

Original Documents.

ON THE TREATISE ENTITLED, "MODUS TENENDI PARLIAMENTUM," WITH ESPECIAL REFERENCE TO THE UNIQUE FRENCH VERSION BELONGING TO THE EARL OF WINCHILSEA.

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THE attention of historical and legal scholars cannot be directed to a more interesting subject of inquiry than the origin and early history of our political constitution. Unfortunately, however, few materials, and those of a very meagre character, exist for its elucidation. The page in which is recorded the early history of our legislative assemblies is almost blank. The Rolls of Parliament, commencing in the 18th of Edward I.; the Petitions during the same reign to the king and council in Parliament; the contemporary MS. entitled "Placita Parliamentaria," or Pleas in Parliament, during that and the succeeding reign; together with occasional and incidental notices on the Close, Patent, and other Rolls of the reigns of Henry III., Edward I., and Edward II., are absolutely all the authentic materials we possess for the purpose. These, it is true, would be sufficient did we desire to compile only a parliamentary history of the period to which they relate. But something more than this is required. The student of constitutional history aims at carrying his investigations to an earlier era. He aspires to learn the jurisdiction and constitutional parts of our legislative assemblies anterior to the time when the people of England are said to have been first represented therein, and to have formed an integral part of the legislature of the realm.

When *legal* evidence is so scanty, and *direct* testimony altogether wanting, we must of necessity turn our attention to other means of information, and welcome any document that promises to illustrate the subject of our inquiry.

It is for this reason—as belonging to the class of corre-

lative or cognate testimony—that the famous tract “*De Modo tenendi Parliamentum*,” regarded by many eminent lawyers to be a precedent of a Parliament holden before the Conquest, is undoubtedly entitled to our consideration.

A treatise bearing this title naturally excited attention when Englishmen began to pursue, with diligence, researches concerning the antiquities of the constitution. That great legal luminary, Lord Chief Justice Coke, seems to have been the first to call public attention to it. In the discussion on the Fitz-Herbert case of privilege, he thus announced it from the chair of the House of Commons :—“At first the two Houses were all one House, and sat together by a precedent, which I have, of a Parliament holden before the Conquest, by Edward the son of Ethelred. For there were Parliaments before the Conquest. This appeareth in a Book which a grave member of this House delivered unto me, which is entitled ‘*Modus tenendi Parliamentum*.’” And, afterwards, in his Fourth Institute (p. 12), when treating of the history and jurisdiction of the High Court of Parliament, he avows his deliberate opinion that “the ‘Modus’ was rehearsed and declared before the Conqueror at the time of the Conquest, and by him approved for England; and accordingly the Conqueror, according to ‘Modus,’ held a Parliament for England, as it appeareth in 21st Edward III., p. 60. After King Henry II. had conquered Ireland, he fitted and transcribed this Modus into Ireland in a parchment roll for holding of Parliaments there, which no doubt Henry II. did by advice of his Judges, being a matter of so great weight, and legal.”

For nearly half a century the dictum of this great lawyer does not appear to have been questioned. Constitutional history had not been studied. Men cared not to know whether the Saxon legislative assembly had an established constitution, whether it had a popular form, or whether it had been derived from ancient German Institutions. And when Coke, as Speaker of the House of Commons, with his head full of his newly discovered “Modus,” announced to Queen Elizabeth, in the presence of her assembled Peers, that “the High Court of Parliament is the greatest and most ancient Court within your realm; for before the Conquest, in the high places of the West Saxons, we read of a Parliament holden; and, since the

Conquest, they have been holden by all your noble progenitors,” he was fully credited by his Royal and noble audience.

In the succeeding century, however, questions touching the Royal Prerogative had arisen, and the rights and antiquity of Parliament were frequent topics of controversy. Selden, Hale, and Prynne entered warmly into the discussion. More than one of the dicta of Coke were disputed, and his panegyric on the “Modus” was derided. Selden and others were content with denying the antiquity of the treatise, but Prynne, who was its greatest opponent, thought no expression too strong, no ridicule too pungent, to be employed against it. Relying on a text both corrupt and interpolated, Prynne is often contradictory and sometimes extremely feeble. His arguments against Coke lose much of their weight by reason of the acrimonious spirit he exhibited ; but many of them, nevertheless, are decisive against the reputed antiquity of the “Modus.” He has, however, completely failed to establish his own views on the subject. The true age of the “Modus” was indeed so doubtful, that on one occasion he supposes it to have been compiled between the 27th and 33rd years of the reign of Henry VI., and, at another time, thinks it was written after the 31st year of Henry VIII. In impeaching the authority of the treatise as a true exposition of the mode of holding Parliament in the time of the Saxons, he has permitted himself to be betrayed into a misconception of its true character. He impairs the value of his objections to its authority by his endeavours to destroy its authenticity, not perceiving that a production may be genuine and yet utterly destitute of value as an exponent of facts.

The deduction of Coke, who was no antiquary, and not always a precise logician, as to the age of the treatise, is manifestly erroneous. The words of the proeme, from which he appears to have derived his opinion of its antiquity, clearly prove that it must have been written subsequent to the Conqueror’s time, inasmuch as it professes to describe the manner of holding Parliaments in the reign of William the First, “*and also in those of his successors.*” There is nothing in the words to warrant Coke’s unqualified assertion that he had found a precedent of a Parliament holden before the Conquest. It is no precedent either in the legal or

logical meaning of the word, but simply a narrative describing how certain things therein specified were done at various times past. A scribe writing in the reign of the Conqueror would doubtless be able to tell how Parliaments were holden in his time, or even how they had been holden in the time of that monarch's predecessors ; but it would be impossible for him to anticipate events, and give a detailed account of the manner in which they would be holden by William's successors. The proeme moreover is, in this respect, wholly at variance with the body of the treatise, thereby showing it is an addition. It purports to describe how the Parliament used to be holden before the Conquest, in the time of the Conqueror, and in that of his successors : the "Modus" itself—how it ought to be holden.

