

Declaration
Concerning matter
of Bounty.

KING JAMES I. 1610.

Facsimile Reprint, 1897.

To the Trustees of
the M. C. P. University

Sirs,

Profiting by the courtesy of the Trustees of the British Museum, I have obtained for the purpose of reproduction in a book, shortly to be published, photographic blocks of the Declaration concerning matter of Bounty published by King James in 1610. The particular mention which is made of this Declaration in the Statute of Monopolies renders it unique among English legal and historical documents and the interest attaching to it is enhanced by the circumstance that the document itself has been so completely lost to knowledge for two hundred and fifty years past that even its title has been only imperfectly known to writers upon English law since the days of Sir Edward Coke.

By an arrangement with my publishers I have secured the first two hundred impressions from these blocks in a separate form to be issued for private circulation and presuming upon the rarity and interesting character of the document I take the liberty with great respect to beg your kind acceptance of one of these copies.

I have the honour to be, *Sirs,*
Your very obedient Servant,

J. W. Gordon

11, KING'S BENCH WALK, TEMPLE,
London, E.C.

25th May, 1897.

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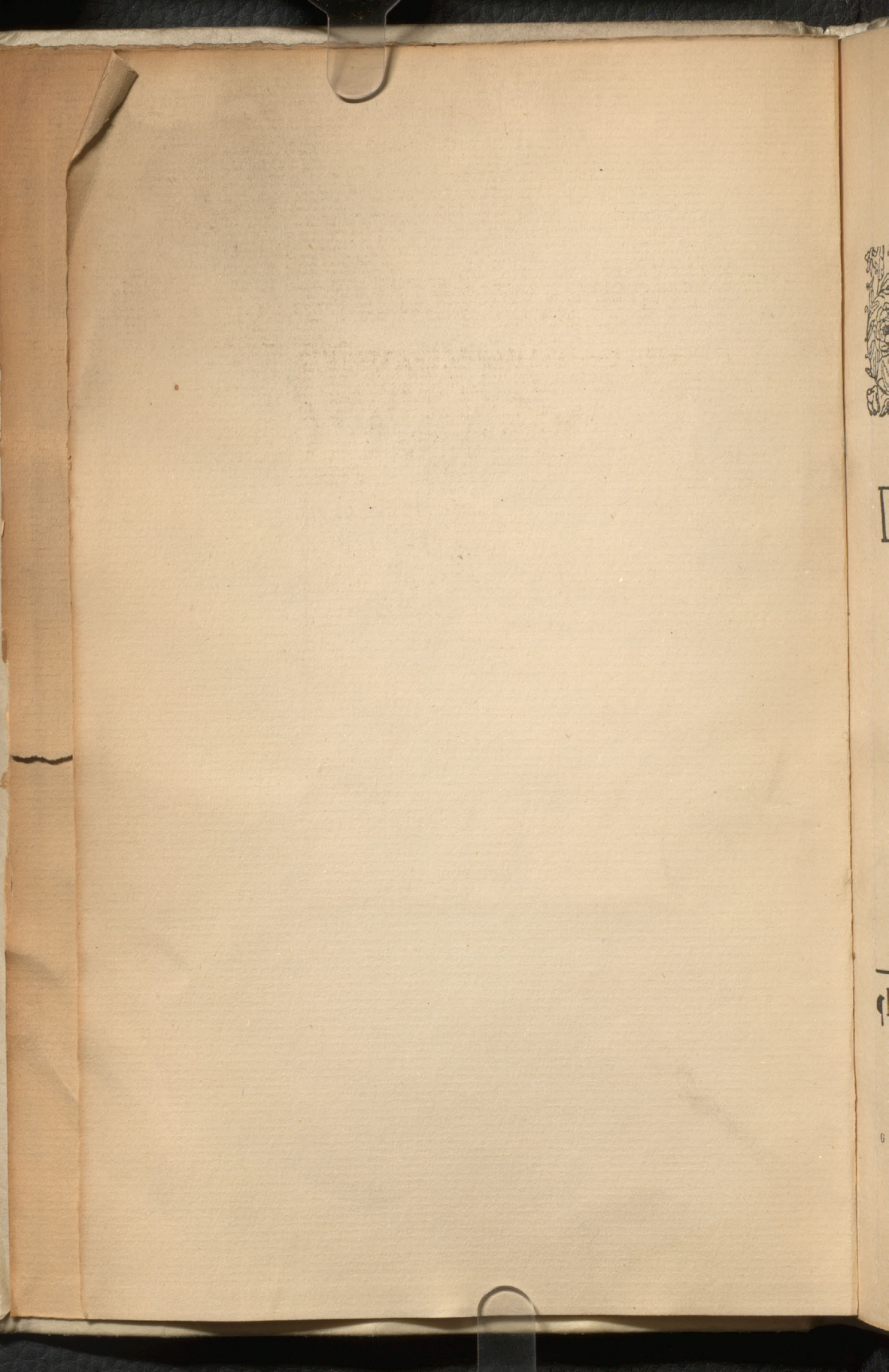


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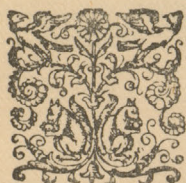
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Received 1898



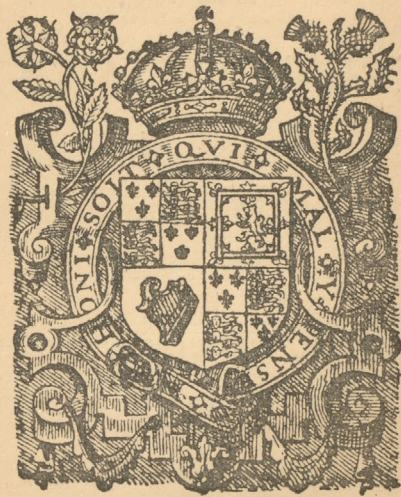


A
Declaration of His
Maiesties Royall pleasure, in
what sort He thinketh
fit to enlarge,
*Or reserue Himselfe in matter
of Bountie.*



Imprinted at London by *Robert*
Barker, Printer to the Kings most
Excellent Maiestie.

