
Edward Swaine	Birthright	March 11th, 1723
Daniel Davis	Mayor	March 25th, 1724
Thomas Kennett	Birthright	Dec. 2d, 1724
John Wright	do.	Dec. 30th, 1724
Thomas Gowen	do.	June 16th, 1725
Richard Lamb	Mayor	July 25th, 1725
John Welsh	Election	Feb. 25th, 1726
Henry Carleton	Mayor	March 9th, 1726
Walter Waters, jun.	Birthright	Aug. 24th, 1726
Joseph Tucker, jun.	do.	March 8th, 1727

Of these twenty-one freemen we find only one elected, while nine are made by the mayor, and eleven were admitted by birthright. Out of these last eleven no less than six were sons of those who were admitted in the reign of William, when the mayor fell into the unfortunate error of supposing the House of Commons wished to have the number of freemen increased, and thus the work of curtailment was spread over a greater lapse of years than would otherwise have been the case.

GEORGE II.

LIST OF REPRESENTATIVES.

1727. John Norris, Esq., Philips Gibbon, Esq.

1734. Sir John Norris, Philips Gibbon, Esq.

1741. Sir John Norris, Philips Gibbon, Esq.

1747. Sir John Norris, Philips Gibbon, Esq.

1749. Thomas Pelham, in the room of Norris, who died.

1754. George Onslow, Philips Gibbon, Esq.

LIST OF FREEMEN.

Names	How admitted	When admitted
Thomas Thompson	Mayor	July 2d, 1727
Robert Smith	Birthright	July 16th, 1727
James Hope	Mayor	July 16th, 1727
Elias Rowe	do.	July 16th, 1728
James Welch	Birthright	June 10th, 1737
Chiswell Slade	do.	Sept. 7th, 1737
William Allen	Mayor	Aug. 23d, 1738
Charles Martin	Birthright	May 16th, 1739
Moses Pendle	Birthright	May 16th, 1739
Walter Elmstone	Mayor	Aug. 22d, 1739
George Cooper	Birthright	April 29th, 1741
Thomas Lamb	Mayor	Aug. 18th, 1741
James Lamb	Birthright	June 9th, 1742
Arthur Moore	do.	April 25th, 1743
John Lamb	Mayor	June 19th, 1745
David Swaine	do.	July 30th, 1746
Stephen Fryman	do.	Aug. 25th, 1747
Love Luckett	Birthright	May 31st, 1749
William Lamb	Birthright	May 31st, 1749
William Prosser	Mayor	Aug. 9th, 1749
William Davis	do.	June 13th, 1750
Henry Pearch	Mayor	Aug. 21st, 1751
Thomas Cook	Birthright	May 13th, 1752
Thomas Procter	Mayor	Aug. 19th, 1752
John Davis	do.	Aug. 15th, 1753
Allen Grebbell	Birthright	March 27th, 1754
William Dansays	Mayor	Aug. 14th, 1754
Needler Chamberlain	Watson do.	Jan. 13th, 1755
Richard Wright	Birthright	May 21st, 1755
John Swaine	do.	April 21st, 1756
William Kennett	do.	July 14th, 1756
Thomas Owens	Mayor	Aug. 24th, 1757
William Waylett	Birthright	Sept. 7th, 1757
Daniel Davis	Birthright	Sept. 7th, 1757
Thomas Smith	Birthright	Sept. 7th, 1757
Samuel Miller	Mayor	Aug. 23d, 1758
Edwin Wardroper	do.	Nov. 25th, 1758
John Hogben	do.	Aug. 20th, 1759
John Christmas	do.	Aug. 19th, 1760

We have inserted the list of freemen in this reign immediately after that of the members of parliament, as we have some observations to offer in relation both to the represented and the representatives, the thread of which we are anxious should not be broken; for now the plot had begun to thicken; the nature of a rotten borough was fully understood; patronage was no longer a secret to be sought after; the discovery was now made also (and which was acted upon afterwards, not only in this, but in every other borough similarly circumstanced) that, at an election, it was an advantage to that party of the electors on whose side, in politics, the returning officer happened to be; while the gradual diminution of the freemen showed, but too plainly, that now the contractive principle was fully established. These were the baneful ingredients which the witches of those days cast into the boiling cauldron, and, being well stirred and mixed, we will proceed to see how they worked.

In the year 1742 the corporation, having found it necessary to build a new town-hall, were obliged to borrow money to enable them to do it; when the two members, Sir John Norris and Philips Gibbon, Esq., kindly lent them £450 each at 3 per cent. Per annum; and in return, of course, the corporation

could not, in gratitude, do less than continue them as their representatives, which they faithfully did up to the time of their respective deaths. Sir John Norris died in 1749, when his executors, John Norris and Henry Norris, Esqs., demanded the payment of his £450. In this same year Thomas Pelham, Esq., of Stanmer, near Lewes, was elected in the room of the deceased member, and, in taking his seat, he at the same time took upon him his debt also; thus, at once becoming both the representative and the creditor of the corporation.

This Thomas Pelham was a relative of the celebrated Duke of Newcastle, who now gained considerable influence in the town. In 1754 was another election, when George Onslow, Esq., was chosen in the room of Thomas Pelham, and in this same year the noble duke paid off both the bonds of £450 each, originally granted to Norris and Gibbon, and made the corporation a present of them; while, in return, the latter sent his grace a letter of thanks signed by all the freemen. Now, although these transactions do not, at first sight, appear deserving of very severe censure, nevertheless they are reprehensible as destroying the liberty of the electors and giving an unfair bias to their opinions, which, in the exercise of the elective franchise, ought ever to be free and uncontrolled, except by a due sense of the high duty each has to perform in sending a representative to the great council of the nation. This sum of nine hundred pounds was not put into any patron's private pocket, but spent on the erection of a court-hall for the general benefit of the town; still it created a sense of dependency, for, though we may dignify it by calling it gratitude, the freemen became bound in the fetters of the Duke of Newcastle, and were considered so completely his slaves, that a saying arose in the town, that "if the duke sent one of his coach-horses as their representative, the freemen would elect him."

So far back as Oct. 4th, 1613, Allen Grebbell was made a freeman by the mayor. On Jan. 17th, 1659, Allen, his son, was admitted by birthright, and afterwards was ejected from the corporation, in the reign of Charles II. His son Thomas, having been admitted by birthright, although his father, at the time, was not a corporator, had nevertheless his vote for a representative allowed by the committee on the contested election of 1690. On Dec. 20th, 1700, Jeremiah Grebbell was chosen the mayor's freeman. On April 10th, 1702, Thomas Grebbell, jun., was elected a freeman. Nov. 16th, 1714, Allen, son of Thomas Grebbell, was made free by birthright; and, finally, on March 27, 1754, Allen, son of Allen Grebbell, was likewise made free by birthright.

Thus the Grebbells were an ancient and respectable family in the town of Rye, and became men of authority in the corporation; for although one was ejected from it in the reign of Charles II, yet afterwards the office of mayor was repeatedly held by them; thereby proving the saying of King David, "The stone which the builders refused is become the headstone of the corner."

Thomas Grebbell, whose vote was allowed in 1690, having been restored to his freedom, was several times mayor; while Allen, his son, held the office in the years 1728, 1730, 1732, 1735, 1737, 1739, and 1741. In 1727 we find James Lamb, Esq., mayor. He was connected by marriage with the Grebbells; and when this latter family became extinct, the mantle of their power fell on the shoulders of that of the Lambs, and was worn by them down to the period of the passing of the Reform Bill in 1832. The thirty-four mayoralties which occurred from 1727 to 1760 (both inclusive) were held as under, viz.:

By Allen Grebbell	7 times
By James Lamb, sen.	12
By James Lamb, jun.	3
By Thomas Lamb	3
By Chiswell Slade	2
By William Davis	2
By others	5
Total 34	

The Grebbells, the Lambs, the Slades, and the Davises, were all related by blood or marriage. Therefore, when we see that twenty-nine out of thirty-four mayoralties were filled by them, we may fairly conclude their influence in the corporation was very considerable.

There were thirty-nine freemen admitted in the thirty-four years, included under the reign of George II; eighteen of which were by birthright, and the other twenty-one were chosen by different mayors; not one was elected in all this time, and thus the commonalty tacitly gave up one more of the public highways by which they might, when they pleased, conduct others into the corporation, and considerably narrowed the only remaining one of birthright; for as the mayors were always now chosen

from the jurats, these became one and the same body, centering in themselves, by the nomination of such men as they chose to admit to the enjoyment of the freedom, all the power of enlarging or lessening the members of the corporate body, taking due care, as we shall see, only to choose such persons as should be subservient to their wishes, or who, from age or other causes, were not likely to rear up successors who might hereafter enter the corporate ranks as a matter of right. The great object was to have none admitted by right, but all by favour. But let us analyse this body of freemen, and so the more clearly exemplify our meaning.

Of the eighteen admitted by birthright, the following, viz. James Lamb, William Lamb, Chiswell Slade, Allen Grebbell, and Daniel Davis were family connexions; and of the twenty-one chosen the following six (Thomas Lamb, John Lamb, William Davis, John Davis, Thomas Procter, and Needler C. Watson) were allied by blood or marriage; while, of the remaining fifteen, only four left sons to inherit their freedom.

