

gist, mes judgement fuit arrest, pur ceo que le defendant offered to make publick submission to the plaintiff al Assize.

## HARMANS CASE.

Harman fuit indicted del' felonious prisell de 4l. in un purse d'un person d'un Halfpenny, & sur l'evidence le manner del' prisell appiert destre tiel, viz. Harman was upon his horse back, and requested Halfpenny to open a gap for him to go through; and Halfpenny going up a bank to open him a gap, Harmon came by him, and put his hand upon his shoulder, and the other hand he put into Halfpennyes pocket, and took his purse; Halfpenny thinking that he had laid his hand on his shoulder to ease himself, and that he had put down his other hand to his foot to pull a thorn out of it, not doubting or mistrusting the taking away of his purse, until turning his eye, he saw it in Harmans hand, and then he demanded his purse of him, and Harman answered him, Thou villain, if thou speakest but a word of thy purse, I will pluck thy house over thy ears, and drive thee out of the country as I did John Sommers, and so he went away with his purse, et nient obstant que le purse fuit prise del' Halfpenny, uncore pur ceo que il ne prist ceo ove tiel violence, issint que il mise luy in ascun pavour, mes potius prise ceo per stealth, pur ceo que il avoit son clergy solonque le liver in 5 Eliz. de un que prist biens del' person d'un home secretment, coment que ceo soit sans ascun violence.

## [155] LE ROY versus LES WARDENS &amp; BURGESSES DE MAIDENHEAD.

17 Jacobi Rot. 106.

Quo warranto ale vers eux pur le using d'un marktett, & prender del' denier pro picagio, stallage, fine, toll, &c. les defendants plede, que le Roy que ore est anno 2. per son patent recitant un grant del' marktett set up, & done al eux by H. 6. ulterius ei concedit quod pontinales, burgenses & comminales ville prædict., & successores sui haberent & tenerent imperpetuum & quolibet septimana unum mercatum in die Lunæ prout præantea habuissent, & tunc habuerunt simul cum tollneta stallagio, picagio, finibus, amerciamentis quibuscunq; mercato pertinent sive spectant, & quod tempore mercati prædicti the warden, &c. haberent perciperent & colligerent customia, & theolonium de omnibus merchandizis mercatorum & cætera quecunq; sunt infra libertates ejusdem ville vend' per force de quel patent ils prise, &c. Et Geo. Crooke prise exception al plea, pur ceo que ils ne monstre que ils fueront un corporation, ou que fueront fait un corporation devant le dit patent, ou per mesme le patent come doit estre 2 H. 7. 13. mes si rent soit reserve sur mesme le patent, donques ils sont fait un special corporation a cest purpose solment de prender, per que le Roy poet estre satisfie de son rent, 7 H. 4. 14. 1 Mar. Dyer 100. pl. Auxi stallage est un duty que surd per le setting up of stalls in the market, rastall' expositio vocabulorum fol. 165. & doit estre claime per grant, ou per prescription, 11 E. 3. Dower 85. 12 E. 3. Dower 157. & 81. & de mesme le nature est (picage) viz. un benefit que l'owner del' market ad pur foder de holes to set up stalls in, & ceo doit estre claime auxi per grant ou per prescription; et in mesme le manner doit toll estre claime le que est describe per Lambert destre libertas vendendi ou emendi, toll nest incident al un faere de jure, vide 12 E. 4. 8. & 9. & le statute de 2 & 3 Ph. & Mar. cap. 7. & issint fuit resolve in termino 38 Eliz. in Banke le Roy enter Commun & Boyer Rotulo 953. ou in trover & conversion sur sale in marktett overt fuit plede, mes null payment de toll fuit alledge, & sur ceo fuit demurre sur le plea, & fuit adjudge bon plea, si toll fuit due per grant ou per prescription, douques ceo doit estre alledge del' auter party encontra l'opinion in 35 H. 6. 29. per Prisott, vide 9 H. 6. 45. 11 H. 6. 19. 7 H. 4. 44. ou toll fuit claime specialment, vide Kell. Rep. 138. 145. & issint fuit resolve 41 Eliz. enter Hodge & Willows, donques si le toll ne soit due de common droit, donques cest grant per patent ne passera ceo, car doit estre limited in le grant quel somme ils prenderont pur toll: 11 Co. 86. & 30 E. 3. 15. 13 H. 4. 14, 15. & le toll doit estre tiel petit somme, issint que le subject doit aver quid pro quo, ut est