ANNO 1610.





¶ By the King.

A DECLARA
TION OF HIS
Maiesties Royall pleasure, in
what sort he thinketh fit to enlarge,
or reserue himselfe in matter
of Bountie.



Auing so parti-
cularly descended
into the considera-
tion of our Estate,
(respecting Trea-
sure, and Reue-
nue,) as we finde it full of difficul-
ty to reduce the same, to the termes
A 3 that

that are to be wished, by any such sudden or certaine meanes, as will not require some length of Time, and change of former Customes, both in the maner of our Expence, and of our Bountie; Wee haue thought it one of the best parts of the Care, not onely to resolue with our selues, to decline from all maner of Expence that shall not bee necessary for the safetie of Our Crowne, and honour of that Estate and dignitie (which no King can suffer to fall, but hee must run into contempt both abroad and at home) but also to take such further course as may make knownen to Our Seruants and Subiects; that although it is farre from Our intention to stop all liberalitie from Our
well

well deseruing Seruants. Yet Wee
meane not in respect of the vaine or
vnnecessary Expence, of any pri-
uate man (or vpon false suggestion of
former seruices) to be drawen either
by the mediation of friends, or by
the importunitie of any partie in ne-
cessitie, so farre to respect or commi-
serate others, as to cast Our Selues
and our Posteritie into those wants
or streights, which may driue Vs to
lay burdens on Our People, to whom
Wee desire to endeere Our Selues by
all the Princely offices of Favour
and Protection which any earthly
King can affoord vnto his Subiects.
And therefore as Wee doe on the one
part expressely forbid all Our Ser-
uants and Subiects (of what condi-
tion

tion soeuer they be) to propound or offer any Suites to Us, by which Our People in generall may be impoueri- shed or oppressed: So on the other part We doe likewise expressely forbid all persons whatsoeuer, to presume to presse Us, for any thing that may either turne to the diminution of Our Reuenew and setled Receipts, or lay more charge vpon Our Ordinarie, vpon paine to be helde and reputed in either of those two kindes, as persons unworthy to enioy Our Fauour or Presence for euer. In which consideration, because Wee know not whether We may vnawares, or vpon multiplicitie of businesse, chance to passe any Graunt or Warrant, contrary to the Order set downe herein :

Wee

*Wee doe not onely forbid all persons
 whatsoever, (either Officer or o-
 thers) to receiue any such Petitions,
 or Warrants, as shalbe of those na-
 tures that are forbidden in the sche-
 dule hereunto annexed (upon that
 perill which is due to such presump-
 tion) but Wee doe forbid our Secre-
 tarie of Estate, the keeper of Our
 priuie Seale, and Our Chancel-
 lour of England, to seale any such
 Graunt or Warrant, before they
 haue enformed Us particularly, and
 receiued a new signification of Our
 pleasure by a new Warrant vn-
 der Our hand. And because We
 haue obserued also, that the swift-
 nesse in preparing Warrants before
 the Suites be mooued, (a course con-*

B

trary

trary to all good order,) is oftentimes a meane to hinder the examining and distinction of mens Suits : Wee doe likewise command Our principall Secretarie , Our Masters of Requests, and all other Ministers employed vnder Our Secretarie in that seruice, not to suffer any Warrants to be made for any Suite, before the matter haue bene mooued vnto Us by petition, and Our pleasure signified for that Warrant which is to passe Our hand:

Exception. Except it be for any such Warrants or priuie Seales, as serue to direct or appoint any summes of money to bee issued for paiments, that concerne any present seruice for Our selues, or Our Estate, which are things

things of other nature, and of greater expedition then matters of Reward.

And in asmuch as We are desirous To prevent charge of Suitors. to prevent the needlesse attendance of suiters, to their charge and disappointment, (which is little better, if not more preiudiciall, then a meere deniall,) or to leaue men incertaine, within what natures of Suites, they may containe their hopes, and when and where, they may resort for answer or dispatch : Wee haue thought good, to conceiue and declare in another Schedule, (hereunto annexed) the natures of such Suits wherein We are pleased to be moued.

And for the maner of propounding or mouing them, We doe further de-

clare, that either Our Principall Secretarie for the time being, or some by Our appointment for him, and the Master of Requests then attending, shall haue audience of Us for all Suits that doe concerne Our Bounty once in euery weeke at least: At which time if the same shall ap-

Limitation. peare, to be within the nature above limited for Reward, Our Pleasure shall be so declared to those that doe present them, as the Suitors shall know what they may looke for, and where they shall be dispatched, according to the nature of the Suit that is moued: But if any of those Suites shall require further examination or information from any of Our Officers or Commisfioners, whose know-

Examination

knowledge therein may be necessary, for giuing Us further light of the Value and Nature thereof, they shall then be referred to those whome it concerneth, upon whose Answeres and Certificates Wee will signifie Our further Pleasure, as cause shall require.