Since, then, the conclusions of these two eminent lawyers as to the antiquity of the "Modus" are plainly untenable, to what age are we to ascribe its production ? With data so few and so indefinite as we possess, it is of course impossible to pronounce a decision which shall be unimpeachable ; but inference, and evidence furnished by the treatise itself, will enable us to arrive at an approximation as to the date of its composition, sufficiently near as to satisfy us until something more decisive can be obtained.

We may be sure it was not written later than the year 1404, and probably not earlier than the year 1244.

It was not written later than 1404, since in that year—the sixth, namely, of King Henry IV.—a version of it suited to Ireland was exemplified under the Great Seal of that Kingdom. Besides, several copies of the reign of Richard II. are still extant, and one, at least, of the reign of Edward III.—nor would it be impossible to trace it to a still earlier time. The variations in the arrangement of sections, and in several of the phrases employed in the text of most of the MSS. extant, lead, indeed, to the supposition that they have been altered or adapted from some common and earlier exemplar. It was not written previous to 1244, since the word "Parliamentum," used in the treatise, was never applied to a legislative assembly in England by any *contemporary* writer, or can be found in record before that year. With these two dates to limit our search, we shall be the better able to prosecute the inquiry. The diocesan clergy are described in the "Modus" as represented in Convocation by two

Procurators from each diocese. Now, unless the passage having reference to the subject has been interpolated, the text wherein it occurs must have been written after the seventh year of the reign of Edward I.; because it was then (A.D. 1279), for the first time, the clergy were so represented. Further, it must have been written before the eleventh year of the reign of Edward III., inasmuch as the only grades of nobility mentioned therein are Earls and Barons; and there can be no doubt that had the titles of “Duke” and “Marquis” been known to the author they would have been alluded to by him.¹ Lastly, it must have been written before the year 1327, as appears from the fact that in several MSS., as well as in the version for Ireland, the paragraph relating to the Knights of the Shire ends with these words, “ultra unam marcā per diem;” whilst in others there is this addition, “at *nunc* per diem octo solidos videlicet, pro quolibet eorum quatuor solidos,” an explanation that could not have been made earlier than the year mentioned, because it was then that the wages of a Knight of the Shire for attending Parliament were fixed at four shillings per diem.

It is hardly necessary to go further into this question. No positive proof of the age of the treatise can now be produced; but, from the facts that have been adduced, we may safely assume it to have been written either at the close of the thirteenth or in the first quarter of the fourteenth century. The statement it contains that the Barons of the Cinque Ports were paid ten shillings per diem for their attendance in Parliament, has been strongly urged by Prynne against its authenticity, on the ground that the sum was immoderate, and higher even than the Barons of London at any time received. But his objection falls to the ground—as I have shown in the Preface to the “Modus” published for the Government, and need not repeat here—since the Barons of London in A.D. 1296—at the time I suppose the work to have been compiled—received exactly that sum as their Parliamentary wages.

Having spoken of the antiquity of the treatise, it is not necessary to enter on the constitutional questions involved in its consideration, or to examine the source whence it was

¹ The title of Duke was first conferred in the 11th of Ed. III.; that of Marquis in the 9th of Rich. II.

derived ; for to discuss these points fully, and in a manner worthy of their importance, would far exceed the space allotted to these remarks. It remains, however, to say a few words on the present version. All MSS. of this treatise known, are in Latin, with the exception of that belonging to the Earl of Winchilsea, and which, by his lordship's kind permission, is here printed. This, which is in French, and probably unique, is written on a parchment roll, in a handwriting of the early part of the XV. century. It throws no new light either on the history or the age of the treatise. The text agrees very closely with the Latin,² and was probably translated into French for the benefit of some one who was not acquainted with the Latin-language. The Roll is now preserved at Eastwell Park, Kent, with numerous documentary treasures, and with the collections formed by Dugdale for Sir Christopher Hatton, in the reign of Charles I., who took warm interest in the preservation of all historical evidences.

Sir Simonds D'Ewes, in his Preface to the "Journals of all the Parliaments during the reign of Elizabeth," states that he had some help from two transcripts, preserved in the Tower of London, of an old treatise entitled "*De Modo tenendi Parliamentum in Anglia tempore Edwardi filii Ethelredi.*" One of these transcripts, he says, was in French, the other being in Latin. If D'Ewes be correct in his statement that he saw a French version at the Tower, it is certain that it was not a Public Record, or it would not have escaped the keen notice of the indefatigable Prynne, who was Keeper of those Records, and who had devoted so much time to the consideration of the treatise. Lambarde, Ryley, and Petyt, each of whom wrote on Parliamentary History, were also Keepers of the same Records, and could hardly have failed to refer to the treatise had it been under their care. Moreover, in none of the ancient Inventories preserved in the Tower (and one of them is as early as the time of Richard II., and another as that of Elizabeth) is there any reference to such a treatise, either in Latin or French. What then are we to conclude ? That Sir Simonds D'Ewes did see a French version is not to be questioned. Is

² The chapters follow the order of one or two MSS. which place the chapter "De lez degrées de les Peers de Parle- ment" at the end, and substantially agree with the best MSS. at present known.

it not more than probable that this French version was the identical Roll belonging to the Earl of Winchilsea, and was shown to him as a great curiosity by Dugdale, when they were both engaged together at the Tower in the year 1640. Dugdale, we know, was then working under the patronage of Sir Christopher Hatton (an ancestor of the Earl of Winchilsea) who possessed a French version of the “Modus ;” at any rate it may be stated, with certainty, that if it were not the MS., now under consideration, which D’Ewes saw at the Tower, no other is at the present day known.