Thus quietly, but surely and successfully, did this family party spread their toils; when, in the important year of 1758, seeing the game within them, they drew their nets, and, as they thought, secured them for ever.

In speaking of 1758, we allude to a document which was then drawn up, and signed by several of these parties, the purport of which was to keep the power they had obtained in their own hands, and not to allow any one to enter the corporation who was likely to be disobedient to their will and dictation. In the heat of political contest which afterwards took place, this compact was printed and placarded throughout the town of Rye, was embodied in a petition to the House of Commons in 1827, produced before the committee which tried the contested election of 1830, and, finally, published in the Parliamentary Addenda to Horsfield's 'History of Sussex.' But as those heats have passed away, and as some of the living might have their feelings wounded by an unnecessary publication of the deeds of the dead, we forbear to publish it here, contenting ourselves with remarking that the object of the compact was fully attained. Rye was made a complete rotten borough. It was the finishing stroke, that gave the coup de grace for the next seventy years to the last expiring liberties of this ancient town.

GEORGE III.

LIST OF REPRESENTATIVES.

1761. Philips Gibbon, John Bentinck.
1762. John Norris, in room of Gibbon, who died.
1768. John Norris, Rose Fuller.
1774. Middleton Onslow, Rose Fuller.
1775. Hon. Thomas Onslow, in room of Middleton Onslow, who accepted the Chiltern Hundreds.
1776. William Dickenson, in room of Rose Fuller, who died.
1780. Thomas Onslow, William Dickenson.
1784. The Right Hon. Charles Wolfran Cornwall, William Dickenson.
1798. Charles Long takes Cornwall's seat, the latter having died..
1790. Charles Long, Hon. Robert Banks Jenkinson.
1796. Robert Dundas, Robert Lord Hawkesbury.
1801. Lord de Blaquiere, Lord Hawkesbury.
Thomas Davis Lamb, Lord Hawkesbury.
1802. Hon. Sir Arthur Wellesley, Sir Charles Talbot, Bart.
1806. Patrick Crawford Bruce, Michael Angelo Taylor.
1807. May. Sir John Nichol, Earl of Clancarty.
1807. July. Sir William Elford, Bart., F.R.S., Stephen Rumbold Lushington.
1808. July. William Jacob, vice Elford.
1812. Thomas Phillips Lamb, Sir Henry Sullivan, Bart.
1813. John Maberley, vice Lamb, Richard Arkwright, jun., vice Sullivan,
1818. Right Hon. Charles Arbuthnot, Peter Brown.
John Dodson, LL.D., vice Arbuthnot.

In 1762 died Philips Gibbon, Esq., having represented the borough of Rye in eleven successive parliaments, running over the long period of fifty-three years. At the time of his decease he was the father of the House of Commons, having sat there longer than any other member then within its walls.

There still exists a memorial of this representative, in a portrait which he had painted by Sir Joshua Reynolds, during his connexion with the town, and which is now in the possession of the Lamb family.

Mr. Gibbon's vacant seat was filled by John Norris, Esq., a relative of the late Sir John Norris. A memento of him still remains in several large, handsomely-bound Prayer-books, which he presented to the Corporation, and which yet grace the pew in the church set apart for the use of the mayor and aldermen of the borough. On one cover are these words: "The gift of John Norris, jun., Esq., of Hempstead," and on the other, "One thousand seven hundred and sixty-two."

In this list are several names of historical note. The Right Honorable Charles Wolfran Cornwall was Speaker of the House of Commons, and died in the possession of that most honorable and most exalted of all the elective offices in this kingdom. His residence was Barton Priors, Hants; and there is a handsome monument erected to his memory in the beautiful chapel of Saint Cross, Winchester.

The Honorable Robert Banks Jenkinson, afterwards Lord Hawkesbury, and eventually Earl of Liverpool, when he became prime minister after the death of Mr. Pitt, which high office he held to the time of his decease, was first introduced into Parliament through the medium of this borough. He was not of age when elected, but attained his majority by the time the Parliament met.

Sir Arthur Wellesley, the present renowned and most illustrious Duke of Wellington, also represented the town of Rye. Robert Dundas, afterwards Lord Melville, was the bosom friend of Mr. Pitt; with whom the latter often kept his midnight vigils, in consultation on the weighty affairs of the nation, at his seat on Wimbledon Common.

LIST OF FREEMEN

Names	How admitted	When admitted
Thomas Allen	Birthright	March 3d, 1761
Richard Geldart	Mayor	Aug. 15th, 1761
Richard Pollard	do.	Aug. 17th, 1762
Thomas Barry	do.	Aug. 15th, 1763
William Gibbon	do.	Aug. 14th, 1764
James Smith	do.	Aug. 28th, 1765
Charles Hayes	do.	Sept. 10th, 1766
John Sargent	do.	Aug. 23d, 1768
William Cuckow	do.	July 25th, 1770
John Haddock	do.	Aug. 21st, 1771
James Small	do.	Aug. 10th, 1772
William Swain	do.	Aug. 17th, 1774
Richard Butler	do.	Aug. 2d, 1775
Louis Meryon	do.	July 31st, 1776
John Hogben, jun.	do.	Aug. 13th, 1777
William Slade	do.	April 2d, 1778
Nathaniel Procter	Birthright	May 6th, 1768
Thomas Meryon	Mayor	Aug. 25th, 1779
Thomas Brown	do.	Aug. 23d, 1780
Thomas Pearch	do.	Aug. 8th, 1781
James Lamb	do.	Dec. 12th, 1781
John Prosser	Birthright	Aug. 21st, 1782
John Slade	Mayor	Nov. 27th, 1782
Richard Fryman	Birthright	March 17th, 1784
Charles Lamb	Mayor	Aug. 18th, 1784
Edward Jacob	do.	Aug. 17th, 1785
Abraham Staffell	do.	Aug. 18th, 1786
William Miller	Birthright	Feb. 28th, 1787
James Barry	Birthright	Feb. 28th, 1787
John Giles	Mayor	Aug. 18th, 1788
James Elliott	do.	Aug. 26th, 1789
John Kennett	do.	Aug. 20th, 1790

John Buckhurst	do.	Aug. 24th, 1791
Richard Jarrett	do.	July 26th, 1792
John Jeakens	do.	Aug. 21st, 1793
William Watts	do.	Aug. 20th, 1794
William Watson	Birthright	Aug. 20th, 1794
James Smith	do.	Aug. 5th, 1795
William Woodhams	Mayor	Aug. 5th, 1795
James Small, jun.	Birthright	May 25th, 1796
Thomas Davis Lamb	Mayor	Aug. 17th, 1796
William Parr	Mayor	Aug. 23d, 1797
John Meryon	Birthright	Aug. 1st, 1798
John Staffell	Mayor	Aug. 15th, 1798
James Megaw	do.	Aug. 14th, 1799
William Lee	do.	Aug. 13th, 1800
John Luxford	do.	Aug. 29th, 1801
Thomas Procter	Birthright	Sept. 9th, 1801
Rev. George Augustus Lamb	Mayor	Dec. 29th, 1802
John Amon	do.	Aug. 22d, 1804
William Philips Lamb	do.	Aug. 7th, 1805
Daniel Slade	do.	Aug. 20th, 1806
William Prosser	Birthright	July 22d, 1807
John Laurence	Mayor	Aug. 2d, 1809
William Procter	do.	July 31st, 1811
Henry Bourn	Birthright	Aug. 14th, 1811
George Snead Miller	Mayor	Dec. 4th, 1811
Rev. William Dodson	do.	July 15th, 1812
John Bachelor	do.	Aug. 11th, 1813
Rev. John Myers	do.	Aug. 24th, 1814
Daniel Gill	do.	Aug. 23d, 1815
John Barry	Birthright	March 19th, 1817
Edward Chatterton	Mayor	Aug. 20th, 1817
James Lamb	Birthright	Nov. 11th, 1818
Richard Hay	Mayor	Aug. 4th, 1819
Richard Weeden Battler	do.	Jan. 5th, 1820

Of these sixty-seven admissions, sixteen were by birthright, and fifty-one by the mayor, with the approbation of the jurats. Of the sixteen admitted by birthright, four belonged to the family connexion before alluded to, and of the fifty-one chosen not less than ten; while of the forty-one remaining of the latter, only six had sons after they were made free. The sixty mayoralties which took place in this reign were filled by the following persons:

49 by a Lamb,
5 by a Slade, all related,
5 by a Procter,
59; and one solitary mayoralty by Thomas Owens, Esq.

Now if we couple all these things together, we shall be at no loss to account for the small number of freemen then in the corporation. In 1818 the whole body consisted of only thirty-three members: viz. One mayor, five jurats, and twenty-seven. Freemen; out of which number only fifteen were qualified to vote for a representative, twelve being disqualified by holding various offices, and six from non-residence.

