


ORIGINAL ARTICLE

# Anglo-Romano Common Law on Natural Subjecthood, Lansdowne MS 486 ff. 142–143

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## Abstract

Together Cæsar and Cotton left an immense trove of English state papers on all matters of subjects. While Cæsar spent much of his lifetime as an officer of state, e.g., Master of the Rolls, they both devised innumerable works of great value. For instance, both he and Cotton expounded upon the issue of the post-nati and other arguments made in the conferences on the union with Scotland in Parliament. With their cessation in 1607, Cæsar undertook his most significant follow-up work: “That neither any General Statute nor Nativity only make a Man (whose Parents were Strangers) to be a Natural Subject in any Country.” Later duplicated by Cotton in *Titus*, F. IV., the intricacies of its two pages remained long-guarded in the private possession of such great men as Lords, Secretaries of State, and Prime Ministers. Only two centuries after Cæsar commenced its work did it come full circle to the British Museum—itsself, ironically, formed from the seized library of Cotton. As for legal precedent, it is unique in that its broad historical scope predated the complexities of England’s permanent royal colonies in America. During this period, every regnant—except for Charles I and James II—would assent unto major naturalization or alien statutes during their reign, all of which remained common law throughout England, the Empire, and America until, at the least, 1863.

This research note introduces the following:

- (1) A comparison of the internal British Museum catalogs for the state papers of two interlinked seventeenth-century statesmen, which—only thanks to the Records Commissions ordered by King George IIIrd—were publicly printed in 1802 and 1819, respectively.
- (2) The meticulously traced ownership and transference of two folios, initially held privately for an extended duration, at large with various statesmen and antiquaries, and subsequently bound with contemporaneous

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papers within a single volume of a multi-volume series housed in the Lansdowne Manuscripts of the British Library, formerly the said British Museum. Specifically, the focus is on that library's Lansdowne Manuscripts' Papers of Sir Julius Cæsar, volume 486, ff. 142–143.

- (3) An accurate reproduction of the said manuscript.
- (4) The remaining two-thirds of the document comprise annotations to the original manuscript's quotations and references, with few detailed citations. Once the languages, editions, and invocated texts were determined and located, their relevant passages were facsimiled, expanded upon, transliterated, and, only then, translated. Rather than devising those annotations from any subsequent histories or annotations thereto, the sources used therein comprise the verbatim texts featured in those two folios, albeit sometimes after translation. Moreover, all of them were published prior to or concurrent with the drafting of the manuscript, and many of those stamped were so stamped with the very same "MUSEUM BRITANNICVM"—ironically, formed from one of their confiscated libraries, i.e., the Cottonian library.
- (5) Two high-resolution photographs of the specified folios, within the said papers of the Right Honorable Julius Cæsar, Knight, Master of the Rolls, specifically in *Volume 486* of the "Lansdowne Manuscripts," as held by the Trustees of the British Library.

In essence, the text curtly examines the historical legalities of what distinguishes natural subjects from aliens or strangers—a point of many centuries-long captivations for monarchs, state officers, historians, and legal scholars alike. It explores what historically constituted a "natural subject" in Romanized Europe, as first succinctly articulated by Cæsar, and a comprehensive history of seemingly immutable, inheritable socio-legal norms foundational to—the comparatively modern—"citizenship."

In England during the early reign of King James, this matter provoked a rigorous exploration of the legal criteria for subjecthood and the underlying historical methods by which one was determined to be along a spectrum from a natural subject to an alien stranger. However, most legal discourse centered upon the 1604, 1606, and 1607 parliamentary conferences on the union with Scotland. Nevertheless, the Houses of Parliaments' timely coverage of this history—at the inception of imperial colonialism beyond the British Isles—provides contrast between the introspective Anglo-Romano there and the extrospective Anglo-American common law overseas. The bridge between these foci is unique in that the then-historical precedents elucidated what exact common laws on natural subjecthood would become inherited throughout the English then British Empire. Moreover, the rolls of Parliament used therein provide a domestic basis of what had defined English subjecthood before the precipice of royal colonies in English America. Consequently, this retrospectively oriented legal history dwells within an historical framework long since preserved in the United States—yet long since dead in England.