On the back of the Roll is a petition to Thomas of Lancaster, the King’s son, Steward of England and Lieutenant of Ireland, from Richard, Archbishop of Cashel, which proves the Roll itself to have been written at least as early as between the years 1406 and 1412. From this circumstance the Roll appears to have had some connection with Ireland, though it differs in some respects from the copy which is said to have been transmitted thither in the time of Henry IV., and exemplified under the Great Seal of that Kingdom, in the sixth year of the King’s reign, when Sir John Talbot of Hallamshire was Lord Lieutenant. That treatise, as exemplified, was, we know, in Latin, having been expressly adapted for Ireland ; this, on the other hand, is in French, and relates wholly to England. There is, however, just a possibility that the Roll before us, which originally belonged to Sir Christopher Hatton, is that found with Sir Christopher Preston when he was arrested at Calne, in Ireland,³ and had been by some skilful hand translated into French for the use of Sir Christopher Preston, who, like most of the laity in his day, may have been unacquainted with Latin. This, however, is a mere hypothesis ; but it is founded on the fact that the phraseology has all the marks of having been translated from the Latin, while in the Latin text there is no expression or phrase which would lead to the inference that it had been translated from the French.⁴

³ See Notes to the “Modus Tenendi Parliamentum,” printed under direction of the Commissioners of Public Records, 1846, p. xxxiv.

⁴ On the back of the Roll is also written, in a different hand, the pro-

phecy of St. Hildegard concerning the Order of Mendicants, 42 years before its commencement. This vision may be seen in *Wolfi Lect. Memorab.* under the year 1180. The Roll measures in length 4 ft. 5 in. by 11½ in.

ICI COMENCY LA MANERE DE TENIRE PARLEMENT.

Icy est escript la manere coment le parlement de Roy denglitere et sez engliez estoit tenuz en temps le Roy Edward fitz Edildrede le Roy, quele manere estoit reherce par les pluys sagez du Roialme devaunt William duc de Normandie conquerour et Roy denglitere, mesme le conquerour ceo comaudant par luy prove, et en soun temps et auxi en temps de sez successors Roys denglitere uses.

DE SOMOUNS.

Le sommouns de parlement doit procedre le primere jour de parlement par xl. jours.

DE CLERGIE.

A parlement somondre et venire devant par raison de lour tenure toutz et chescounz Erchevesqz Eyesqz Abbes Priours et autres grauntez de clergie, queux teignent par Countee ou Baronie par reison de tiele manere tenire, et nullez viendrez si non qe lour presence et venue par autre voie qe par lour tenure soit requys, sicome sils soient de conseil le Roy en¹ lour presence necessarie ou profitable a parlement soit dit, et a eux le Roi est tenuz ministrere lour costagez et despensez venaunt et demuraunt a le parlement; et devaunt tiels meyndrez dechargez estre somonez a parlement mes soloit envoyer sez briefs a tiels sagez, priaunt qils voillent estre a soun parlement. Item le Roi soloit envoyer sez somons as Eschevesqs Evesques et autres exemptz personez, sicome Abbes Priours Deanez et aultres persons de saint esglise qount jurisdiccons par tielx maneres exempcions et privilegez de parties, quils pur chescun deany et erchedeany denglitere par eaux mesmes deanes et archedeaknes ferroient eslier deux sagez covenables procurateurs de lour propre archedeakny venire et estre a parlement a respondrre supportere alowere et faire mesme ceo qe toutz et checunz dez personez dez deanyez et archedeaknyez ferroient, sils et lours toutz et chescun person de mesmes les deanyes et erchedyaknyez estoient personnelment, et qe tieux procurateurs viendront ov lour garantz ovesqez lez sealx de lours soveraignes duble ensealez [ensy] qils custumablement a tiels maners procuraties sunt eluz [et] envoyez, de quez lettres garentz lune sera delivre as clerz de parlement a enrollere, et lautre demurera devers mesme procurateurs; et ensy de southe cez deux maners de sommons doit tout la clergie estre somonez a parlement.

DE LAYES.

Item sommonir et venire devout et chescun Countez Barouns et lours piers, cestassaver ceux qount terres et rentz a value dune Countee entiere, cestassaver vint feez de chivaliere, chescun fee accomptez a vint liverez, qe fount quatre centz livers en tout, ou la value dun Baronye entiere, cestassavoir treze feez et la teirce partie dun fee dun chivalere, et chescun fee accomptez a vint livers, que forme en tout qatre centez marez; et nullez meindrez leyes ne devant estre sommonez ne venire a parlement par reisoun de lour tenure, si noun que lour presence par autre cause soit profitable ou necessaire a parlement, et donqes deux doit fait estre sicome est dite dez

¹ Probably for—ou; the corresponding passage in the Latin *Modus* gives—“vel.”

meyndrez du clergie, quex² par reisoun de lour tenure ne sount tenuz de venire a parlement.