And because there may be Suits, ^{Mixed Suits.} which doe not fall within the knowledge or distinction of proper Officers and Offices (in which cases it may be conuenient to referre the Examination of them to some such persons as may conferre with the parties, that doe present the said Suits, or those that may haue some particuler interest in the same, either in respect of trade or otherwise.) Wee haue

B 3 thought

Commis-
sioners.

thought meet (in that respect) to appoint a certaine number of Commissioners, to examine and consider of all such particulers, as shall be referred vnto them by Vs or Our Counsell. And to preuent the passing or graunting of any thing which should be contrary to our Lawes, We haue made Our choice of persons seuerally qualified, both in the vnderstanding of our Lawes, and other knowledges, that they may be so much the better enabled, to report the quality of such Suits, to Our Priuy Councel after conference with the Suitors, and Examination of their seuerall natures, and the Circumstances depending thereupon, which would take too much time, from Our sayd Priuy

Priuy

Privy Councell, if they should not be first prepared and digested by that course which is herein expressed.


Lastly, because We would be loth Referuation
for absent
men.
*that those that haue not dayly accesse vnto Us, should thinke themselues in danger still to be preuented by others, who haue more meanes to mooue Suites for themselues then they haue; We doe declare hereby, that (except it be in Cases wherein some speciall industry of discouery may mooue Us more properly to respect the first Suitor then any other) Wee will not suffer any such aduantage to be taken by one mans neercnesse more then another, as not to make it one of Our owne Cares (whosoever be the Moouer) to slay
either*

either the whole, or part for others,
that deserue well, though they bee
absent, according as Wee shall ob-
serue, that Wee haue beene good
vnto such a Suitor before, in some
things else, or shall finde the Suites
themselues to be of such Value, as
may content more then one.

¶ A Me-

A MEMORIAL
 OF THOSE SPECIALL
 things for which Wee
*expresly command that no Suitor
 presume to moue Us, being mat-
 ters either contrary to Our lawes,
 or such principall Profits of Our
 Crowne, and settled Reuenue,
 as are fit to be wholly referued to
 Our owne vse, untill Our Estate
 be repaired.*

¶ *Things contrary to Our Lawes.*

- 1  **M**ONOPOLIES.
2. **G**Raunts of the
benefite of any
Penal Lawes, or of power to dis-
 C pence

pence with the *Lawe*, or compound for the *forfeiture*.

¶ *Reserued to Our owne vse.*

3. **R**ENTS, Lands, and Leases, in *possession* or *Reuerſion*, not barring the *Tenants* in *possession*, to renew their Estates, for xxj. yeeres, or *three liues*, as hath bene vsed heretofore.

4. **A**L lands *entailed* vpon the Crowne.

5. **C**USTOMES, *Impositions*, and *Seisures* for the same.

6. **L**ICENCES to *Import*, or *Export* commodities prohibited

bited by the *Law*, or any lawfull
Commodities, without paying the
 due *Custom*

7. **P**ROfits rising out of Our
Tenures, *Alienations*, and
Fines leuied, or *Recoveries*, either
Common Recoveries, or other.

8. **P**ROfits answered vnto *Vs*,
 from any of Our *Seales*.

9. **A**Ssarts, and *Defectiue Ti-*
tles, as things onely fit to
 be measured by the rules of Our
 owne *conscience*.

10. **D**Ebts and *Accompts* wher-
 upon there is any *Seisure*
 or *Stallement*, and all other *Debts*

C 2

and

and *Accompts* accrued since the
xxx. yeere of *Q. Elizabeth*.

11. **T**He *Fines* of the *Starre*
Chamber.


12. **N**O newe *Pensions* to bee
granted.

Neuerthelesse, out of the *Gene-*
ralitie of the *Natures* abouesaide,
We intend to be excepted the *Parti-*
culars expressed in the *Schedule*
next ensuing, in which *We* haue con-
teined all the *Natures*, that *Wee*
meane to haue reserued for Our
Bountie.

A ME-

A MEMORIAL OF THOSE SVITS

*wherein We are contented to be
moued by Our Seruants and Sub-
iects, and to reward them accor-
ding to the particular merit of the
Suitor.*

1.  *Gifts of Offices in Our
Gift, to meet and wor-
thy persons.*

2. **K** *Keeping of Parkes and
Walkes in Chases and For-
rests, and keeping of Castles, Forts
or Houses.*

3. **F** *Orfeitures of Landes and
Goods that shal grow here.*

C 3 after

after by *Murthers* or other *Felonies*, wherein neuerthelesse Wee doe straightly forbid all persons whatsoeuer they be, that shalbe *Suitors* to Vs for any such *Forfeitures*, if there shalbe any motion made before the *Offendours* bee duly conuicted, that they do not in any fort resort to any of Our Iudges, Iustices, learned Councell, or other ministers of Iustice, nor intermeddle directly or indirectly in the prosecution of the *Cause*, before the *Offendours* be duely conuicted, vpon paine both to bee disabled to obtaine their *Suite* or any part thereof, or otherwise to incurre Our displeasure for their contempt in that behalfe.

4. **P** Ardots in Cases appearing vnto Vs by due *Certificate* and *Commendation*, to be fit to receiue Our *Mercy*.
5. **E** Scheats that shall growe due for want of *Heire* by *Bastardie* or otherwise.
6. **L** Ands that shal be hereafter purchased by *Aliens*.
7. **D** Enization of such *persons* as shall be thought fit.
8. **F** Orfeitures of *Outlawries* of such as shall bee hereafter *Outlawed* after *Judgement*, and stand so *outlawed* by the space of sixe moneths, after the *Outlawrie*
retur-

returned, and likewise of such as are already *outlawed* after Iudgement, and shall not discharge such *outlawrie* within sixe moneths next after the date hereof: with *Cautions* and *Prouision* that the true Creditors shall bee first payd their debts, and that none of Our Subjects shalbe sued by force of such *Graunt*, for any debt or other cause in Our Name, but onely in the name of the *Grauntee*, and with a Clause to be conteined in such our *Grants*, for submitting the same to Our Court of *Exchequer*, for the mitigation of the extremitie of the forfeiture, a tenth part of the benefite of such *outlawrie* so mitigated

fured by Our owne conscience ;
 Yet We do hereby declare, that
 We do not vnderstand (as com-
 prehended in that Our *reserua-*
tion) such *intrusions* as haue bene
 made vpon Our *possessions* by co-
 lour of any *Intaile*, where the *fn-*
taile is spent , or by colour of any
terme, where the *terme* is expired,
 being matter of plaine *disinberi-*
son vnto Vs , and that which no
Subiect in his owne *interest* would
 indure : And therefore We are
 well pleased, That Our *Seruants*
 and *Subiects* do moue Vs in cases
 of those *two natures*. Prouided
 alwaies, that they do not fal vpon
 any those particular *Titles* which
 are already made knowen vnto
 Vs,