These legal processes directly impacted Cæsar from his birth year of 1588–89, as his Venetian father had only recently been granted denization “with the right to plead and be impleaded in all courts, buy, and sell lands and goods, etc. and to pay not other taxes, subsidies and customs than those which natives born in the realm are bound to pay.”<sup>i</sup> However, such an honored status had been earned as recompense for him having been the “Docter and Phisitian to Q[ueene] Eliz[abeth]” until ca. 1569.<sup>ii</sup> Furthermore, as his mother was native English but his father “Venetian by byrth,” the latter’s establishment of his allegiance and obeisance to England, and a charter confirming the same, ensured that their descendants would be natural subjects.<sup>iii</sup> Given this familial record, it is hardly surprising that Cæsar laboriously spent the period from ca. 1607 to 1625 writing the history of his own inherited legal status.

The annotations to this manuscript elaborate upon and interweave insights from European jurists concerning naturalization and denization, explore the disparities between the two procedures, and illustrate their implications for individuals seeking to obtain the rights and privileges of England. As Cæsar explains, naturalization was a more comprehensive process that endowed individuals with almost all the rights of natural-born subjects. In contrast, denization was a more limited form of citizenship, often conferred upon skilled foreigners or for diplomacy. As in Cæsar’s father’s case, that royal charter grant had conferred the equality of standing and further associated privileges. Both grants, in law, transformed such an alien stranger into a subject replete with benefits inherent to those who had been allegiant by birth.

Foremost, this introduction establishes a novel approach to modern legal history, albeit paradoxically grounded in texts four centuries old or more so. Integral to the great age of these texts, their annotations include diverse usages of Middle and Modern English, late twelfth- to early seventeenth-century Latin, Anglo-Norman, and Old, Middle, and Modern French. The methodology devised for such a transdisciplinary endeavor proceeds thusly: First, as the manuscript under examination is a product of its time, it contains a great many arcane and non-English phrases, which had to be sourced to then-contemporary editions to both ensure accuracy and avoid asynchrony. Second, the text surrounding these phrases was assessed for its potential to provide useful context, with expansions varying from a single sentence to multiple paragraphs, depending on its perceived utility. Third, as these texts

<sup>i</sup> The Deputy Keeper of the Records, preparer. “Philip and Mary. Volume IV. A.D. 1556–1558.” In *Calendar of the Patent Rolls Preserved in the Public Record Office*. Issued by Authority of His Majesty’s Principal Secretary of State for the Home Department, 424, 426, and 461. London: Published by His Majesty’s Stationery Office, 1939.

<sup>ii</sup> Margaret Pelling and Frances White. “A DALMARIIS, Caesar.” In *Physicians and Irregular Medical Practitioners in London 1550–1640 Database*. London: Centre for Metropolitan History, 2004. *British History Online*, [british-history.ac.uk/no-series/london-physicians/1550-1640/a-dalmariis-caesar](http://british-history.ac.uk/no-series/london-physicians/1550-1640/a-dalmariis-caesar); The Deputy Keeper of the Records, preparer. “Philip and Mary. Volume IV. A.D. 1556–1558”; Robert Cooke, Sir Richard St. George, and Walter C. Metcalfe, eds. Appendix II. “Caesar of Benington.” In *The Visitations of Hertfordshire with Hertfordshire Pedigrees from Harleian MSS. 6147 and 1546*, 133–34. London: The Harleian Society, 1886.

<sup>iii</sup> Cooke, Sir George, and Metcalfe, eds. Appendix II. “Caesar of Benington.”

are non-standard in many respects—even with near consistency of time and place of rigin—, meticulous attention was devoted to the accuracy of their facsimile, e.g., retaining the precise scribal notations made on the parliamentary rolls. Fourth, given the near absence of macrons in the Latin—save for the occasional ā—and similarly few accents in the French texts, it was deemed imperative to transliterate these facsimiles to determine accurate prepositions, tenses, and so on. Fifth, to ensure comprehension for an Anglophone readership, all the text not originally in English is translated into modern English with explicit preservation of both original punctuation placements and phrase lengths. With the statutes, each translation also preserved its unique word and line breaks for the benefit of non-specialist readers.