DE BAROUNS DE CYNK PORTZ.

Item ley Roy soloit envoier sez briefs a le gardeyne de lez Cynk portz, qil ferroit eslir de chescun porte par mesme le porte deux covenablez et sagez barouns a venire a parlement, a respondre supporter alowere et faire mesme ceo qe ferroient lour baronyes [si] touz et chescune personnelment illoeques estoient, et qe tielx Barouns viendroient ove lour garantz dez lez communez sealx de lour portez double ensealez, ensy qils soient a ceo custumablement esluz attornez et envoiez par lourz Baronyes ; dez quex garantz lune serroit livere as cleric de le parlement, et lautre a remeindre devers mesmez le Barouns dez portz, eyauntz counge de le parlement qant ils devont departire ; et donqes solient avoir brief de la graunt seale direct a Gardeyne de lez Cynk portz qils ferroit tielx Barouns aver reisonablez costagez et lour despensez de communalte de lour port, de le primer jour qils vers le parlement alerouint tanqe le jour qils a lour propre reviendrount, et qe expresse mencioune soit faite en la dite brief de la demurge qils ferroient a le parlement, et de lour qils vendroient et avoient conge a retourner ; et jadis soloit estre fait menciouen en le brief quant tiels Barouns deveroient prendre de tielx communaltez par le jour, cestassaver ascunz plus ascuns meyndre solonc labilit et honeste et regarde dez personez ; et ne soloit estre mys pur deux Barouns par le jour aultre xx. s. eant regard a lour demourge travaillez et despensez, et ne soloient tielx despensez estre mys en certayne par le court pur ascunz personez ensy esluz et envoiez par lez communalteez, si noun lour personnes estoient honestez et soy bien eyantz en le parlement.

DE CHIVALERS DEZ COUNTEEZ.

Item le Roy soloit envoier sez briefs a toutz lez viscountez denglitere, qils ferroient eslir chescune de soun Countee dieux chivalers covenablez honestez et sagez, a venire a soun parlement, en mesme la manere qe dit est de Barouns de Cynk portz, et de lour grauntez en mesme la manere, einz pur lez despencez de deux chivalers dune Countee ne soloit estre mys aultre une marc le jour.

DE BURGEYS.

En mesme la manere soloit et devoit estre envoies as Baillifs et prodoms des Burgois, qils de soy et pur soy eslirent deux covenablez honestez et sagez Burgeis, a venire et estre a parlement le Roy en mesme la manere qe dit est de citeseins ; eins deux Burgeis ne soloient prendre pur lour despensez pur un jour oultre x.s., et a ascune temps outre demy marc, et ceo soloit estre taxee par le courte solonc la quantite et poer de le Burgoiez et solonc la honeste de personnes envoieez.

DE PRINCIPALX CLERCZ DE PARLEMENT.

Deux clerenz principals de le parle (*sic*) parlement seeroit en le mylieu dez Justices, queux enrollerouint communes plees bosoignez de parlement ; et fait assaver qe mesmez deux clerenz ne sount subigeit a qeconquez Justicez,

² The scribe has here written—*q'ue*x, but the contraction over the initial letter may be considered redundant.

et nest ascune Justice denglitere en parlement, et nomt (*sic*) par soi recorder en parlement [si] noun novelle poiara eaux soit assigne et done en parlement par le Roy et lez piers du parlement, sicome quant ils ovesques autres suiters de parlement sount assignez oier et examiner et terminer ascunez peticions et querelez en le parlement monstrez. Einz sount mesmez deux clercz saunz meisnez subigiz al Roy et soun parlement en commune, si noun serroit un Justice ou deux asseignes a eux examiner et amendre lour enrollementz, quant lez piers de parlement sount asseignez oier et examiner ascunez peticions especialment par soi; donc come ils serront dune voillaunce et dune acorde en lour jugement a rendre sur tielx peticions rehercerount les peticions et lez proces sur eaux eies [et] tendront lour jugement en plein parlement. Et mesmes les rolles soient en la tresorie devaunt le parlement soit departies, ensi qen chescune manere mesme lez rollez soient en la tresorie devaunt processe de parlement ent, salve a mesme lez clercz le transcript en counterrollement sils le voillent avoir. Et mesmez deux clercz, si noun ils soient en autrez officez ove le Roy et preignent de luy feez ensi qils (*sic*) qils purront ent honestement vivre, ils prendront de Roy par le jour une marc pur lour despensez, par oweles porciouns, si noun ils soient a le table le Roy, et donqes ils prendront ouldre lour table fors^e deux marc^z par le jour par owelez porciouns, par tout le parlement.

DE CYNK CLERS DE PARLEMENT.

Le Roy doit assigner cynk clers sagez et approvez, dounce le primer doit ministrer et server Evesques, et le secunde a lez procuratours de clergie, et le tierce as Countees et Barouns, le quart as chivalers de Counteez, le quint as citeseins et Burgus; et chescun dez ditz clercz, si noun ils soit ove le Roy [et] preigne de luy tiele fee ou tielx gagez quil purroit honestement vivre, il prendra de Roy par le jour deux souldez, si noun ils soient a le table le Roy, et sils sount a le table le Roy donqes prendrount xij. d. par le jour; queux escriverunt lez dubitacionz et responses queux yferrount a Roy et le parlement, et serront a lours conseils en qequonque lieu qils eux voudront avoir, et come ils ne sount occupiez aide tout³ lez clercz principalez a enrollere.

DES CASES ET JUGEMENTZ DOUTOUSES.