Vs, and *Registred* into a *Booke*,
signed by the hand of the *Chancel-*
lour of Our *Exchequer*, to the
 view whereof, as occasion shall
 serue, the *suitter* may be admitted,
 to the intent he may thereby see,
 there is no cause to reward him
 for *discovery* of that, which is al-
 ready knowen; neither also that
 they meddle with any more an-
 cient *Intrusions*, but onely such,
 where the *Intrusions* haue bene
 made, since the first yeere of *K.*
H 8. And that the *Suitors* sub-
 mit themselues to such *compositi-*
on, as shall be made by our *Com-*
missioners, And a *tenth* part of the
 benefit of such *Composition* as shall
 accrue to bee reserued to Our
 D 2 *selues*,

selues, and Our successours, and the parties in possession, to take a new Patent, with the former Tenure reserued.

*And because We are willing that those moneys which doe arise by the faults of offendours, may sometimes serue for matter of Bountie, (to a well deseruing seruant) after they are leuied in a course of Iustice, and moderated by those rules of equitie and discretion, with which the publique ministers doe temper the seueritie and rigour of the Lawes, and not pursued or prosecuted by priuate men, who for the most part care not how they molest, or straine the Subiect in such cases : Wee doe first declare, that Wee are pleased,
That*

That all such moneys as shall here after come into Our Exchequer, growing either upon forfeitures, or upon Fines inflicted by any of Our Courts of Iustice for notorious crimes, and misdemeanours (Our Court of Star-chamber onely excepted) shall be so distinguished and seuered in the Receipt (without being mingled with any other Treasure, nor issued for any Our owne occasions) as Wee may distribute such portion thereof, as shall seeme good vnto Us, vpon any man that meriteth Reward. Wherein, although Wee know Wee shall depart with many branches of those Receipts, which haue come under the Title of ordinary casuall Reuc-

nue of the Kings of England;
Yet Wee haue thought it more agree-
able to Honour and Iustice, and
to the presidents of the greatest
and wisest Princes, (aswell Our
neighbours, as Our Predecessours)
when Wee are disposed to Reward
any man out of such casualties, to
use Our owne Iudgement for the
quantitie, and not to leaue the
profecution in such cases to pri-
uate men, lest when they know the
particular nature of that offence
from which their benefit should be
deriued, they may take some such
indirect and violent courses, (in
respect of their owne gaine) as is
farre contrary to that Clemencie,
which Wee haue euer used, and in-
tend

tend to doe to all Our louing Subjects; hauing euer thought it as proper for Us, (respecting Our Kingly Office) to be the moderatour of the rigour of Our Lawes, as to preserue them from neglect, the one leading to oppression of many, and the other to the ouerthrow and dissolution of the whole.

In which consideration also, whereas Wee haue beene contented heretofore (and so are still determined) to bestow vpon diuers persons according to their merit some portion of that Benefit which the Lawes haue giuen Us, vpon the conuiction of Recufants. Wee doe first expresly signifie Our great dislike of such as out of desire of
their

their owne priuate profit , haue taken , or shall take undue and extreme courses against any of Our Subjects, aswell by inditing them in places where they haue no residence, as otherwise ; And next, because Wee haue bene also informed, That some others, to whome Wee haue passed such Graunts, haue somuch abused Our fauours, as to presume to compound with diuers ill affected, for light summes, before any Conuiction , (whereby the offendours in that kinde haue beene the more backward to conforme themselues : which is contrary to the godly ende and purpose of Our Lawes , that aymed not at their punishment, but at their reformation :

formation : *Wee doe hereby com-
maund, that in all Graunts of like
nature hereafter, a speciall Clause
be inserted, that no such Graunts
doe in any wise proceed to Compo-
sition with any Recusant before a
lawfull Conuiction. And fur-
ther, that sufficient Caution and
Securitie be giuen, that We be due-
ly answered of a third of those For-
feitures or Compositions, for the
better vpholding and continuing of
that proportion of Reuenue,
which We haue heretofore
receiued.*



Imprinted at London
by *Robert Barker*, Printer
to the Kings most Excel-
lent Maiestie.

ANNO DOM. 1610.



Facsimile Reprint, 1897.

Private Edition. Impression No. 172

NOTE UPON THE BOOK OF BOUNTY.

THE Declaration relating to matter of Bounty, published by King James I. in 1610, is probably unique among legal documents. In form a royal proclamation, it comprises a statement of the common law concerning monopolies, to which is owing its present importance and for the sake of that statement it has been endorsed by Parliament and in effect incorporated in the Statute of Monopolies. The authenticating enactment runs as follows:—

Forasmuch as your most excellent majesty in your royal judgment, and of your blessed disposition to the weal and quiet of your subjects, did, in the year of our Lord God 1610, publish in print to the whole realm, and to all posterity, that all grants of monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to your majesty's laws, which your majesty's declaration is truly consonant, and agreeable to the ancient and fundamental laws of this your realm: And whereas your majesty was further graciously pleased expressly to command that no suitor should presume to move your majesty for matters of that nature; yet, nevertheless, upon misinformations and untrue pretences of public good many such grants have been unduly obtained and unlawfully put in execution to the great grievance and inconvenience of your majesty's subjects, contrary to the laws of this your realm, and contrary to your majesty's royal and blessed intention, so published as aforesaid: For avoiding whereof and preventing of the like in time to come, may it please your most excellent majesty at the humble suit of the lords spiritual and temporal and the commons in this present Parliament assembled, that it may be declared and enacted, and be it declared and enacted by the authority of this present Parliament, that, &c.