The dividends of this methodological approach are most apparent in one of the two official statute reference sources utilized in this work: the first volume of the “Statutes of the Realm,” which was compiled and edited by the said Records Commissions. The first two boards of which devoted a decade to a similar task—albeit Herculean in scale—of focusing on the English statutes up to A.D. 1376.<sup>iv</sup> Despite being derived, as stipulated on each volume’s title page, “from original records and authentic manuscripts,” this official compilation does not escape the imperfections inherent to its era. The most recurrent instance of this is the erroneous usage of the semicolon in the middle of the fourteenth century rather than the temporally accurate colon or comma. Although this might appear minor, such basic punctuation and more were handled far too loosely in the initial volumes of the nine-volume series of ten books. However, this criticism started to become moot from the late fifteenth century, when, as bills, those statutes were written in English—albeit of some great variety. By this time, their primary language had transitioned from Law French—a recombination of Anglo-Norman and French—into a convoluted legal English, though devoid of the scribal shorthand of the Mediæval Latin thence carried over to the Anglo-Norman of the period. Consequently, discrepancies abound in those Records Commissions’ early works within the period between entirely Latin statutes, and the said English ones when such statutes were in an overlapping transition from Norman and Middle French into Middle English.

Though this linguistic transitional period in the statute law lasted for less than three centuries, their latter, official interpretations could have been less confounded. For instance, the early nineteenth-century Records Commissions tried to compromise in their interpretations, whether between common printings and manuscripts, preferring the English version with bilingual manuscripts, or applying standardization when the manuscript acts were themselves from bills made by many disparate authors’ hands. Albeit, precious little aided them in determining which was the “original” in the case of contemporary bilingual manuscripts. Furthermore, the grammatical idiosyncrasies of their time were further compounded by an aversion to or ignorance of

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<sup>iv</sup> Funding was announced for a Records Commission via a royal addressal to the House of Commons, as noted in their journal for July 11th in the 40th year of the reign of King George IIIrd.

previous centuries' habits—e.g., a lack of commas or periods, the long/medial s, interchanges of “v” and “u,” “i” and “j,” and so on.

Even with a decade's work, the first two boards of those Records Commissions could not adequately honor the grammar and etymology of the statutes on the rolls during this transitional period; as a result, the relevance to the history of those laws remains yet undetermined due to such past insufficiencies. Notwithstanding this, only the remnants of their English “translations” of Law French should be referred to over those statutes' respectively corresponding entries within the slightly earlier series, “*Rotuli Parliamentorum; ut et Petitiones, et Placita in Parlamento.*”

Remarkably, this late eighteenth-century series, though primarily in Law French, retained a far superior conveyance of English history, ironically, with a methodology of only showing what the original shows, even at the appearance of abjuring the English language. Even approaching A.D. 1800, Law French had already irrevocably deviated from its antecedents in orthographies, e.g., spelling, respect of gender, and so on, instead having recurrently matched various periods' English pronunciations. As such, in practically deciphering the evolution of Law-French statutes, for instance, via transliteration into post-1990 Modern French, one must reprioritize the rules of continental French over Middle English therewithin. The key challenges in such transliteration have arisen inversely over the centuries: first, the avoidance in preference for asynchronous faux amis, especially those which have arisen from non-contemporary, more recent linguistic developments; second, the extinction of etymological branches, particularly literary ones, in which one would be bereft of all but archaisms.

The former, tireless efforts of the early Records Commissions established a high standard yet unsurpassed. Furthermore, given the destruction wrought by the Great Fire of 1834, the endeavors of all those commissioners across the multiple boards of the Records Commissions remain an enduringly invaluable contribution to the historiography of England. Specifically, their preservation via facsimile of so many of the Realm's statute manuscripts—some subsequently conflagrated and others water-damaged by being thrown out of a window into the Thames—has been critical in elucidating the direct impacts of English common law the world over both historical and contemporary.