Come brige doute ou dure case de pees ou de guerre aveigne en le Royalme ou par de hors, cel cas soit dit et rehercer en escript en plein parlement, et soit trete et despute illoeqes parentre lez piers du parlement, et si busoigne soit enjoigne par le Roy ou depar le Roy, et si ne Roy y ne soit a chescun degree de piers qe chescun aleit par soi, et soit cel cas livere a lour cleric en escript, et en certayne lieu ferrount rehercer devaunt eaux cel cas, ensi qils ordeignent et considerent parentre eux en quelle meilleur et juste manere procede[r] purront en celi cas, si come par (*sic*) la persoun le Roy et lez personez de lour mesmes et pur sez⁴ personez deux pur quellis personez eux sount presentz, voudront devaunt Dieu respondre, et lour respounez et avisementz ferrount reportier en escript, qe toutes lours respounez conseillez et avisementz ent oiez solonc le meilleur et pluis sain conseille soit procede, et ou nomement la pluis greydre partie de parlement se accorde, si come il soit par discorde parentre le Roy et lez autres graundees, ou parentre

³ *Sic*, probably for—aideront.

⁴ *Sic*, for—lez.

lez graundeez, la peez du roialme soit enfermes ou le pople en le pais, ensi quil avys a Roy et a soun conseil qe soit en esplot, qe tiele bosoigne soit tretee et amende par consideracion de toutz lez piers de soun roialme ; ove si par guerre le Roy et le Royalme soit troublez, ou si dure cas aveigne devaunt le Chaunceller denglitere, ou dure jugement soit a rendre devaunt Justicez, ou a[u]tre cas semblable, et si par aventure en tiels deliberacions touz ou nomement la greindre partie acordere ne purrount, donqes le Counte Seneschalle le Counte Constable et le Counte Mareschall, ou deux de eux, vynt et cynk personez de toutz piers de Roialme, cestassaver deux Evesques et treis procurateurs pur tout la clergie, deux Countez et treis Barouns cynk chivallers dez countez cink ceteseins et cynk burgeys, qe fount vynt et cynk, purrount eslier de lour mesmez dusze et condiscendre en eaux, et ils dusze vj. [et] condiscendre en eux, et ils sis unqore treys et condiscendre en eaux, et ils treys en plus poy qe lour mesmez ne purrount condiscendre, si non par licence du Roy, et si le Roy vorroit consentire ils treis purrount en deux, et de eux deux lune puet en lautre condiscendre, et ensi au darreyn estera soun ordenance sur tut le parlement; et ensi condiscendant a vint et a cynk personez tanqe a une soule persoun, si noun le greindre nombre accordere purroit et ordeigner, a darrain une soule personne, si come il est dit, pur toutz ordeigneroit, quel Evesqe⁵ soi mesmez discorder ne purroit; salve le Roy et soun conseil qils tiels ordeignementz depuis qils serront en escritez examiner et amender purront [si] faire scient et voidroient, ensi qe ceo soit illoeqes adonqes en plein parlement et ne my derere le parlement.

DE L'ORDRE DE LA LIVERANCE DEZ BOSOIGNEZ DE PARLEMENT.

Lez bosoignez pur queux le parlement est devout estre liverez solonc la Kalendarie et le parlement, et solonc l'ordre de peticions liveres et affilez, nulle regard eaunt a qeconqe personne einz qe premerment ferroit; en la Kalendarie del parlement serront remembres toutz bosoignez de le parlement soulz tiel ordre; le primer jour guerre, si guerre ne soit, et dautrez bosoignez lez personez le Roy et Roigne et de lour enfantz touchaantz; le seconde jour communuez bosoignez du Royalme, sicome de leis a establere encountre defautz de leis originelx et executors dampnis jugement rendut, qe lez sount lez plus communnes busoignez; le tierce jour ferrount remembr singuliers bosoignez, et ceo solonc l'ordre des filacez dez peticions, si come il est dite.

DEZ JOURS ET HOURES DE LE PARLEMENT.

Le parlement ne doit estre tenuz en dymengetz eins chescune autre jour, horspris par tout voie treis jours, cestassaver, le jour de toutz seintz, dez almez, et de la Nativite de saint Johan Baptiste, et puet estre tenuz et doit chescun jour commencer a la my heure de Pryme, a quel heure le Roy est tenuz estre en parlement, [et] toutz les piers du Royalme, et devoient tenire le parlement en lieu appert; en autres seyntz jours le parlement doit commencer al heure de Prime pur divine service.

DE LA MANERE DE PARLEMENT.

En primes monstre la fourme en quel manere et en quel temps chescun somouns du parlement doit estre fait, et qd venire devaunt par somons, et

⁵ The correct reading should probably be—ovesqe—as appears by comparison with the Latin *Modus*; “cum se ipsa discordare non potest.”

qui noun ; secundarie qui sount qui par reisoun de lour officez venire devaunt et estre sount tenuz par tout le parlement sanz somouns, dount il est a considerer qe deux principalx clercz de parlement esluz par le Roy et soun conseil, et autres clercz secoundaries de quex et de lour officez serra dit depuis especialment, et le principal criour denglitere ovesqe sez south criours, et le principal huyssher denglitere, quelx deux offices, cest adire, l'office du crioure et huyssher, soloient a une et mesme chose appartenire ; ceux officers sount tenuz estre en le parlement le primer jour.