In accordance with the idea embodied in this preamble, the entire Statute is modelled upon the Declaration, and much of its language is borrowed from that source. But the Declaration itself, so important as it is in the history and exposition of the law, so interesting from every point of view, has most unaccountably been lost to knowledge for upwards of two hundred and fifty years. It was reprinted in 1619 by the order of King James but probably has never been reproduced in any form since that date. The reference made to it in the Statute of Monopolies is so vague that perhaps it would never have led to its identification at the present date had not the deficiency been supplied by the contemporary testimony of Sir Edward Coke. He makes three separate allusions to the document. Two of these are to be found in the Third Institute in the chapters treating of Monopolies (*a*) and Penal Laws (*b*) respectively. Both passages are expressed in substantially the same terms, and they state in effect that the *Case of Penal Laws* (*c*) and the *Case of Monopolies* (*d*) were principal motives of

(*a*) 3 Inst. 182. (*b*) 3 Inst. 187. (*c*) 7 Co. Rep. 126. (*d*) 11 Co. Rep. 84.

THE BOOK OF BOUNTY.

the king's book mentioned in the preamble of the Act, and that the book was a great motive of obtaining the Royal Assent to the statute.

The third reference in Coke occurs in his comment appended to the *Case of Monopolies* (*f*), where he says, "our Lord the King that now is, in a book which he in zeal to the law and justice commanded to be printed anno 1610, intituled 'A declaration of his Majesty's Pleasure,' &c., p. 13, has published that monopolies are things against the laws of this realm, and therefore expressly commands that no suitor presume to move him to grant any of them, &c."

The reference here to the title and to the contents of page 13 affords a complete identification and proves beyond argument that the text now re-published is the same from which Sir E. Coke quoted.

The circumstances attending the composition and publication of this most interesting document have been sufficiently discussed from the present writer's point of view elsewhere (*g*). By the kindness of Professor Gardiner I am enabled here to add some comments of his contained in a letter upon this subject addressed by him to my friend Mr. A. B. Shaw.

SEVENOAKS,
October 17, 1896.

DEAR MR. SHAW,

I have examined the little book in the Museum Library, and quite understand why it is not included in K. James's works. It is not a personal production of his own, but an official declaration issued in his name, like any other declaration or proclamation. Though it was printed in 1610 (*i.e.*, between March 25, 1610, and March 25, 1611), it was drawn up in the end of 1608, and was one of Salisbury's many attempts to check James's extravagance. You will find it in various forms amongst the State Papers Domestic XXXVII., 72—76 (Mrs. E. Green's Calendar, 1603—10, p. 467).

The only interest that attaches itself to the date of publication is to show that it was printed in connection either with the Great Contract or with the break-up of the Parliament. I do not remember any evidence which would fix the date to the month.

The reference to it in the Statute of Monopolies is delusive. James in his declaration declared monopolies to be illegal, meaning, I believe, the grant of the right of sole selling of ordinary products in accordance with the judicial decision in the case of cards. Further on James expressly excepts the

(*f*) 11 Co. Rep. 88.

(*g*) The reference here is to my "Monopolies by Patents," for which

book the blocks were prepared from which the present reprint has been executed.—J. W. G.

THE BOOK OF BOUNTY.

right of sole selling on new inventions. If your friend will look at my argument at the beginning of the History of England, Vol. IV., and at a paper of mine in Archæologia, XLI. 224, he will see that my notion is that the patents which gave offence were based on the view that the goods protected were new inventions or (what came to the same thing) new introductions, but that from motives of public policy the definition was very loosely considered, and made to cover many things which were not fairly covered by either term.

If your friend disagrees with this view, I shall be only too glad to consider his arguments, and, at all events, he will find in the references and quotations a good deal of information on the subject.

Believe me,

Yours sincerely,

SAMUEL R. GARDINER.

As the result of inquiries made at some of the principal libraries, I have notes of the following surviving copies of the book:—

BODLEIAN.

Edition of 1610.

Edition of 1619.

Two copies of each edition. Three of the four copies are in volumes of 17th century pamphlets bound up together in modern times. The fourth was certainly not bound up before 1613. The contents of that volume are various small books—the Declaration coming first and being succeeded by a book on the Art of Jugling. (Communicated by Mr. E. W. B. Nicholson.)

BRITISH MUSEUM.

Edition of 1610. Two copies bound separately. Catalogued under the heading "Great Britain and Ireland.—James I., King."

The press marks are 115. a. 25, and 709. a. 1.

(The edition standing at 115. a. 25, from which the annexed facsimile has been taken, was presented to the Museum by King George III.)

Edition of 1619. One copy.

Bound up with several other Proclamations and Pamphlets. Catalogued under the heading "Great Britain and Ireland.—James I., King."

This is the seventh tract in the 1603—1627 volume of the "Burney Collection of Papers, &c."

(Communicated by Mr. W. S. Johnson.)

THE BOOK OF BOUNTY.

CAMBRIDGE UNIVERSITY LIBRARY.

Edition of 1610. A perfect copy.

Bound up with several other proclamations, &c., of contemporary date (1605—1613), and all printed by Robert Barker, but having no other apparent connection with the Book of Bounty. It stands No. 3 in the Collection.