In 1780 it appears that officers of the Customs were allowed to vote for members; and in consequence of the too great influence which was thus given to the Crown at elections, Mr. Crewe brought in a bill to do away with their votes; and, in the course of the debate, Mr. Townshend, to show the ministerial influence the officers of the revenue were under, mentioned an instance of the borough of Rye, which had been represented through three generations from father to son, by the respectable family of Admiral Norris; but the present gentleman of that name was thrown out by the votes of the custom-house or excise-officers, to whom another candidate was recommended by the minister; and of the

twenty-three votes, nineteen were custom-house officers, who dared not vote contrary to the mandate of the minister. This debate took place on Thursday, April 13th, 1780, when the bill was lost by a majority of thirty-one: one hundred and ninety-five having voted for, and two hundred and twenty-six against it.

We have already noticed little attentions, in the way of presents, which were paid by the representatives to the corporation; and we now have to record another, which was made in 1766, by John Norris, Esq., and Rose Fuller, Esq.; being two very handsome maces, which still ornament the court-hall on all great public occasions, and which were formerly carried by the two sergeants when the corporate body, on Easter Sunday, Christmas Day, and other high festivals, marched in procession to church from the court-hall, whither the freemen had previously repaired to partake of cake and wine, to drink the mayor's health.

All now was calm and tranquil. So powerful was the narcotic which had been administered at the latter part of the preceding reign, in the shape of the document there adverted to, that, throughout the Third George's long reign of sixty years, the town exhibited no sign of existence, she heaved no sigh, she made no struggle; but, like Cardinal Beaufort, she might be said to have died and "made no sign." But though man, in his individual character, dies and lives no more in this sublunary world, in his aggregate character it is not so; whether as a nation, or even as a corporation, he is capable of enjoying a second life; but he who wishes to behold this resuscitation of the town of Rye must pass on to a future reign.

GEORGE IV.

LIST OF REPRESENTATIVES.

1820. Peter Brown, John Dodson, LL.D.

1823. Peter Brown, Robert Knight.

1826. Richard Arkwright, jun., Henry Bonham.

1830. March 1st, on the death of Bonham, Philip Pusey, Esq., who was unseated by Colonel De Lacy Evans.

The excitement arising out of the long and bloody wars, which raged through so many years of the last reign, and in which every man felt he was fighting, "pro aris et focus," for his religion and his home, and when our very existence, as a nation seemed to be put in jeopardy, had so completely absorbed the minds of the great mass of the people that they had neither time nor inclination to look into the internal state of their own affairs; while the current of public opinion sat so strongly in favour of the war policy, which our ministers then adopted, that few ever thought there could be any necessity for a reform in the representation of the country.

But when, on the accession of George IV, the nation had. Been five years at peace with the world, and the people were sinking under the load of a taxation which had been laid on their shoulders, in consequence of the wars we have alluded to, they began to think an alteration in the representation would be one of the best remedies for the evils under which they were suffering. This spirit appeared, at a very early period of this reign, in the town of Rye; but matters were not sufficiently ripe for its embodiment until the year 1825, at the commencement of which rumours of war began to be spread abroad, and on Wednesday, May 4th, the tocsin was sounded, which roused the men of Rye from their deep slumber of ages, when they flew to arms and sat down before the fortress of the corporation, of which, though often repulsed, routed, and defeated, they never entirely raised the siege until they had made a breach in its walls, through which they triumphantly entered, and placed the standard of their ancient liberties on its ramparts.

When we speak of the "men of Rye," we mean a great majority of the inhabitants who were without the pale of the corporation; but who, having resided for a year and a day in the town, and having paid their scot and borne their lot, considered themselves justly entitled to the enjoyment of all the rights and privileges originally granted by the Charters of the Cinque Ports to all their inhabitants similarly circumstanced. By paying their scot, we mean the discharging of all government and parochial taxes which were legally demanded of them; and, by bearing their lot, the filling all parochial and other offices to which they might be appointed.

As the details have been long and (some may think) tedious, by which we have endeavoured to trace the steps by which the town of Rye was reduced to the abject state of a rotten borough, so these will be also many and minute by which we shall have to trace her return to the enjoyment of her original liberties.

From this diversion we return to the direct track of our history. On Wednesday, May 4th, 1825, between fifty and sixty of the inhabitants went to the court hall, where the mayor, Nathaniel Procter, Esq., was presiding at a Court of Record, which was then regularly held on every alternate Wednesday, and made the following application to him, viz. "That they were come, on that occasion, to demand (as inhabitant householders paying scot and lot) to have the oath of allegiance administered to them, and to have their names enrolled in the court, so that they might be admitted to the enjoyment of all the rights and privileges belonging to the town, and, on being so admitted, that they were willing to pay any fines that might be legally demanded of them." The court, after considering some time, returned this answer: "That, as this was the first time the subject had come formally before them, they were not prepared to give a decisive answer." On receiving this reply the parties retired to a private house, and there signed, together with some others, to the number of seventy altogether, a petition, which was presented to the House of Commons by Edward Jeremiah Curteis, Esq., one of the county members, setting forth the ancient rights of the town, and showing how they had been unjustly usurped.

On the following court day the parties again resorted to the hall (that is, on May 18th) to receive a decisive answer to the demand they had made on the 4th, and which was given to them in these words, viz. "The court, having taken into consideration the claim made by the inhabitant householders, paying scot and lot, to have the oath of allegiance administered to them, and to

have their names enrolled in this court, so that they might be admitted to the enjoyment of all the rights and privileges of this town, have directed their officer to administer such oath to them and all other inhabitants who offer to take the same; but, in so admitting them to take this oath, which the court feel themselves bound to administer to any natural born subject of his Majesty of full age who shall apply for this purpose, and, in recording the same, the court think it right to state to them that they know of no right or privilege of this town which is withheld from them, or which they do not possess or enjoy; and, if they claim any such rights or privileges, the court now give them notice, and require them to state to them in writing what it is they do so claim, and on what grounds and evidence, that they may take the same into consideration."

The inhabitants, fearing they might commit themselves, in the absence of their legal adviser, declined taking the oath, saying, "they did not feel themselves authorized to state any other grounds on which they made their claim, nor to submit any evidence until further advised thereupon." The court contended that they had not asked for their freedom of the corporation, in requiring to be admitted to all the rights and privileges of the town, and so the matter ended for this day.

On consultation with their legal adviser, the parties found they had done wrong in not taking the oath of allegiance when tendered to them, and therefore they signed a request to the mayor to hold a court for the purpose on the following Wednesday, May 25th, to which they received the following reply:

"Gentlemen,—With reference to your request of the 20th inst., I am directed to inform you that the mayor will hold a Court of Record, on Wednesday, June 1st (being the usual court day), for the sole purpose of administering to you and your fellow-townsmen the oath of allegiance.

"I am, Gentlemen, your most obedient servant, "THOMAS PROCTER, Town Clerk.

"Rye, May 21st, 1825."

On June 1st, about forty of the men of Rye went up to the court-hall, when they took the oaths of allegiance and supremacy, and had their names enrolled; having done which, they demanded to be admitted to all future meetings of the corporation; the only answer to which was, "The court do not consider that this is the proper time and place to give an opinion on this question."

At the next court day, on June 15th, between twenty and thirty more of the inhabitant householders attended, took the oaths, and had their names enrolled as others had done on the preceding day.

After this time no active proceedings were taken until the latter end of the month of August, at the usual time of electing the mayor.

According to the first article of the old Customal, the mayor was annually chosen on the first Sunday after the Feast of Saint Bartholomew at the cross in the churchyard; and, in agreement with this custom, many of the men of Rye were summoned from their beds early on the morning of Sunday, August 28th, 1825, when they proceeded to a spot in the churchyard, near the south porch, where the ancient cross was supposed to have stood, and there they elected for their mayor, for the year ensuing, Mr. John Meryon, who was a freeman of the corporation, having been born free; in addition to the

votes of those inhabitants, who had been sworn and enrolled at the court on the 1st and 15th of June, Mr. Meryon was supported by that of Mr. William Prosser, who was also in the enjoyment of his freedom by birthright. Thus did these two men come liberally forward to the assistance of the men of Rye, from privileges of the town, and so the matter ended for this day.

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On the following day the parties who had elected Mr. Meryon for mayor, went to the court-hall, where the corporate body were met to choose theirs, and called upon the retiring mayor to swear Mr. Meryon into office and resign his seat to him. This request, having been refused, the oath of office was administered to the town's mayor by Mr. Whitton who was their solicitor; when the inhabitant householders retired, and the corporation chose for their mayor the Rev. William Dodson, who was related to the Lambs by marriage, was resident in Lincolnshire, and had the cure of two parishes in this county.

On September 7th, which was the next court day, the friends and supporters of Mr. Meryon again went to the hall with him, and demanded of Mr. Dodson, who was presiding there as mayor, to swear him into that office. This demand was again refused, when the men of Rye, who were determined not to yield this point without a further struggle, by the advice of their solicitor, resolved on taking the bolder measure of seizing on the court-hall, and holding the same by virtue of Mr. Meryon being the lawful mayor of the town.