Altogether, this work introduces what had been a relatively simple history of natural subjecthood until its creation. Unlike with the few and far between enactments beforehand, from 1610 (7 Jac. I. c. 2), every regnant or regnants—besides Charles I or James II—would regularly assent unto one to three major naturalization or alien bills in their entire reigns. Moreover, nearly all such acts would endure at common law throughout the Empire until the following repeal acts, namely, those assented unto in: 1863 (26 and 27 Vict. c. 125) for England, 1867 (30 and 31 Vict. c. 59), 1870 (33 and 34 Vict. c. 14), 1914 (Geo. V. c. 17), and 1948 (11 and 12 Geo. VI. c. 62).

Revised and clarified British Museum catalogs:

Lansdowne Manuscript 486. <sup>v</sup>	Cotton Manuscript <i>Titus</i> , F. IV. <sup>vi</sup>
“A volume formerly belonging to Lord Somers, and afterwards to Mr. Umfreville; into which most, if not all, of the following articles have been transcribed from <i>Titus F iv.</i> in the Cotton library.”	“Cōdex chartāceus in foliō, cōnstāns foliīs 364”  A paper book in a folio format, bound of 364 folios.
1. Proceedings in parliament anno 1° and 2° Jacobi Regis, concerning the union of England and Scotland. ff. 1–23 (internally, the last page is numbered 19).	1. Observations of the proceedings in Parliament, in the first and second years of K. James I. pp. 1–8.
2. A memorial touching the review of penal laws and the amendment of the common law. By Sir Francis Bacon. ff. 24–27 (internally, the last page is numbered 24).	2. A memorial touching the review of the penal laws, and the amendment of the common law. pp. 9–10.
3. A collection of such things as have been by several men desired to be obtained of His Majesty for the good of his people. ff. 28–34 (internally, the last page is numbered 31).	3. A collection of such things as have been, by several men, desired to be obtained of his majesty, for the good of his people. pp. 11–14.
4. A copy of the proceedings in the parliament house, which began the first year of King James I and continued from the March 19th till the July 7th, and then prorogued till the February 17th following. ff. 35–51 (internally, the last page is numbered 49).	4. Proceedings in Parliament, 1. and 2 James I. pp. 15–22.
5. The address of the House of Commons to King James I, concerning grievances, November 10. ff. 51–74 (internally, the last numbered page is 75, but, if numbered, the last would be 76).	5. A petition to the king, for redress of grievances. (Query whether by Parliament.) pp. 23–32.
6. A brief consideration touching the union of the two kingdoms in the bands of one king. ff. 75–82 (internally, the last page is numbered 84).	6. A brief consideration, touching the union of two kingdoms in the hands of one king. pp. 33–35.

(Continued)

<sup>v</sup> Henry Ellis, commissioner of the Records Commission, Francis Douce, late Keeper of the Manuscripts at the British Museum, William Petty (formerly Fitzmaurice), 2nd Earl of Shelburne, and 1st Marquess of Lansdowne. “Catalogus Liborum MSS. Num. 486.” In *A Catalogue of the Lansdowne Manuscripts in the British Museum: With Indexes of Persons, Places, and Matters*, 2:134. London: Printed by Command of His Majesty King George III. In Pursuance of an Address of the House of Commons of Great Britain. R. and A. Taylor, 1819; The Right Honorable, Sir Julius Cæsar, knight, “Lansdowne MS 486.” *Trustees of the British Museum*. [searcharchives.bl.uk/IAMS\\_VU2:LSCOP\\_BLI:AMS040-002075830](https://searcharchives.bl.uk/IAMS_VU2:LSCOP_BLI:AMS040-002075830).

<sup>vi</sup> Joseph Planta. “A Catalogue of the Manuscripts in the Cottonian Library, Deposited in the British Museum.” In *Pursuance of an Address of the House of Commons of Great Britain*, 569–70. London, Great Britain: Luke Hansard at the Great Turnstile, printed by Command of His Majesty King George III, 1802; The Cotton family, Baronets, Conington, “Collections by Sir Robert Cotton Concerning the Proceedings of Parliament, 1–14 James I (1603–1617). Cōdex chartāceus in foliō, cōnstāns foliīs 364.” *Trustees of the British Museum*. [searcharchives.bl.uk/IAMS\\_VU2:LSCOP\\_BLI:AMS040-001103618](https://searcharchives.bl.uk/IAMS_VU2:LSCOP_BLI:AMS040-001103618).