Le Chauncellere denglitere et Tresorer Chamberleyns et Barouns de leschekere Justicez et toutz clercz et chivaliers du Roy aux evesqe⁶ les sergeantz de ley quex sount du conseil le Roy sount tenuz estre en le parlement le secunde jour, si noun ils eient excusacioun reisonable, et sils ne purront y estre donqes devoutement envoyere bonez excusaciouns.

LA COMENSEMENT DEL PARLEMENT.

Le Roy serra en my lieu de la greyndre hank, et il est tenuz estre primerment en le parlement le vj^{me} jour, et soloient lez Chauncellere Tressorer et Barouns de leschekere et Justicez recordere defautez faitz en le parlement south lorde qensuit ; le primer jour serrount appellez Burgeys et Cetezeins de tout Englitere, a quel jour si lez Burgeys ne viendrount le Burgh serra amercie a centz marcz et la Cite a cent livers ; le secunde jour serrount appellez lez chivalers dez Countees de tout Englitere, a quel jour sils ne viendrount le Countee de qoy ils sount serra amercie a centz liverez ; et le tierce jour serront appellez les Barouns de Cynk portz, et depuis autres Baronez, et depuis Countees ; dount si lez barouns de Cynk portz ne vyendrount la Baronie de qui ils sount serra amercie a centz marcz, et Counte a centz livers, et en mesme la manere serra fait dez queux sount piers as Countez et Barouns, cestassaver, ils quont terrez et rentes a la value dun Countee ou dune Baronie, si come il est avaundit en le title de somouns ; le quartee jour serrount appellez lez procuratours de clergie et sils [ne] viendrount lours Evesques serrount amercies pur chescun Erchedeakenie qui fait defait a centz marcz ; le quint jour serrount appellez Deanez Priours Abbez Evesques, et sils ne viendrount chescun Erchevesqe serra amercie a c. li, chescun Evesqe qui tient une Barounie entiere a c. marcz ; en mesme la manere des Abbez Priours et aultrez.

Le primer jour doit estre fait proclamacioun primerment en la sale ou en le Monstre ou en autre lieu apiert ou le parlement serra tenuz, et de puis appertement en la Citee ou la ville, que toutz ceaux qui peticiouns et querelle deliverer voidrount a le parlement, qils eux deliverount de le primer jour de parlement tanqe en cynk jours procheinement ensuaantz.

DE LA PREDICACIOUN DEL PARLEMENT.

Une Erchevesqe ou un graunt cleric sage et de bele parlance esluz par leschevesqe de la provynce en quele le parlement serra tenuz doit prechier un de lez cynk primers jours de parlement et en presence de Roy, et ceo gaunt le parlement serra pur greindre partie assemblez ; et en soun sermoun ensuant amoigner a tout le parlement qils ove luy Dieu humblement supplient et luy honurent pur le pees et tranquillite du Roy et del Royalme, si come ils serra dite pluis especialment en le title suyant de la predicacioun a le parlement.

⁶ Sic, probably for—ovesqe.

DE LA PROMOTEMENT DEL PARLEMENT.

De puis la predicacioun doit le Chauncellere denglitere ou le chief Justice denglitere, cestassaver celuy qui tient plees devaunt le Roy, ou autre Justice covenable honest et de beal parlaunce, ou clercz par mesmez lez Chauncellere et Chief Justice esluz, monstrer lez causez de parlement, et primerment en general et en especial esteaunce, et en fait assaver que toutz de parlement qeconques ils soient quant ils enparlerunt esteierount, hospiris le Roy, ensi que toutz de le parlement purront oier celuy qui parle; et sil dit obscuramente ou bas parle il dirra autrefoitz et parlera pluis en haut, ou un autre parlera pur lui.

DE LA PARLAUNCE DU ROY APRES LE PROMOTEMENT.

Le Roy apres le promotement pur le parlement doit prier clercz et lais en nominaut toutz lours degreec, cestassaver Erchevesques Evesques Abbes Priours Erchediakenes procurateurs et autres de clergie, Countez Barouns Chivalers Citeseins Burgeys et autrez laiez, qils diligenterment studiouesment et curment travaillerunt atretere et deliverer busoignez de parlement, si come ceo pluis principalment estre endenderount (*sic*) et senterount, primerment a la volonte Dieu, et depuis al a (*sic*) honour et profit du Roy et lour mesmez.

DE LABSENCE DU ROY DE LE PARLEMENT.

Le Roy est tenuz par tout voie estre personnelment en le parlement, si noun il soit detenuz par corporale malease, et donqes il poet tenire sa chambre, ensi qil ne gist par de hors la manere ou nomement la ville ou parlement est tenuz; et dounqes doit envoier pur xij. personnes dez greindres et meilleurs queux sount somouns (*sic*) a le parlement, cestassaver deux Evesques deux Countez deux Barouns deux Chivalers de Countees deux Citeseins et deux Burgeis a voier sa personne et a tesmoigner soun estate, et doit en lour presence committere a lerchevesqe de la lieu le Seneschal et soun chief Justice qils ensemble et chescune par soy commenseront le parlement en soun noun, eiaantz en lour commissioun expresse menciooun a ceo de cause de labsence, que chose doit suffir et monstrer lautres grauntz et noblez de parlement ovesqe notorie tesmoignez de xij. piers; et la cause est qar clamour et murmure soloiet estre en parlement pur labsence le Roy: car il est chose perilous et damageouse a tout le communalte de le parlement et auxi le Royalme, qaunt le Roy fuist absente du le parlement, et ne se doit absentier, ne poet si noun sullement en cace suisditz.