On the afternoon of Tuesday, October 18th, a great number of the inhabitants assembled in the market-street, opposite the court-hall, when the lock which secured the door of the iron fence, leading into the market-house under the hall, was opened, and proceeding to the doors, at the foot of the stairs, leading into the latter, these flying open by some talismanic power, the men of Rye ascended the steps and took possession of it. To enable them to keep the hall, after taking it, the windows were barricaded, the doors barred, and several of the inhabitants remained in the building all night, until they were relieved by others in the morning.

The 19th of October was the regular court day, when, at ten o'clock, Mr. Meryon, with the twelve

jurats, whom he had called to his assistance, entered the hall, all clad in scarlet robes, and took their seats on the bench amid the acclamations of their friends. Shortly after arrived Mr. Dodson and his jurats, who demanded that the bench should be delivered up to him; but the tables being now turned, he found his demand was as little heeded as that of Mr. Meryon and his jurats had been when the corporate body were in possession; and they retired from the hall to concoct other means for its recovery.

Shortly after the election of mayor, in the month of September, a memorial was presented to the Lord Bishop of Chichester; this memorial was followed by another to the Bishop of Lincoln, to whose diocese the Rev. William Dodson belonged, of which this is a copy: "We, the undersigned, being a deputation of the inhabitants of the ancient town of Rye, in the county of Sussex, beg leave respectfully to submit to your Lordship the copy of a memorial, which has been presented to the Right Reverend the Lord Bishop of Chichester; and as the interference of the Rev. William Dodson, who is one of the clergy resident in your Lordship's diocese, in the political and temporal concerns of our town is subversive of our rights, and tending to bring the clerical character of the Rev. William Dodson into question and a state of great litigation, we venture to hope that your Lordship will see it fit to interpose your Lordship's authority, and require the residence of the Rev. William Dodson on his livings, and prevent his assuming to act as the mayor of our town, as we have already a very efficient mayor for the current year.

"We trust your Lordship will excuse the liberty we take; but your Lordship's character is the best assurance to us that our representation will receive your Lordship's serious attention."

These memorials produced no effects which were beneficial to the cause in which the memorialists were engaged; the Rev. William Dodson did not resign his office of mayor, but, on the contrary, his supporters carried the matter into the Court of King's Bench. The result of this proceeding was an order calling on the town party to vacate the hall, giving possession to Mr. Dodson as mayor. In consequence of this order the court-hall, together with all the records and documents, was delivered into the hand of the corporate body on November 29th, 1825.

During the six weeks that the town party occupied the court-hall, they administered justice to all those who chose to apply to them for it, and they held one inquest on the body of a man who had hanged himself. They examined very carefully the records of the corporation, which run back as far as the reign of Henry VI, and which are in excellent preservation; from these they acquired a considerable insight into the original constitution of the town, and became more convinced than ever that their claims were founded on justice, and still more determined to prosecute them to a successful issue.

It must be observed that the order of King's Bench expresses that the town party are not to act as officers of the corporation, until the right to the same offices shall have been determined in some course of legal proceeding.

Thus this order did not decide the question as to who was mayor. Whether Mr. Meryon was the legal mayor, having had the vote of only one freeman, may be a question; for, although it had been decided at elections that inhabitants, not freemen of the corporation, might vote for members of parliament, there was nothing to show that they could exercise the right of choosing a mayor, unless previously admitted into the corporation. But though it might not be quite clear that Mr. Meryon could have been established in the office of mayor, still we think it is pretty certain that Mr. Dodson was not a legal mayor; his residence in Lincolnshire, his cure of two parishes there, must have proved an insuperable bar to his legal exercise of the office of mayor of Rye.

Under all the circumstances, the expense of trying the question would have been great, the delay might have been fatal, and the decision uncertain; it was therefore resolved to let the matter drop, and thus ended the campaign of 1825.

The year 1826 opened with an attack on the corporation, through the medium of an application to the Court of King's Bench, for a mandamus to compel the mayor to admit certain inhabitants, born in the town, to the freedom of the same. This application came on for hearing in February, when it was very summarily disposed of by the Lord Chief Justice Tenterden, who asked, "where is the inchoate right?" to which Sir James Scarlett, who was counsel for the defendants, replied, "in the mayor and jurats for the last seventy years." On this even the rule nisi was refused, and the plaintiffs were turned out of court. This decision, for the time, was of immense importance to the corporation, as it fully confirmed their power, and justified all the means which had been so successfully adopted by the ruling parties for the extinction of the liberties of the town. It seemed to have put an end to all chance of the

townspeople ever again recovering their freedom; but it was not so, as will be hereafter seen.

The next offensive weapon which was used by the besiegers, was that of a petition to the House of Commons, which was presented by the Right Honorable Lord John Russell in the month of April of this same year. Its contents may be summed up in these words: The petitioners complained of the decision of the Court of King's Bench, in which they had set up the usurpation of the last seventy years against the original rights granted by the Charters. They stated how they had sent memorials to the Bishops of Chichester and Lincoln, from the latter of whom they had received the following very unsatisfactory reply: "In answer to the memorial, from several gentlemen of Rye, the only reply I can make to it is to confirm their own observations in it, as far as Mr. Dodson is concerned, which is that that gentleman is properly and becomingly returned to his flock in Lincolnshire, where he generally resides. Signed, G. Lincoln."

They said they had always considered Magna Charta as one of the chief bulwarks of the liberties of England, the value and stability of which were increased by its antiquity; but that, whatever stability was given to this Charter by its antiquity, must be given, in a much greater degree, to the Charters of the Cinque Ports, whose date is antecedent by some centuries to that of Magna Charta.

They conclude with a recital of many of the privileges granted by their Charters, and pray the House to reinstate them in the enjoyment of the rights, which were thus guaranteed to them by so many successive kings, from Edward the Confessor down to Charles II.

This, like the other proceedings, produced no immediate effect; but as the smallest drops of water continually falling will wear the hardest stone, so these repeated attacks eventually broke down all the barriers of the corporation.

The affairs of the town now wearing a gloomy aspect, it became necessary to adopt some plan to keep alive the spirits of those who had embarked in the good cause, and for this purpose a political body was formed under the title of the

RYE INDEPENDENT ASSOCIATION.

It consisted, at its foundation, of 105 members, who met on the evening of the first Friday in every month, when they discussed the political affairs of the town, proposed and debated such measures as were likely to promote the object they had in view, and thus encouraged each other to persevere in the course they had entered upon.

This association proved of great importance; the members became united in closer bonds of unanimity; each man now felt that he had fairly put his hand to the plough, and was henceforth ashamed to look back. Nor was it finally dissolved until its work was accomplished.

This association was formed in May, and in June there was a general election, when, on the ninth of this last month, that for the town of Rye took place. On this occasion the corporation candidates were Richard Arkwright, jun., and Henry Bonham, Esqs.; while those of the inhabitant householders were Benjamin Smith and Stanes Bocket Chamberlayne (now Stanes Bocket Bocket), Esqs. The former gentleman is the present member for Norwich, which city was represented for several sessions by his late excellent father (William Smith, Esq.) He, at an early period, showed himself a sincere friend to the cause in which the men of Rye were engaged, and, at a later time, gave, as we shall see, a substantial proof of the same. Mr. Chamberlayne was an inhabitant of the town, and was one of the first to assist the efforts of his neighbours, both in pocket and person. Messrs. Arkwright and Bonham polled the votes of thirteen freemen; and Messrs. Smith and Chamberlayne polled the votes of sixty-four, who claimed the right of voting on the following grounds:

Freemen of the corporation	2
Men born in the town, paying their scot and bearing their lot	30
Men not born in the town, but having resided in it more than a year and a day, and having paid their scot and borne their lot	32
Total	64

The mayor returned Messrs. Arkwright and Bonham, rejecting all the votes tendered for Messrs. Smith and Chamberlayne, with the exception of those of the two freemen of the corporation.

After much consideration and many consultations with eminent counsel in London, the town candidates, not thinking there were sufficient grounds to go before a committee of the House of Commons, forbore to present any petition against the return, and thus the corporation was again left to luxuriate in the plenitude of its power. The fruit was not yet mature; but it was fast ripening.

The close of this year was marked by the establishment of a little local newspaper, called the "Rye Gazette." In it were published extracts from the corporation records, the ancient Charters and the Customal; all tending to show more fully to, and to engrave more deeply on the minds of, the men of Rye, the justice of the cause in which they had embarked.

In the month of March, 1827, the inhabitant householders, engaged in conflict with the corporation, presented an address to the king on the occasion of a change of ministry, which seemed to forebode, as they thought, the adoption of a more liberal policy, inasmuch as Mr. Canning was placed at the head of it.

In April, of the same year, another petition was presented to parliament, setting forth the grievances of the men of Rye, showing how their privileges had been usurped, and humbly praying them to appoint a committee to investigate their claims and those of other boroughs similarly situated, not doubting that, on such investigation, their claims would be found just, and they would reinstate the petitioners in the full enjoyment of the rights and privileges granted and confirmed by the Charters of their kings.