The book comes from Bishop Moore's Collection and was presented to the Library by King George III. (Communicated by Mr. H. Fletcher Moulton.)

DUBLIN—Trinity College Library.

Edition of 1610.

Bound up with several other proclamations and pamphlets by various printers of contemporary date (1607 to 1626), but having no apparent connection with the book. It stands No. 7 in the Collection.

This volume is classed: "DD.kk. 18, No. 7."

Edition of 1619.

Bound up with miscellaneous pamphlets. It stands No. 2 in the Collection.

This volume is classed: "P.ll. 24, No. 2."
(Communicated by Mr. Alfred de Burgh.)

EDINBURGH—Advocates' Library.

Edition of 1619.

One of a miscellaneous volume of pamphlets of dates ranging from 1607 to 1626, and having no connection with one another. The binding of the volume seems to be early 18th century.

(Communicated by Mr. J. T. Clark.)

MIDDLE TEMPLE.

Edition of 1610. A perfect copy.

Bound with the collection of "Miscellaneous Tracts" in the Library, of which it forms No. 4 in vol. 48. (Communicated by Mr. J. Hutchinson.)

The book appears to be a small quarto, but the publishers tell me that it seems from the printer's signatures upon the pages to have been printed in octavo form and that its present appearance is probably due to cutting down. It is described as a quarto in the British Museum Catalogue.