DE LIEUX ET SESSIONS EN LE PARLEMENT.

Primerment, si come il est dite, se[e]rra le Roy en my lieu de la greindre Bank, en sa partie dextre seera lerchevesqe de Caunterbirs, et en sa partie senestre seera lerchevesqe devwik, (*sic*)⁷ et apres ordeignement Evesques Abbes Priours tout voie par tiele lyne parentre lez degrez suisditz et lours lieux, ensi que nulle seera si noun parentre sez piers, et a ceo veer est tenuz le Seneschal denglitere, si noun le Roy verroiet un autre a ceo assigner; et a pee dextre du Roy seerunt lez Chaunceller denglitere et sez compaignouns et lours clercz, quelx sount de le parlement; et a soun pee senestre

⁷ Probably for—deverwikk, *i. e.* York, the mark of contraction having accidentally been omitted.

seerount lez Tresorer Chaumberlays et Barouns de leschieker Justice[s] del Banke et lour clercz, si ascunz soiei[n]t de le parlement.

DE LE HUISSHER EN LE PARLEMENT.

Le principale huissier en parlement estera de deins le graund huys del Monster sale eu⁸ aultre lieu eu le parlement est tenuz, et gardera le huys ensi qe nulle entrera le parlement si noun celuy qe suyt doit a parlement, ou serra appelle pur busoigne quil pursuera en le parlement; et il est busoigne qe celuy huissier eit conusaunce dez personez queux entrer devout, si que nulle soit disturbe de soun entre qi a le parlement estre est tenuz, et celuy huissier poet et doit, si busoigne soit, avoir plusours huisshours de southe luy.

DE CRIOUR DE PARLEMENT.

Le crioure del parlement esteera par dehors le huy de parlement, et le huissier luy monstera sez clamaciouns, et le Roy soilet envoier sez sergeauntz darmez a esteier par graunt espace et par dehors le huys de le parlement, et a garder le huys, ensi qe nulle empressiouns ne noise serrount faitz entour le huys, par queux le parlement purroit estre desturbez, sur peyne de prise de lour corps; car du droit le huys de parlement ne doit estre close einz par huisshours et lez sergeantz darmez et gardez.

DE LEZ PARLAUNCE QE STEIEROUNT EN PARLEMENT.

Toutz lez piers de le parlement seierount et nul esteira mais quaunt il p[ar]lera, et si il p[ar]lera, ensi que chescun de parlement luy purra oier; et nul entrera le parlement, si noun par un soul huys, et toutz lez parlauntez esteierount a qeconqe temps qils parlerount ascune chose qe doit estre delivere par le parlement, et la cause est quils serrount oiez de lez piers; car toutz les piers sount Jugez et Justicez.

DEL AIDE LE ROY.

Le Roy ne soleit demaudere aide de soun Royalme mais pur guerre esteaut ou pur sez filez a marier, et donqes devcunt tielx aidez estre demaudenz en plein parlement et estre deliverez en escript a chescun degré de lez piers de le parlement soi consenterount et en escript estre responnez; et fait assaver qe a tielx aidez estre grauntez il busoigne qe toutz piers de le parlement soi consenterount; et fait a entendre qe deux chivalers qe sount venuz a le parlement pur un Counte aient pluis graunt vois en le parlement, et en grauntaunt et countrediaunt, que les pluis grauntz Countees denglitere; et en mesme la manere lez procuratours de clergie dun Evesqe aient pluis graunt vois en le parlement, sils touz soient accordez, qe levesqe, et ceo en touz chosez qelex a le parlement devant estre grauntez ou deniez; et ceo appiert car le Roy puet tenire parlement ove la communalte de soun Roialme saunz Evesques Countez et Barouns, si ensi soit qils soient somouns a le parlement, et si nul Evesqe Counte ou Baroun a sez somouns viendra, car jadis nestoit Evesqe ne Counte ne Baroun, et unqore adonqes lez Rois tenurent lour parlement eins en autre manere est⁹ en contre; car si lez communaltez de clergie et layez estoient somouns a le parlement, si come

⁸ Sic, but here, and in the context, *eu* should probably be read—*ou*.

⁹ Sic, possibly for—*et*.

de droit ils deverount, et pur ascunes certeinz causez venire ne voidroient, si come ils discerent qe le Roy eaux ne governeroit com il deveroit, et assigneroient especialment en queux articlez eux ne governeroit, a donqes le parlement serroit pur nul ; et si unqore ensi serroit qe toutz Erchevesques Evesques Countez et Barouns et touz lez piers ou le Roy estoient presentz, et pur ceo il est busoigne et toutz chosez queux devout estre graunteez faitz affirmez ou donez par le parlement, qils soient graunteez par communalte de le parlement quele de trois degreez, cestassaver de procurateurs de clergie chivalers de Countez et Burgeys, quelez representent tout le communalte denglitere, et ne mye de lez grandeze, car chescun de eux est est (*sic*) pur sa propre personne en le parlement et ne mye pur chescun autre.

DE LE DEPARTIER DE LE PARLEMENT.