To show to what a low ebb the hopes of the reformers were at this time reduced, it is only necessary to state that this was the sole petition presented during this session at all touching on the subject of parliamentary reform; that Lord John Russell, the acknowledged leader of this great measure in the House of Commons, considered the apathy of members so great he declined presenting it; and the parties were obliged to seek some other advocate, whom they found in the person of John Cam Hobhouse, Esq., the member for Westminster. He presented it, made some few remarks on it, and it was then cast aside, to add one piece more to the bundle of waste paper under the table of the House of Commons.

In this same year a memorial was presented to the Lord Warden, praying him to interfere to protect the rights of the inhabitants of the Cinque Ports and ancient towns; but this met with no success from the noble duke, who was then and is now in the possession of that high office, and which was originally created that the holder of it might lead them on in times of danger, and, in return, protect the privileges for the sake of which their services were performed.

In 1828 the besiegers again made an assault on the old citadel of the corporation, the nature of which we must now explain. By a decree passed in the reign of Elizabeth, three different classes of claimants to the privileges of the Port of Rye were recognized, and they were these:

The sons of freemen, born after their fathers were made free, who were admitted without any fine, by virtue of their fathers' copies of admission.

Men born in the town, paying scot and bearing their lot, were admitted on a fine of 20s.

Men not born in the town, but having resided there a year and a day, and having paid their scot and borne their lot, were admitted on a fine of 40s.

The right of men born in the town had already been tried and failed. It was now resolved to try that of all the sons of freemen born after their fathers were made free. According to the interpretation of the corporate body, this right was conferred on the eldest son alone, who was born after his father's admission. In addition to Messrs. Meryon and Prosser, who had joined the movement party from the beginning, the men of Rye had now enlisted in their cause Mr. James Barry, who, like the two former, enjoyed his freedom by birthright. Mr. Barry had four sons, viz. John, George, Frederick, and Thomas, all born after he had taken up his freedom; but only one of whom (John, the eldest) had been allowed to take up his. This latter one was now dead, and it was determined to try the right of the remaining three. In bearing the expense of this trial it was that Mr. Benjamin Smith gave that substantial proof (as we have before said) of his desire to assist in the emancipation of the town of Rye.

In the month of February an application was made to the Court of King's Bench for a rule nisi, which was granted, and afterwards made absolute; when the case was set down for hearing, which took place on July 4th, 1828. The general grounds on which the plaintiffs principally relied were these: that all sons of freemen born after their fathers' admission were free, and not the eldest only. The strongest particular evidence arose from this entry in the corporation records: "Aug. 28th, 10 Eliz. Robert

Bennett, John Bennett, made free by virtue of their father's copie, according to custom."

Here were two men of the same name admitted by birth-right, by their father's copie, and not copies, being strong presumptive proof that they were brothers, and admitted by the same copie, viz. That of their father.

There were also several freemen of the name of Swayne admitted by birthright, no less than three within four years, leading to the inference that some of these must have been brothers, and thus established the claim which was made by the Barrys; while in two following years were admitted two men by the name of March, being born free, and who, it was supposed, might also be brothers.

After a long examination of Mr. Thomas Procter, the town clerk, who produced the books of the corporation, Lord Tenterden, the Chief Justice of the Court of King's Bench, addressed the jury in these words: "Gentlemen of the jury, the party is bound to prove the affirmative of such an issue as this, and he cannot get one instance free from doubt, and you must find against the issue. It is not proved that there has been this custom from time immemorial."

The jury accordingly found for the defendants, that there is no such custom as stated, and thus the plaintiffs, and, through them, the men of Rye, were again defeated.

In the summer of this year a memorial or petition was presented by Messrs. Meryon, Prosser, and Barry to the Brotherhood assembled at New Romney, the contents of which having been given at length under the chapter on the Customal, it is not necessary to repeat them here.

These were all the proceedings of the year 1828. It will be in the recollection of our readers, that when the inhabitant householders of Rye first went to the court-hall to demand their freedom, Nathaniel Procter, Esq., was mayor, and now, in 1829, he was again elected to that high office. It was in consequence of this, and from the knowledge that he had once expressed an opinion as to the propriety of increasing the number of freemen, that a letter was addressed to him, requesting him to call an assembly, for the purpose of considering the propriety of admitting more freemen. This was dated October 20th, 1829, and on the same day the mayor returned the following answer:

"Gentlemen, I have thought it right to submit to the gentlemen I called to my assistance when I was elected to the office of mayor of this ancient town, the requisition you have presented to me, and we being unanimously of opinion that an assembly should not be called for the purpose, and under the circumstances therein mentioned, I think it my duty to decline calling such assembly.

"I am, Gentlemen, your most humble servant, "NATH. PROCTER."

Although we presume that Mr. Procter, as mayor, had the power of calling an assembly, and yet declined on consultation with his jurats, for these are the gentlemen alluded to in his letter, to do so, still we must do him the credit to say, we believe that, could he have been left to the unbiassed dictates of his own feelings, he would have complied with the wishes of his fellow-townsmen. He certainly occupied the throne; but, as is often the case, there was a power behind the throne greater than that on the throne.

Repulsed and defeated in all directions, the men of Rye might well have abandoned all hope; but their motto was "Nil desperandum," and they hoped against hope. They cheered each other with the frequent repetition of these memorable words of the old Romans, "Carthago delenda est," which, applied to their case, were interpreted to mean "the corporation must be destroyed," and it was destroyed.

To enable our readers to understand the next letter we are about to insert, we must mention that, in the parliamentary session of this year 1829, in consequence of the freeholders of the county of Clare, in Ireland, having elected Mr. O'Connell as their representative, who had taken his seat in parliament in spite of all the opposition offered to him by the Government, and in the face of all the penal enactments still in existence against the Catholics, of which body he was the avowed champion, and from the great excitement prevalent throughout that country, Sir Robert Peel and the Duke of Wellington were compelled to bring into and carry through parliament a bill for the emancipation of the Catholics. On the first introduction of this measure into the House of Commons, Lord John Russell also compelled the ministry to repeal the Test and Corporation Acts.

All these things partook of a liberal character, and seemed to announce the commencement of a new era, the bare thought of which infused new life into the drooping spirits of the reformers of all classes

and of all places, and of none more than of those of the town of Rye.

Acting on this fresh impulse, the men of Rye proposed a new plan of operations, which was to call upon all the Cinque Ports, in conjunction with Rye, to send simultaneously petitions to the House of Commons, when it should next assemble, all containing this one prayer, that the House would appoint a committee to investigate their claims, and if, on inquiry, they found them just, to restore to them all those ancient liberties which had been so unfairly usurped and filched from them. Lord John Russell was consulted on this plan, and requested to present the petitions when prepared. His lordship, in reply, having stated that he thought these could only be received as election petitions, he was erroneously supposed to have declined altogether the presentation of them, and hence arose the supposed necessity for the following letter:

“My Lord,— Although your reply to our former letter was not such as to hold out much encouragement to us to address you again on the same subject, and although we may be accused of pertinacity (perhaps of rudeness) in again intruding ourselves on your notice, still such has been the rapid progress of events since the date of our last letter, that we can but consider the time is nearer at hand than many imagine, when we may hope to see the cause of parliamentary reform triumph.

“The Catholic question (that bugbear of the nation, that great stumbling-block which was continually cast in the way of all reform) is now happily removed for ever, and the field is open. Your name, my lord, has for so many years been associated in our minds with the cause of parliamentary reform, so many times have you stood forth as its advocate, so thoroughly have you shown yourself to be the master of the subject, such is the weight and influence of your character, that we feel convinced no man is so well calculated to complete this great work which you have so often taken in hand. Rely on it, my lord, this great event is near at hand. You have sown the seed— let not another reap the harvest.

“But to come to the point: our present object is to request your lordship to present the accompanying petition to the House of Commons, and to ask you whether, in the event of all the Cinque Ports petitioning for a restoration of their rights, you would be willing to make a motion in another session (if not in this) to the effect that a committee should be appointed to examine all the Charters of the Cinque Ports, as well as those of other boroughs similarly situated, with a view to restore the inhabitants of all such boroughs to the enjoyment of the privileges granted by the said Charters. We are thus urgent, my lord, for two reasons: we are anxious that you should complete the work which you began some years since; and we are convinced that the present time is favorable to the cause. Our claim is very much strengthened by the disfranchisement of the Irish forty shilling freeholders. They are disfranchised from being below a certain grade. If all below a certain grade are deprived of the franchise, all above it should be entitled to enjoy it. It is said that no one for the future is to be admitted to the freedom of boroughs (in Ireland, we presume) unless by the payment of ten pounds for a stamp. Now if all who are either unwilling or unable to pay this sum are to be debarred from the enjoyment of their freedom, justice clearly points out, that all who are willing and able to pay this sum should be declared admissible, provided they possess the necessary qualifications, such as being residents and householders, paying taxes, &c. This being granted, such reform takes place as is desirable; and surely such cannot be very difficult to obtain.

“Again: to whom can the Duke now look for his chief support but to the Whigs? And have not the Whigs sufficient virtue and public spirit to stipulate for reform in some shape before they take office? Already report says that Lord Grey is to take office, and has not his lordship pledged himself to parliamentary reform? With all these circumstances in our favour, surely we have good grounds for hope?

Now’s the time and now’s the hour!”

