





AN ACT

For the better Suppressing of

THEFT

Upon the Borders of

England and Scotland,

AND

For Discovery of High-way Men and
other Felons.

At the Parliament begun at *Westminster*
the 17th day of September, *An. Dom.* 1656.



L O N D O N:

Printed by HEN: HILLS and JOHN FIELD,
Printers to His Highness the Lord
PROTECTOR. 1657.

[Faint, mostly illegible text and a sketch of a landscape with hills and a body of water, possibly a river or lake, with some figures in the distance.]

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Whereas the Inhabitants of both Nations that live near to the Mountains, and in Dales, and Marish and other obscure places upon the Borders, having been long accustomed to Idleness and Theft, whilst the two Nations were under several Governments, and cannot be brought off from their old evil and accustomed manner of Living, by reason of the situation of their habitations and dwellings near to the great Bogs and Mountains, and Large waste Grounds between England and Scotland, having thereby such opportunity, not onely at home to hide themselves and their prey or Booties of stolen Goods, but also of Conveyance over the said Bogs, Mountains and Large wastes out of the Nation where they commit these Felonies, into the other Nation, where their persons and stolen Goods are oftentimes shel-

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tered and received by persons of their own bad Quality and Confederacy, these Bordering People of both Nations thus serving each other by turns, so as it is very hard to bring these people to be responsible to Justice, or to get them apprehended upon Justices warrants to be brought to Trial and Judgement, Whereby they remain much encouraged and emboldened to continue in that their base and loose course of Living by Theft, to the great Infesting and Damage of the Bordering Counties of both Nations; For Remedy Whereof, Be it Enacted by his Highness the Lord Protector and this present Parliament, and it is hereby Enacted and Ordained, That as to all the Bordering Counties and parts of England and Scotland, (viz.) The Counties of Northumberland, Cumberland and Westmerland, or any parts or members of them, any or either of them, and the parts and places lying on the North side of the River of Tyne, commonly called and known by the names of Bedlingtonshire, Norhamshire and Islandshire, the Town and County of Newcastle upon Tyne, the Town of Berwick upon Tweed, and the Bounds thereof upon the English side; The Counties or Sheriffdoms of Berwick, Roxbrough, Selkirk, Pebbles, Wigton and Dumfreeze, upon the Scottish side; That it shall and may be lawful to and for the respective Justices of Peace within any of the said respective Counties, Shires and Sheriffdoms, who also are hereby required that once a Year at least, any two or more of them (Whereof one to be of the Quorum) do, and shall hold a private Sessions for the ends and purposes hereafter specified and declared, within all

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in such a condition as may hazard both, especially in this Conjunction, When there seems to be an opportunity of coming to a Settlement upon just and legal Foundations: Upon these Considerations, We have judged it a duty incumbent upon us, to present and Declare these our most just and necessary Desires to Your Highness.

I.

That Your Highness will be pleased by and under the Name and Stile of Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging, To hold and exercise the Office of Chief Magistrate of these Nations, and to Govern according to this Petition and Advice in all things therein contained, and in all other things according to the Laws of these Nations, and not otherwise; That Your Highness will be pleased during Your Life time, to Appoint and Declare the Person who shall immediately after Your Death, Succeed You in the Government of these Nations.

II.

That Your Highness will for the future be pleased to Call Parliaments consisting of Two Houses (in such manner and way as shall be more particularly afterwards agreed and Declared in this Petition and Advice) Once in three Years at furthest, or oftner, as the Affairs of the Nation shall require, That being your great Council, and in whose Affe-
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ction and Advice, Your Self and this People will be most safe and happy.

III.

That the ancient and undoubted Liberties and Privileges of Parliament (which are the Birth-right and Inheritance of the People, and wherein every man is interested) be preserved and maintained; And that you will not break or interrupt the same, nor suffer them to be broken or interrupted; And particularly, That those persons who are legally chosen by a Free Election of the People to serve in Parliament, may not be excluded from sitting in Parliament to do their Duties, but by Judgement and Consent of that House whereof they are Members.

IV.

That those who have Advised, Assisted or Abetted the Rebellion of Ireland, and those who do or shall profess the Popish Religion, be disabled and made incapable for ever to be elected, or to give any Vote in the Election of any Member to sit or serve in Parliament; And that all and every person and persons who have Aided, Abetted, Advised or Assisted in any War against the Parliament, since the First day of January, One thousand six hundred forty one (unless he or they have since born Arms for the Parliament or Your Highness, or otherwise given signal Testimony of his or their good Affection to the Commonwealth, and continued faithful to the same) And all such as have been actually Engaged in any Plot, Conspiracy or Design against the person

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son of Your Highness, or in any Insurrection or Rebellion in England or Wales since the Sixteenth day of December, One thousand six hundred fifty three, shall be for ever disabled and made incapable to be elected, or give any vote in the Election of any Member to sit or serve in Parliament. That for Scotland none be capable to elect, or be elected to sit or serve in Parliament, who have been in Arms against the Parliament of England, or against the Parliament in Scotland before the First day of April One thousand six hundred forty eight, (except such as have since born Arms in the Service of the Parliament of England or Your Highness, or given other signal Testimony of their good Affection) Nor any that since the said First day of April, One thousand six hundred forty eight, have been in Arms, or otherwise Aided, Abetted, Advised or Assisted in any War against the Parliament of England or Your Highness, except such as since the First day of March, One thousand six hundred fifty one (old style) have lived peaceably, and thereby given Testimony of their good Affection to the Parliament and Your Highness.