Le parlement ne doit departire quant ascun peticiooun est pendaunt nyent discusse, ou ameyns a quelle null respounce ne soit determinez ; et si le Roy fait le contrarie il est perjurs ; et nulle soul de touz lez piers de le parlement puet ne doit departier de la parlement si noun il est conge de Roy et de toutz sez piers, et ceo en plein parlement, et qe de tiel conge soit fait remembrance en lez rollez de le parlement ; et si ascunz dez piers duraunt le parlement soit a malease, siqa (*sic*) la parlement venir ne purra, adonqes deins le tierce jour envoiera a sez executours a le parlement, a quel jour sil ne veindra soient envoies a luy deux de sez piers a veier et tesmoigner sa malad e, et si ysoit suspecciooun soient sez deux piers jureez qils ent dient verite ; et si compiert qil soi feigne soit amercie come pur defaute, et sil ne soi feigne a donqes il attornera ascun sufficiant devaunt eux a estre pur luy a le parlement sil veroit, car sain ne puet estre excuse si soi de sayne memorie. A le departier de le parlement ensi doit estre use, primerment doit estre demaunde et crie en apert en le parlement, ou de deinz le pallyse de parlement, si soit ascun qd deliveroit peticiooun a le parlement, a quel peticiooun unqore ne soit fait respounce; et si nul recrie il est a supposere qa a (*sic*) chescun est fait medicine, ou nomement solonc ceo qe poet estre de droit est responce, et adonqes primerment, cestassaver quant nulle ysoit qd peticiooun deveroit, cellui temps ne recrie nous devons conge a le parlement.

DE LEZ TRANSCRIPTZ DEZ RECORDEZ DE PARLEMENT.

Les clerz de le parlement ne deverount a nulli stranscript (*sic*) ne pro-
cessa einz ceo deliverent a chescun qd ceo demaunde, et prenderount pur
dys lynez denier,¹ pur aventure yserra fait foy de nounpoar, en quele cas ils
riens ne prendront : lez Rollez de parlement entiendront en largesse
x. poutz ; et le parlement serra tenuz en qel lieu de le Roialme qil plerra
a Roy.

DE LEZ DEGREEZ DE LEZ PIERS DE PA(R)LEMENT.

Le Roi est chief de parlement commenciounri (*sic*)² et fyne de mesme le
parlement, et ensi il ne ad pierre en soun degré et de le Roy soul est le primer
degré; [le secunde degré] est de lez Erchevesques Evesques Abbes et Priours
par Baroun[ie]s tenauntz; le tierce degré est a lez procurateurs de clergie;

¹ A word seems here wanting, possibly—*sinour*—unless. Compare the Latin *Modus*,—“ nisi forte facta fide de

impotentia,” p. 47.

² Possibly for—commencement—compare the Latin *Modus*, p. 25.

le quart degré est de Countez Barouns et aultrez grauntz gentilez tenaantz a la value de Countee et Baronie, si come il est avauntdit en le title dez laiez; le quint degré est de Chivalers dez Countez; le sisme³ lez dictez cynk degreys; apres le Roy soit absent et nyntmeynez ils toutz soient par resonablez somouns de parlement garniz, nientmeynz le parlement est juggez estre playn.

The following petition is endorsed in a contemporary hand upon the Roll :—

A TRESPUISAUNT SEIGNUR THOMAS DE LANCASTRE, FITZ LE ROY,
SENESCHAL DEENGLITERRE ET LIEUTENAUNT DIRLANDE.

Supplie vostre oratour, Richar par la grace de Dieux lerchevesqe de Casselle, qe vous please de vostre tresgracieuse seignurie luy graunter licens nostre seignur le Roy pur treter et enparlet (*sic*) ove Irroiez encemyes nostre seignur le Roy, et ove lez Engliez rebelx feloms⁵ ouutlagez et autres malfesours deins la terre dirlande, et lez al paes nostre dicte seignur le Roy refourmer, et true et salve conduit as ditez Irroiez enemies felouns ouutlagez et malfesours manger boier et autres maneres dez vitaillez, durant la dicta true et parlement, doner; et qe le dicta suppliant hommez, si bien [a] chival come apee, si bien Engliez rebelx come Irroiez enemiez, come felouns et ouutlagez kernels larrons et autres malfesours en le marchez dez dictez Counteez en recistantz dez Irroiez enemiez et Engliez rebelx felouns ouutlagez et autres malfesours, es dictez parties et sur lez costagez le dicta suppliaunt et sez tenaantz, demesme purra retenir, et a eux manger boier et autres vitaillez drasez Engliez chivalx armour ceel fere et toutz vitailez et merchandizis pur lour gagez et reteneu en lez ditz marchis purra doner, nient obstantz qe les ditz enemies et Engliez rebelx felons ouutlagez et autres malfesours soient ouatl(a)gez en lez Counteez nostre seignur le Roy ou en ascune autres Countees, saunz estre enpechez de nostre seignur le Roy sez heirs et ministrez qeconques en temps avenir, ascunz estatutz ou ordinauncez sez (*sic*) a contrarie ent faitz nient obstantz; pur Dieu et en courre de charite.

³ Some words are doubtless here omitted. Compare the Latin *Modus*, p. 25 :—" sextus de civibus et burgensisibus ; et ita est Parliamentum ex sex gradibus."

⁴ The Rev. James Graves has favoured us with the following observations :—It was treasonable by statute to parley with, to buy and sell, or give aid to Irish enemies or English rebels in Ireland. The diocese of Cashel being at that period infested with both classes, the Archbishop found it necessary to petition the Lord

Lieutenant and Council to grant an exemption. Mr. Graves thinks that the roll was brought over in the time of Thomas of Lancaster's Lieutenancy ; and, when the petition came before the Council, it was temporarily endorsed upon it, until it could be regularly enrolled on the Council Roll. Many such petitions are found on the unique Council Roll, 16 Rich. II.

⁵ *Sic*; there is, however, a line through the—l—indicating some contraction.