“The sails are unfurled, and the wind and tide are wafting the vessel towards the haven where she would be; eventually there she will arrive, though her arrival may be hastened or retarded according as the pilot is more or less skilful. Let us beseech you, my lord, to take the helm.

“We are, my Lord,

“Your Lordship’s obedient humble servants, “INHABITANTS OF RYE.”

In point of time, this letter should take precedence of that to the mayor; but as it is more immediately connected with the events we now have to record in our narrative, we have thought it preferable to insert it here. It was written during the sitting of parliament in the spring of 1829, some time after the passing of the Catholic Emancipation Act. It appears, by its contents, that a petition was then presented to the House of Commons. By his lordship, from the town of Rye alone. With respect to the petitions proposed to be presented in the ensuing session, from all the Cinque Ports and two ancient towns in conjunction with each other, this plan was never carried into effect, for early in the year 1830, very soon after the meeting of parliament, fresh circumstances arose, new scenes broke on the vision

of the men of Rye, and a brighter day dawned upon them, by the light of which they eventually marched on to glory.

In the month of February, 1830, died Henry Bonham, Esq., one of the members of the town of Rye. A new writ was issued, and the election fixed for March 1st. The men of Rye little thought of offering an opposition to any candidate whom the corporation might bring forward, when late in the preceding evening Colonel De Lacy Evans drove into the town, accompanied by Mr. Samuel Miller, who had been the chief political adviser of the inhabitants, since the death of Mr. Whitton, which took place in 1826. This latter gentleman introduced the colonel to the anti-corporate party, stating that were they willing to give him their votes on the following day, he would offer himself as a candidate, and if, on further investigation, he should see a reasonable chance of success, he would petition against the return, and bring the petition before a committee of the House of Commons. Too happy to meet with so liberal an offer, the men of Rye accompanied Colonel Evans, at an early hour on the 1st of March, to the court-hall. The candidate on the corporation side was Philip Pusey, Esq., for whom fourteen corporate freemen voted; while Colonel Evans was supported by the votes of three corporate freemen, by those of three sons of a freeman, and by an overwhelming majority of others, claiming as having been born in the town, or having resided there a year and a day, and having paid their scot and lot. These three last sets of claimants each gave into the mayor a written notice of the grounds on which they claimed to vote; but all the votes, except those of the three admitted freemen, were rejected by the mayor, and consequently Mr. Pusey was returned by him."

Colonel Evans lost no time in petitioning against this return, and was thus enabled to get the Speaker's warrant to inspect all the records and documents of the corporation. Armed with this power, he soon returned to Rye with Mr. Miller, and his friend, Thomas Edwards, Esq., LL.D. With the aid of these gentlemen the records were thoroughly sifted and examined; the result of which investigation was the determination to carry the question before a committee of the House of Commons. Accordingly a committee was struck on April 26th, consisting of the following members, viz.:

Acland, Sir Thomas Dyke, Bart., Devonshire.
 Bramston, Thomas, Esq., Essex.
 Buck, Lewis, W., Esq., Exeter.
 Downie, R., Esq., Inverkeithing.
 Fyler, T., Esq., Coventry.
 Horton, Wilmot, Esq., Newcastle, Stafford,
 King, Hon. H., Sligo.
 Mackinnon, C., Esq., Ipswich.
 Palmerston, Lord, Cambridge University.
 Walrond,— Esq., Sudbury.
 Williams, Thomas Peers, Esq., Marlow.
 The Chairman was Wilmot Horton, Esq.

On April 27th they met. On May 14th they came to the following resolution: "That all men born in the town of Rye, being householders and residents, paying scot and lot, are free, and entitled to vote for representatives in parliament for the said town."

On May 15th they resolved: "That all men resident in the town of Rye, being householders, paying scot and lot, are free.

"That Colonel Evans had a majority of votes, and should have been returned."

In consequence of these resolutions, Mr. Pusey was unseated, and Colonel De Lacey Evans took his place in the House of Commons on Monday, May 17.

The right to the seat upon this occasion was argued upon the construction put on the word "freemen" in the decision of 1702, the corporation contending it only meant such persons as were admitted "freemen" by that body, while the opposite party maintained that "freemen" meant "freemen of the Cinque Ports" generally, and of course included all the resident inhabitant householders, paying scot and lot, who had been in the town for a year and a day; and this, as we have seen, was the opinion of the committee.

The first fruits of this victory were gathered in the insertion of certain clauses in a bill then passing through parliament for the management of the harbour of Rye, by which the control was invested

chiefly in the inhabitants of the town. The act was to be administered by 49 commissioners, as under, viz.

The mayor and jurats	13
Inhabitant householders rated at 10%. a year to the poor, to be elected by the rate-payers at large	12
Ship-owners possessing 20 tons or upwards of shipping, to be elected by all ship-owners having 10 tons or more	12
Landowners	12
Total	48

Flushed with the triumph, and anxious to testify their gratitude to the man who had thus nobly and successfully fought their battle, the men of Rye decided on giving Colonel Evans a public dinner, which took place on June 16th, in a large booth erected for the purpose in the Pole Marsh. Mr. Benjamin Smith was at this time in America; but he was not forgotten, his brother being invited to represent him on this great day of rejoicing. Some time before the dinner hour a large cavalcade of carriages and horsemen went about three miles on the London road, to the spot where the parishes of Rye and Peasmarsh join, to meet the colonel, and then escorted him to Rye. On the top of the hill, at the place where a stone marks the boundary of the corporation, the cavalcade halted, when a short speech was made, congratulating the colonel on his entry into the borough of which he was the first real representative it had returned for many generations. At this spot had congregated an immense multitude of pedestrians, so that from the summit of the hill to its foot they were closely and firmly wedged together. The procession now moved on at a very slow pace, until it came to Land-gate, where a triumphal arch was erected over the road, on the top of which, in a small alcove, formed of evergreens, stood a young girl, prettily dressed, who presented a short written address to the member, which having been received, the great mass moved on till they reached the George Hotel, where those in carriages and on horseback dismounted, and forming one long procession, with drums beating, trumpets sounding, colours flying, guns firing, and people huzzaing, marched through all the principal streets of the town, the houses of which were ornamented with evergreens, flags, and various devices, down to the Pole Marsh, where about 200 sat down to dinner, to celebrate the triumph of the men of Rye.

On July the 16th a petition was presented by the corporation against the decision of the committee which had seated Colonel Evans in the House of Commons; but as the king, George IV., had died the previous 26th of June, a dissolution occurred, which put a stop to the hearing of the petition, and also at the same time deprived the town of Rye of its representative.

Thus the triumph of the men of Rye was of short duration; but enough had been done to shake the old walls of the fortress, which never again recovered their former strength.

In consequence of the dissolution, a fresh election was held in the month of August, that is, on the 2d, when the corporation candidates were Hugh Duncan Baillie and Francis Robert Bonham, Esqs., while those of the opposing party were Colonel Evans and Benjamin Smith, Esq. The former polled the votes of 12 freemen, and the latter those of 6 freemen and of more than 200 of the inhabitant householders; but although these had placed Colonel Evans in the House of Commons in the month of May, the mayor now rejected them all, and returned Messrs. Baillie and Bonham. Against this return the other candidates petitioned, and the petition was heard before a committee in the December following, when they decided that Baillie and Bonham were duly elected, thus completely stultifying in the autumn all that had been done in the spring.

In the month of September, soon after the election, and before the decision of the committee was known, the following memorial was presented to his Grace the Duke of Wellington, Lord Warden of the Cinque Ports. This was signed by the inhabitants of Hastings, Romney, Hythe, Rye, and Winchelsea, and set forth, "That many liberties and privileges were granted to the memorialists by the ancient Charters of their kings, from the time of Edward the Confessor, which Charters were all recognized, set forth, and embodied in that of Charles II, bearing date 1680. That in those Charters it is clearly shown, that all these liberties and privileges were granted to every one of the inhabitants of the Cinque Ports and ancient towns, who were willing to bear their share of the public burdens, as may be seen by the following extract, viz.: That all the members of the Cinque Ports aforesaid, and all their advocates whatsoever, that are willing to enjoy the liberties of the same, shall contribute,' &c.; and that this was done for the express purpose of inducing persons to come and reside in the Cinque Ports and ancient towns, as further appears from the following words: That the Cinque Ports and ancient towns, by the

frequent recourse and increase of inhabitants, may be made the stronger, and better able to defend themselves and the neighbouring country.'

"That among other privileges enjoyed by the Cinque Ports and ancient towns is that of sending representatives to the House of Commons. That in ancient times this privilege was enjoyed by all those inhabitants who bore their proportion of the general burdens, as may be seen by reference to the ancient records, and as is the case, in a great measure, at the present time, in the Ports of Dover and Sandwich, and also in Seaford, a limb of Hastings. That this privilege has been unjustly and surreptitiously taken away, as may be clearly shown in the case of Rye; and your memorialists doubt not that improper means have also been resorted to by those who have equally usurped the rights of the other Ports, although no similar proofs have hitherto come to their knowledge.