Provided, That nothing in this Article contained, shall extend to put any Incapacity upon any English or Scotch Protestants in Ireland, either to elect or be elected to serve in Parliament, who before the First day of March, One thousand six hundred forty nine, have born arms for the Parliament or Your Highness, or otherwise given signal Testimony of their good Affection to this Commonwealth, and continued faithful to the same; That all Votes and Elections, given or made

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contrary, or not according to the Qualifications aforesaid, shall be void and of none effect; and that if any person or persons so incapable as aforesaid, shall give his or their Vote for Election of Members to serve in Parliament; All and every such person and persons so Electing, shall lose and forfeit one Years value of his and their respective real Estates, and one full third part of his and their respective personal Estates, The one Moyety thereof to Your Highness, and the other Moyety to him or them who shall sue for the same in any Court of Record by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, or Protection shall be allowed. And that the Persons who shall be Elected to serve in Parliament, be such, and no other then such, as are persons of known Integrity, fearing God, and of good Conversation, and being of the Age of Twenty one Years, and not such as are disabled by the Act of the Seventeenth Year of the late King, Entituled, An Act for Disenabling all persons in Holy Orders, to Exercise any Temporal Jurisdiction or Authority, nor such as are Publique Ministers, or Publique Preachers of the Gospel. Nor such as are guilty of any of the Offences mentioned in an Act of Parliament bearing Date the Ninth of August One thousand six hundred and fifty, Entituled, An Act against several Atheistical, Blasphemous, and Execrable Opinions derogatory to the honor of God, and destructive to humane society; No common scoffer nor reviler of Religion, or of any person or persons for professing thereof; No person that hath married or shall marry a Wife

Assize, or any one of them in absence of the other, the Justices of Gaol-Delivery at their Gaol-Delivery, or any four of them, or the Justices of Peace in their General or Quarter Sessions, or any four of them, upon due and mature Examination of the said Offence and Offences in open Sessions, and pregnant Proofs of the same, by Warrant under their Hands and Seals, to remand and send all and every such Offender and Offenders into the Nation of Scotland, there to receive their Tryal for any the Offences aforesaid by them there committed.

And it is hereby further Enacted, That if at any time or times hereafter any person or persons shall commit any Offence or Offences within the Nation of England, which by the Laws of the Nation of Scotland is or shall be declared or adjudged to be Petty Treason, Murder, Man-slaughter, Felonious burning of Houses and Corn, Burglary, Robbing of Houses by day, Robbery, Theft, or Rape, and do or shall flee or escape into the Nation of Scotland, and be, or shall be apprehended within any of the said Counties or Sheriffdoms of Berwick, Roxbrough, Selkirk, Pebles, Dumfrieze or Wigton, That then it shall and may be lawful for the Judges in Criminal Causes, or any one of them, the Justices of Peace for the respective Shires or Sheriffdoms, or any four of them, upon due and mature Examination of the said Offence and Offences in open Sessions, and pregnant Proofs of the same, by Warrant under their Hands and Seals, to remand and send all and every such

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Offender and Offenders into the Nation of England, there to receive their Tryal for any the Offences aforesaid by them there committed.

And for the better and more effectual Discovery and Prosecution of Thieves and Highway Men, Be it Enacted by the Authority aforesaid, That such person or persons who shall at any time from and after the four and twentieth of July, One thousand six hundred fifty seven, discover to any Justice of Peace or any other Officer of Justice, any person that hath committed, or shall commit within England, Scotland or Ireland, any Robbery on the High-Way or Burglary, or that hath or shall feloniously break open any Dwelling-house, or feloniously enter into any such House, or there use any violence upon any person, or steal any Money or Goods, and shall apprehend or cause to be apprehended such Offender, upon conviction of such Offender so apprehended upon such Discovery, shall have a Reward of Ten pounds for every such Offender so apprehended and convicted; and all and every Sheriff and Sheriffs of the respective Counties or Sheriffdoms where such conviction shall be had, be required upon the Certificate of the Judge, or under the hands of two or more Justices of the Peace before whom such conviction shall be had, to pay unto such person or persons who shall discover and apprehend such Offender, or upon whose Discovery such Offender shall be apprehended, the Reward aforesaid of Ten pounds for every Offender so apprehended and convicted, out of the Publique Moneys

Moneys received by him in that County, and the same shall be allowed unto him upon his Account in the Exchequer.

And be it further Enacted and Declared, That any person or persons that shall discover any Felon or Felons (commonly called or known by the name of Moss-Troopers, residing upon the Borders of England and Scotland, or any Tories in Ireland) who upon such Discovery shall be apprehended and convicted of any common Felony (Petty Larceny onely excepted) shall upon the said Conviction have the like encouragement of Ten pounds; And all Sheriffs of the respective Counties where the Fact shall be committed, and the party convicted, shall make payment thereof accordingly.



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