(Continued.)

Lansdowne Manuscript 486. <sup>v</sup>	Cotton Manuscript Titus, F. IV. <sup>vi</sup>
7. Sir Francis Bacon's speech in the house of commons, on the naturalization of the Scots, 1 Jac. I. ff. 83–110 (internally, the last page is numbered 112).	7. A speech of Sir Fr. Bacon, in the house of commons; concerning the naturalization of the Scots. 1 Jac. I. pp. 36–47.
8. An answer to arguments used at the conference concerning the union, drawn from precedents or law. pp. 117–128.	–Not present–
9. Heads of Sir Edwin Sandys's speech concerning the union. pp. 129–130.	8. Five papers on the naturalization of the Scots; some by Sir Edwin Sandys. pp. 48–57.
10. A scheme of the conference on the union. pp. 131–134.	–Not present–
11. Objections to the union considered. pp. 135–137.	–Not present–
12. The King's Subjectes born in Scotland since the death of Queen Elizabeth are not natural Subjectes to the Crown of England. pp. 139–140.	–Not present–
13. That aliens may purchase and inherit in countries where they were not born. pp. 140–141.	–Not present–
14. That neither a general statute nor nativity only make a man (whose parents were strangers) to be a natural subject in any country. pp. 142–143.	–Not present–
15. A consideration whether the subjects or Scotland shall be admitted to an equality of trade with the subjects of England. By Sir Robert Cotton. pp. 153–171.	10. Seven papers, being acts, discourses, etc. touching the union between England and Scotland. pp. 62–85.

The timeline of creation and history of ownership for the ensuing two folios:

1. The Right Honorable Sir Julius Cæsar, knight.<sup>vii</sup>
  - o Footnote 19's mention of "Guien" is last found within both the House of Commons' and House of Lords' journals on Sātūrnī, 28° Mārtīi 1607, i.e., March 28th, 1607.

<sup>vii</sup> Alain Wijffels. "Caesar [formerly Adelmare], Sir Julius (bap. 1558, d. 1636), civil lawyer." *Oxford Dictionary of National Biography*. September 23, 2004. [oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-4328](https://oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-4328); Andrew Thrush and John P. Ferris. "CAESAR, Sir Julius." In *The History of Parliament: The House of Commons 1604–1629*. UK: Cambridge University Press, 2010. <http://www.histparl.ac.uk/volume/1604-1629/member/caesar>; James McMullen Rigg. "Cæsar, Sir Julius (1558–1636)." *Oxford Dictionary of National Biography*. [oxforddnb.com/view/10.1093/odnb/9780192683120.001.0001/odnb-9780192683120-e-4328](https://oxforddnb.com/view/10.1093/odnb/9780192683120.001.0001/odnb-9780192683120-e-4328); Joseph Foster, editor. "Cæsar, (Sir) Julius." In *Alumni Oxonienses: The Became a members of the University of Oxford, 1715–1886: Their Parentage, Birthplace and Year of Birth, with a Record of Their Degrees: Being the Matriculation Register of the University*, 229. London, UK: Parker and Co., 1891.