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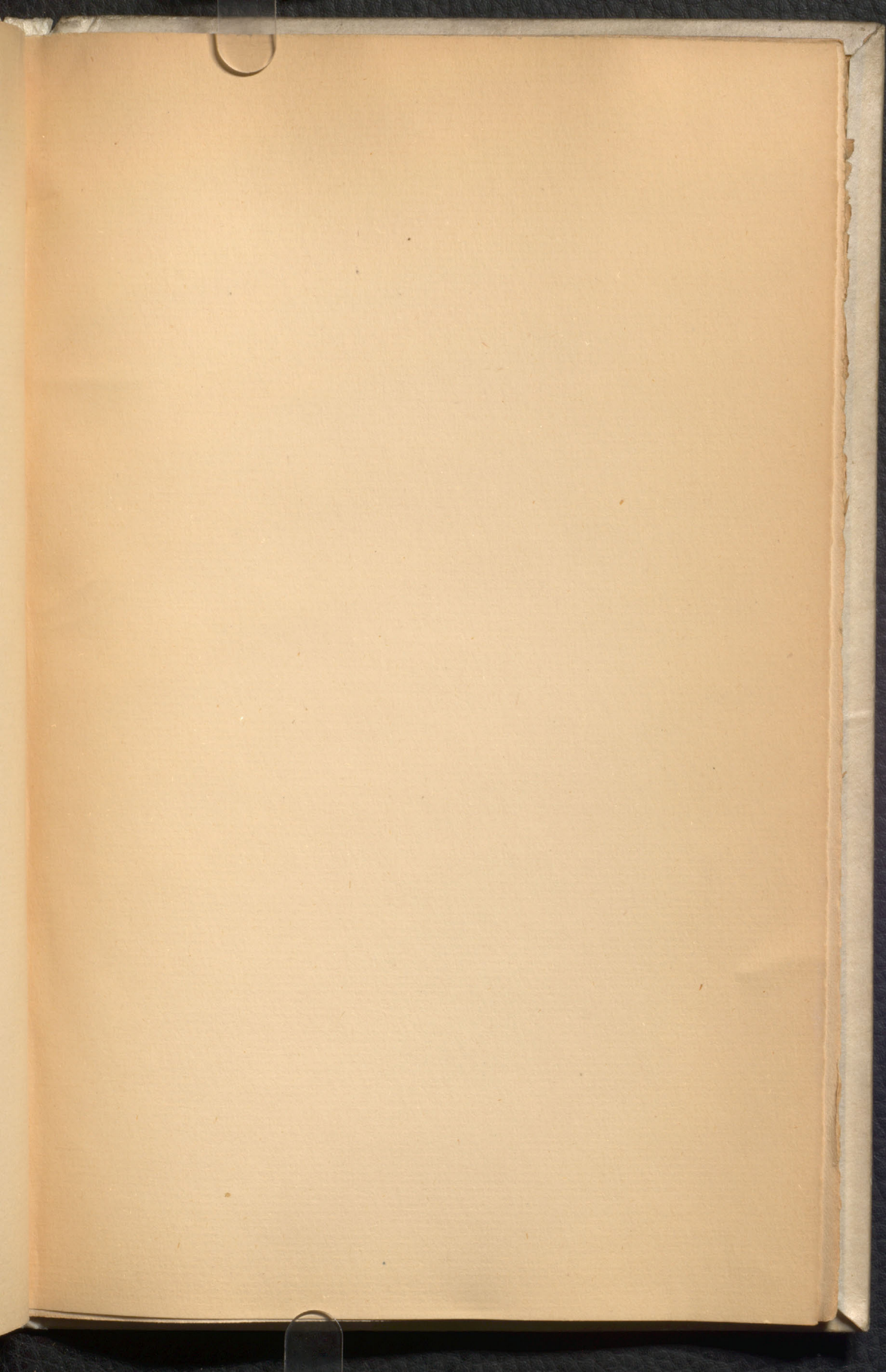
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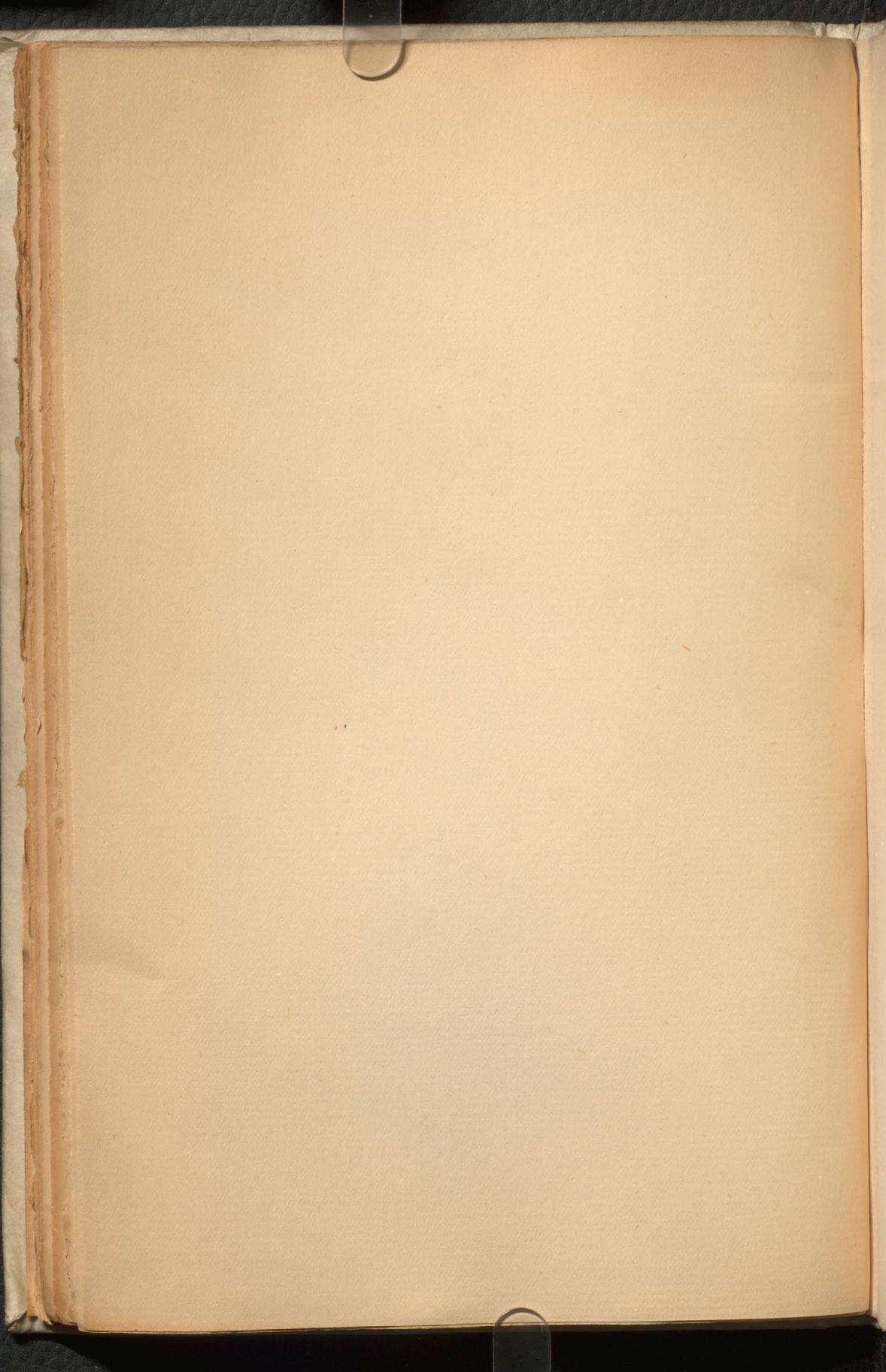