"That the privilege thus usurped is still withheld your grace will fully understand, when your memorialists state, that in these five Ports there are 1500 rate-payers, and only 70 voters, viz:

In Hastings	730 rate-payers	17 voters.
Rye	300	18
Winchelsea	80	9
Romney	180	9
Hythe	210	17
	1500	7

"That your memorialists more particularly crave your grace's attention to the state of Rye. On the 1st of March last the rate payers tendered their votes for Colonel Evans; their right was tried by a committee of the House of Commons, which decided their votes were good, and seated Colonel Evans accordingly. On August 2d another election took place, when the mayor refused to put the votes of these persons on the poll, which were declared to be good in May by the said committee, and in defiance of that decision, of which he was not ignorant, (it having been officially communicated to him by the Speaker of the House of Commons,) returned Messrs. Baillie and Bonham, who had only twelve votes, instead of Colonel Evans and Mr. Benjamin Smith, who had more than 200 votes each.

"That your grace, being lord warden of the Cinque Ports, and in virtue of this office the legal and rightful conservator of the liberties and privileges of your memorialists, thus humbly entreat your grace to examine into their grievances, and adopt such measures as, in the wisdom of your grace, may appear best calculated to afford them that redress which they ask at your hands.

"That your grace having, during your administration, given religious liberty to all the people of these realms, and thus added one more leaf to that wreath which your grace so nobly won in the Peninsula and at Waterloo, your memorialists sincerely hope that your grace will complete your glory, by giving to them, and to all others who may be similarly circumstanced, that civil liberty which they claim, and to which they can but consider they are so justly entitled.

"And your memorialists will ever pray, &c."

We have not before us the answer of the lord warden; but it is sufficient to state here that the memorialists met with no assistance from that high officer, whose duty it was to watch over and guard the interests of the inhabitants of the Cinque Ports and ancient towns. Some time about the same period the same parties presented the following address to the king William IV. :-

Sire,-We, your Majesty's dutiful and loyal subjects, beg to offer you our sincere and heartfelt congratulations on your Majesty's accession to the throne of your ancestors.

"Under the mild sway of the princes of the House of Brunswick, this country has reached a point of eminence as regards the arts, its manufactures, and its commerce, that has never been hitherto surpassed by any nation on the globe, and we doubt not that, under the happy influence of your Majesty, this eminence will be maintained, if not exceeded. We feel the more confident of this when we reflect, that we have in the person of your Majesty a patriotic king, who is not ignorant of our wants, and who, consequently, will not be deaf to our prayers and wishes.

"Being fully impressed with this feeling, we hesitate not to lay our grievances at the foot of the throne, craving the interference of your Majesty, for the restoration of those rights, privileges, and liberties which the ancient charters of our monarchs granted to the Cinque Ports and ancient towns, and of which we have been unjustly deprived.

"From the insular position of this country, we are well aware of the value and importance of the navy; and knowing that your Majesty is thoroughly acquainted with this branch of the public service, it would be presumptuous in us to call your attention to it; nor would we, but for the purpose of impressing on your Majesty's mind, that the privileges were granted to the Cinque Ports and ancient towns in consequence of great services done by them to your Majesty's predecessors in their shipping; and we beg to assure your Majesty, that the Ports still supply many valuable seamen, and we would therefore humbly submit, that it is desirable the privileges of the Cinque Ports and ancient towns should still be maintained; and therefore we once more humbly entreat your Majesty to afford us that protection which we crave at your hands.

"From your Majesty's dutiful and loving subjects."

This address produced no immediate effect; and again the hopes of the men of Rye were frustrated. But the crisis was now fast approaching, and, if their late triumph was short-lived, so likewise was that of their opponents; with this advantage in favour of the former, that, when they rose again, they rose once and for ever, while, when the latter again fell, "They fell, Like Lucifer, never to rise again."

The Lord Mayor elect of London had requested William IV to honour him with his company at the Guildhall, on the day of his inauguration, the 9th of November; to which request his Majesty had graciously acceded. But, in the mean time, the ministers had become so unpopular, and so rife were the rumours that the king would not be well received, if he entered the city on this day, to say nothing of the apprehended riots and tumultuous proceedings consequent thereon, that they felt themselves under the necessity of advising his Majesty to forego his intended visit. Having thus acknowledged their own unpopularity, it only remained for ministers to resign, which in a few days they did, and William, having sent for Earl Grey, this nobleman very soon formed an administration, the watchword of which was "Parliamentary Reform."

A dissolution having been the consequence of a change of ministry, a new election was fixed for the borough of Rye, on April 28th, 1831. Both Colonel Evans and Mr. Smith had now abandoned the town, considering, under present circumstances, the case was hopeless, and the former had gone down to Preston, to offer his services to the constituency of that place. But some few of the most determined and desperate of the men of Rye, being resolved that the Colonel should be their member, went all the way to Preston, and brought him to Rye in sufficient time to have him nominated as a candidate. The corporation candidates were Philip Pusey and Thomas Pemberton, Esqs.; those of the town, Col. Evans and Benjamin Smith, Esq. The arrival of the colonel caused a very high state of popular excitement. The apprehension of disturbance induced the magistrates to send for a small detachment of the Coast Guard to come to Mountfield House on the morning of the election; the mayor and corporation being assembled there. From ignorance, or the want of distinct orders, these men unfortunately marched up to the front of the court-hall, where great numbers of the inhabitants were already come, to wait for the arrival of the mayor and his officers, to commence the election. The sight of the Coast Guard was the signal for the wildest uproar and confusion. The populace, infuriated, prepared to arm themselves; and it was but the work of a minute to tear down the iron fence which inclosed the market-house, each palisade of which became a pike in the hands of the man who held it. Only nine months had elapsed since the war of the barricades in Paris, and the people began to pull up the pavement at the end of Market street, where it joins to East street, and to prepare for barricading it, when the mayor and his party made their appearance. They entered the market-house, and commenced the business there.

This election had to be conducted on a plan entirely different from the former ones. The votes of the inhabitant householders were no longer tendered, and those of the corporate freemen were alone to decide it. Hence these men had to be acted upon. They were closely canvassed, and earnestly entreated to support the popular candidates; if found unwilling to do so, then every obstacle was thrown in their way, and several were afraid to come to the poll; those who still had the courage to vote for the old party had the bribery oath administered to them, amidst the wildest uproar and confusion. All order had vanished; law had lost its power, and anarchy reigned unrestrained. Thus the business was protracted until late in the afternoon, when, unable to finish it that day, the mayor adjourned the court to the 29th; the votes at the close being as under, viz.:

For Colonel Evans	4
Mr. Pemberton	3
Mr. Pusey	3
Mr. Smith	2

The night brought no rest, but confusion (if possible) was worse confounded. The passions of the people knew no control; the magistrates had no power. It was useless to think of proceeding with the election with the view to seat both the corporation candidates; therefore, before noon on the following day, the corporation beat a retreat, and sounded a parley; when a conference took place between the body and some of the friends of Colonel Evans; the result of which was that Mr. Pusey retired, and Colonel Evans and Mr. Pemberton were returned, the votes being, at the close of the poll,-

For Colonel Evans	7
Mr. Pemberton	5
Mr. Pusey	3
Mr. Smith	2

Thus ended this tumultuous affair—one to be deplored by all good men. But while we deplore it, we must endeavour to trace out its origin, and see whether there is not a moral lesson to be derived from it, which ought to be deeply engraven on the hearts of all governors, whether of great nations or of little towns.

It is said that all men are governed through the medium either of their hopes or of their fears. The rich of all countries always are and always will be the possessors of power; they make and they administer the laws. Dread of the punishment which accompanies the infringement of the laws keeps the great mass of the people under a wholesome restraint, and thus they are acted upon through their fears; while their hopes are at the same time worked upon by the knowledge that the possessors of power are the dispensers of favours to the obedient, as well as of punishment to the disobedient. While the laws are founded on justice, and are equally administered, a nation dwells in peace and safety; but if those laws are founded on injustice, if they are unequally administered, or if their enactments are infringed to the injury of the people at large, or if the times require important changes, such as are fairly and justly demanded, but which are withheld after the wants of the people have been clearly and explicitly made known—then there can be longer peace in that country.

The great art of a good governor consists in watching the times, to study their aspect, to listen to the voice of the governed, and to yield to their well-expressed wishes in time; so that the grant of the demand may be received as a favour, and thus serve to draw within closer and firmer bonds both the governors and the governed. But, unluckily, the contrary is too often the case, and rulers do not yield in time; when the great masses are obliged to put in force the only power they possess, which is that of intimidation. They have nothing to offer to allure the hopes of the great; but, having the physical power in their hands, they are enabled to work on their fears; and thus, at last, they are compelled to yield to this baser passion what they deny to the higher one of justice.