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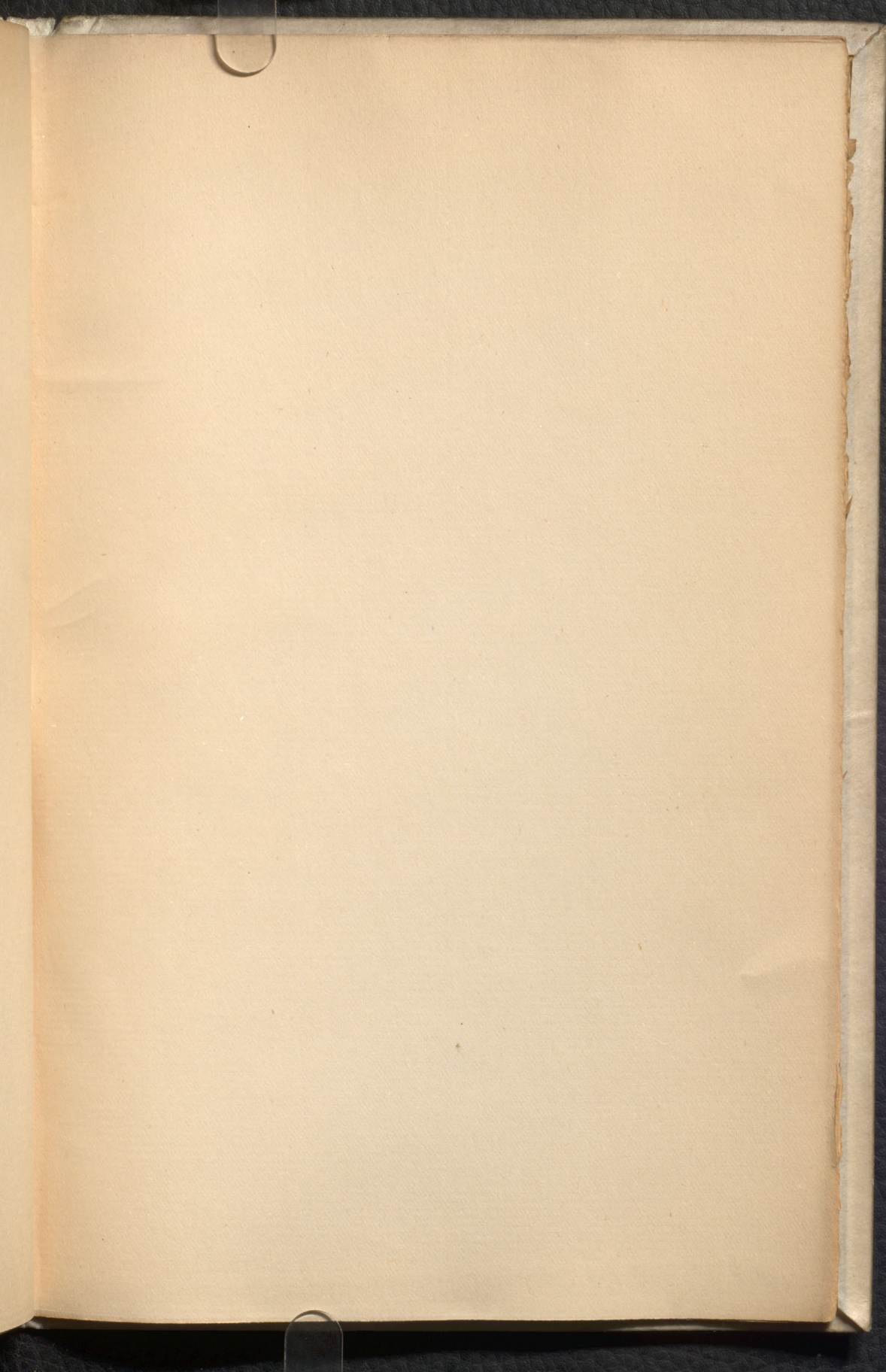
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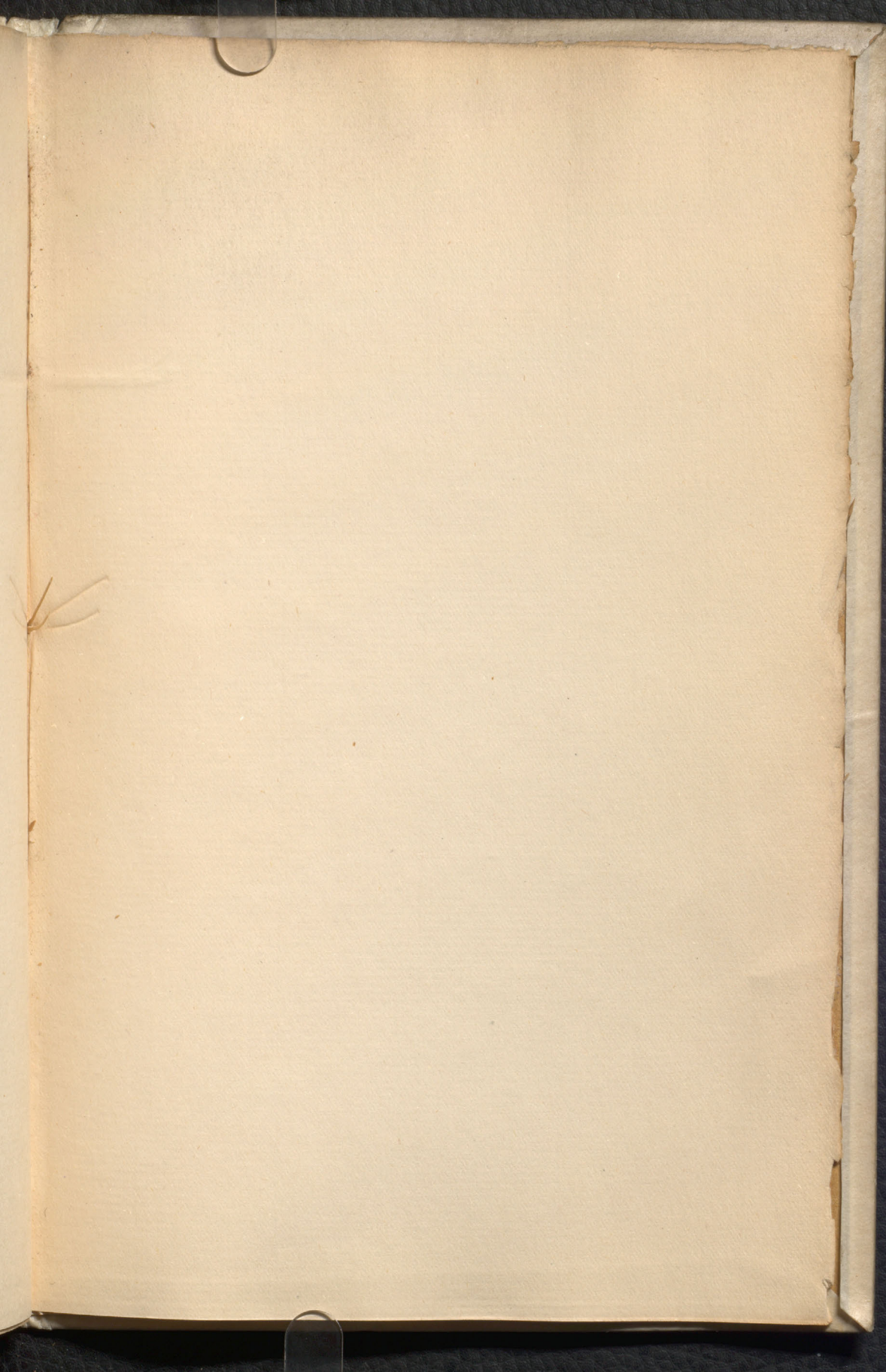
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