Let us instance a few examples of our meaning. King John never consented to yield Magna Charta until surrounded by his barons, cap-a-pie, in the little isle of Runnymede, Henry III repeatedly infringed the enactments of this charter, until his barons rose in arms and compelled his obedience to it. The perverse obstinacy and unconstitutional conduct of Charles I was the incipient cause of his unhappy downfall. The blind opposition of his son, James II, to the well-expressed wishes of his people, in religious matters, cost him his crown. But to speak of more modern times, how long and how obstinately did various ministers of this country oppose the emancipation of the Catholics; and it was not till the Duke of Wellington feared the breaking out of a civil war in Ireland that this long-desired boon was granted, and then it came at last with so ill a grace that, instead of blessing, it might almost be said to have cursed both “the giver and the receiver.” One more instance, though shortly posterior to the time of which we are speaking, and we have done. The peers never would have given their assent to the Parliamentary Reform Bill, had not the men of Birmingham assembled their thousands and tens of thousands on Newhall Hill, declaring, in language not to be misunderstood, that they would have “the bill, the whole bill, and nothing but the bill.”

And now—*magis componere parva*—let us see how these observations apply to the case of Rye. There were Charters in existence, the originals of which were dated as far back as the reign of Edward the Confessor. In these were inscribed, in characters so large that those who run might read, great liberties, rights, and privileges, not granted to a select few of the inhabitants of the Cinque Ports and ancient towns, but to all who were willing to bear their equal proportion of the burdens arising out of the services which they had to perform, in return for those advantages. The men of Rye had carefully read these Charters; they had been explained both by writers and by speakers; they had been closely canvassed and discussed, and, to whatever process of examination they had been submitted, the result

was still the same the firm belief that those rights had been unjustly usurped, and unfairly withheld from them; and, consequently, the equally firm resolve never to desist from their exertions until the justice of their demands was accorded to them. In the prosecution of these claims they had spared no pains; they had neglected no constitutional means.

Several times, at the commencement of their proceedings, they went to the court-hall in a quiet, orderly, and peaceable manner, to demand their freedom; they presented four petitions to the House of Commons; one address to George IV, and one to William IV; one memorial to the Bishop of Chichester, one to the Bishop of Lincoln, and one to the Lord Warden of the Cinque Ports, and a petition also to the Brotherhood and Guestling; twice they carried their cause into the Court of King's Bench, and twice they went before a committee of the House of Commons. Thus, having exhausted all constitutional means, having once established their rights before a committee, and then cruelly having that favorable decision reversed, the patience of the more determined gave way, and they took the law into their own hands, placed Colonel Evans in the House of Commons, and thus wrested from the fears of their opponents what they in vain demanded of their sense of justice.

We wish not to defend this state of things; we only record these facts as one more proof of the fatal effects of the too long delayed opposition of the rulers to the just claims of those over whom they are called to rule. Some reckless gamblers stake all on one cast of the dice; then exclaim "I'll win the horse or lose the saddle!" Perhaps they think it more noble to imitate the oak than the willow; but then they must not be surprised if the blast, which passes innocuously over the latter, lays the former prostrate on the ground.

The immediate political advantage gained by placing Colonel Evans in parliament was adding one more vote to the liberal party, which carried the Parliamentary Reform Bill through the lower house. This bill received the royal assent on June 7th, 1832; and thus the town of Rye assisted in the completion of the great work which they had so nobly begun. That the men of Rye had considerable influence in this business cannot be doubted, when we recollect that, in consequence of the decision of the committee in May 1830, in the following session of parliament, there were more petitions presented from various rotten boroughs in England than ever was before known. Various election petitions, with the hope of throwing them open, were presented, and had not the Rye case been reversed, no doubt would have been prosecuted to a successful issue. In fact, we have reason to believe that ministers were greatly alarmed at the decision of the committee, and, looking upon it as only the commencement of a series of attacks on the rotten boroughs in general, were resolved, so far as they could, to check at once so dangerous an innovation. The men of Rye had entered the point of the wedge, and the reformers drove it home, when the walls of the corporation fortress of Rye, in common with those of others, was rent in pieces; and thus, as we said at the onset, they never raised the siege until they made a breach in it sufficiently wide to march through and take possession of it.

We must now go back a little in our history, for the events which we had to record, at the close of the reign of George IV, were so intimately connected with those at the commencement of that of his successor, that we did not like to interrupt the continuous stream, and therefore omitted the list of freemen admitted during the former reign, and that of representatives and freemen in the latter during the short time which intervened between his accession and the passing of the Reform Bill. These omissions we shall now supply.

GEORGE IV.

LIST OF FREEMEN.

Names	How admitted	When admitted
David Stonham	Mayor	Aug. 15th, 1821
Stephen Fryman	do.	Aug. 14th, 1822
William Brook	do.	Aug. 13th, 1823
John Spencer Kennett	Birthright	March 24th, 1824
Thomas Harrison	Mayor	Aug. 24th, 1825
James Seymour	do.	April 19th, 1826
John Daniel	do.	Nov. 1st, 1826
John Haddock Lardner	do.	Nov. 1st, 1828

WILLIAM IV —

REPRESENTATIVES PREVIOUS TO THE REFORM BILL

Year	Names
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1830	Hugh Duncan Baillie; Francis Robert Bonham
1831	Colonel Evans; Thomas Pemberton

WILLIAM IV

FREEMEN

Names	How admitted	When admitted
Twenty-three	Elected	Aug. 28th, 1830

By these lists it is shown that the old miserable system of making freemen dragged out a prolonged existence, quite to the close of the reign of George IV; but the decision of the committee of the House of Commons, in May 1830, soon produced its fruits, in the necessity which the ruling powers now felt of increasing the number of freemen, as evidenced in the election of twenty-three new ones on Aug. 28th, 1830, the names of which we have not thought it necessary to insert, as the old framework was now broken down; but it is sufficient to say not one of them was to be found in the roll of the men of Rye. Although the intention of introducing these new freemen was to strengthen the fortress against the attack of those who, for the last five years, had been bombarding it, still, as the Saxons, when called in of old to defend the Britons against the invasions of the Danes, kept possession for themselves and admitted others of their countrymen, so the new freemen, in the course of a very short time, that is, in about a year, opened the gates of the corporation, and admitted their fellow-townsmen to the full enjoyment of all their long-lost and long-sought privileges.

But little now remains to be told. The Reform Bill was passed; by the second section of which Rye was deprived of one of its members, while, at the same time, a considerable electoral district was attached to it, consisting of the following parishes, viz. Winchelsea, Icklesham, Udimore, a small part of Brede, Peasmarsh, Iden, Playden, East Guildford, and that part of Broomhill which lies in the county of Sussex. By one clause it was enacted that all those who had been admitted to the freedom of the corporation, previously to March 1st, 1831, were to have the right of voting, even though they had no other qualification; while, by another, it was provided that all voters must be registered. On the first register the voters were as under:

Rye, town and parish	217
Winchelsea, do and do.	40
Icklesham, parish	20
Udimore, do	32
Part of Brede, do.	25
Iden, do.	15
Peasmarsh, do.	32
Playden	15
East Guildford	6
Total number of voters	379

When the registration was completed a new writ was issued, and the election was held on Dec. 12th and 13th, 1832, when the candidates were Colonel Evans and Major Curteis; and at the final close of the poll the votes were—

For Curteis	162
Evans	128
Majority for Curteis	34

The total number of voters was 379, which were disposed of as follows, viz.:

Curteis polled	162
Evans	128
Disqualified by office	6
Absent	8
Left the town	1
Did not vote	70
	379

A few remarks are necessary to explain the result of this election. Both candidates were Liberals, and Colonel Evans had done the town of Rye good service. The majority of the freemen of the corporation could neither forget nor forgive the affront which they considered had been put upon them in the election of April 1831, when, by the pressure of popular opinion, they were compelled, full sore against their will, to return Colonel Evans as their representative, and these all voted against him; with these the Tories also made common cause, thinking that of two evils the Major was the least. Besides these votes, Major Curteis had many personal friends, in consequence of the large landed property held by him and his family, in the agricultural part of the new electoral district; and, lastly, an unfortunate misunderstanding had arisen between Colonel Evans and several of his earliest supporters in the town, which prevented them from voting for him, although they did not vote for his opponent. All these causes combined gave Major Curteis the majority, and he thus became the first representative of Rye under the Reform Bill.

With a slight retrospective glance, we will close this long portion of our history. We have endeavoured to show how great and numerous privileges were granted to the inhabitants of Rye, in common with those of the other Ports, by the ancient Charters of their sovereigns; how those privileges were granted to the many, and not to the few; how these were gradually usurped by designing men until, at length, they were possessed by the few only, and not by the many; and, finally, we have explained how they were recovered.

In the election of April, 1831, there were only seventeen freemen, who were qualified to vote for a representative in parliament; while in that of December, 1832, there were two hundred and eleven so qualified in the town and parish of Rye alone.

In 1825 there were not more than twenty-eight members of the corporation altogether, and these had the sole management of all the municipal affairs of the town, being entirely uncontrolled by the rest of the inhabitants. But now, since the passing of the Municipal Corporation Reform Bill, there is a town-council, about a third part of the members of which has yearly to be renewed, and in the election of which there are full three hundred burgesses who have a voice.

Thus have the ancient rights, liberties, and privileges (so far as consistent with modern times) been restored to the inhabitants of the town. These are now in their own hands. They have the power, and God grant they may always have sufficient discretion and public spirit to preserve them!

END OF PART I.