- He commenced his writing of them—possibly in successive drafts—no sooner than his July 4th, 1607 entry into the House of Commons for Westminster or his swearing into His Majesties Most Honorable Privie Counsel on July 5th, 1607.
  - During his lifetime, the latest verbatim source for any of his Latin quotations was the 1624 biblical exegesis *Isagoge Chronologica*, which solely matched the unique substitutions of both a “j” in “eius” and “â” in “terrā alienā” within his manuscript.
  - He was Master of the Rolls from September 1st, 1614 to April 18th, 1636.
    - A near-contemporaneous oath for the said office: “YOU shall sweare, That well and lawfully ye shall serve the King our Sovereigne Lord and his People, in the Office of Clerke or Master of the Rolls, to the which ye be called; Yee shall not assent, nor procure the disinheritance, nor perpetuall damage of the King, to your power; nor fraud ye shall do, nor cause to be made wrongfully to any of his People, nor in any thing that toucheth the Seale; and lawfully yee conceale the things that toucheth the King, when ye shall be thereto required; And the counsell that ye shall give touching him ye shall not disclose; And if ye know any thing of the disinheritance or damage of the King, or fraud to be made upon anything that toucheth the keeping of the Seale, ye shall put your lawful power that to redresse and amend; And if that ye cannot, ye shall advise the Chancellor or other which may that amend to your power. As God you helpe, and his Saints.”<sup>viii</sup>
2. Ownership at large
    - Ca. 1636 to 1690s.
  3. Lord John Somers, Baron Somers.
    - He held them sometime between also holding great offices of state from the 1690s and his April 26th, 1716 death; later, they remained in his estate ca. 1730.<sup>ix</sup>
  4. Edward Umfreville.
    - Accessed them in a bound state in 1730, and made the following note in the top margin beginning Lansdowne MS, vol. 486:
      - A Copy of a Book in the Cotton Library out of the Collection of Lord Somors marked “Tum Umfreville 1730 Titus F. 4. p̄rē primā.”
    - Later, however, “he was obliged to sell a considerable part of his library, including 257 manuscripts” ca. the February 13th, 1757–58.<sup>x</sup>

<sup>viii</sup> Richard Garnet, compiled. “The Oath of the Master of the Rolls.” In *The Book of Oaths, and the Several Forms Thereof, Both Ancient and Modern*, 248–49. London: For W. Lee, M. Walbancke, D. Pakeman, and G. Bedle, 1649.

<sup>ix</sup> Stuart Handley. “Somers, John, Baron Somers (1651–1716), lawyer and politician.” *Oxford Dictionary of National Biography*. September 23rd, 2004. [oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26002](https://oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26002).

<sup>x</sup> John Hamilton Baker. “Umfreville, Edward (bap. 1702?, d. 1786), collector of legal manuscripts.” *Oxford Dictionary of National Biography*. September 23rd, 2004. [oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-64026](https://oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-64026).



- “Many of these manuscripts came into the Lansdowne collection and are now in the British Library.”<sup>xi</sup>
- 5. The Right Honorable, Sir Joseph Jekyll, knight.
  - Possessed them as Master of the Rolls between the July 13th, 1717 and his death on the August 19th, 1738; then, sold ca. February 26th, 1738–39.<sup>xii</sup>
- 6. Ownership at large.
  - Having been sold to an unknown buyer, they remained at large for nearly 20 years.
  - Auctioned at “St. Paul’s Coffee-house in St. Paul’s Church-yard” between December 14th and 16th, 1757.<sup>xiii</sup>
- 7. Thomas Birch, a trustee of the British Museum.<sup>xiv</sup>
  - “Birch in a note at the head of the roll [i.e., Lansdowne MS 123 (ca. 1610)] says that it had belonged to Sir Julius Caesar, Master of the Rolls, at whose sale in 1757 he bought it (lot 7 in A catalogue of the manuscripts of Sir Julius Caesar, 14[th of] Dec[ember] 1757.”
  - “He left his library and manuscripts to the British Museum” ca. his death on the January 19th, 1766.

<sup>xi</sup> Baker. “Umfreville, Edward (bap. 1702?, d. 1786).”

<sup>xii</sup> Tim Keirn. “Jekyll, Sir Joseph (bap. 1662, d. 1738), lawyer and politician.” *Oxford Dictionary of National Biography*. September 23rd, 2004. [oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-14709](https://oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-14709); John Whiston, auctioneer. “138 Copy of a Book in the Cotton Library marked Titus F. 4. 2 vol. containing chiefly Proceedings, &c. in Parliament Regno Jac. 1.” In *A Catalogue of Valuable Manuscripts in Greek, Latin, English, French, Italian, and Spanish ... All which were Collected at the Expence of the Late Lord Somers, and Since Belonged to the Right Hon. Sir Joseph Jekyll Knt. Master of the Rolls, lately deceased. ... in above Seven Hundred Volumes, Folio, Quarto, and Octavo. Which will be sold by auction by Order of the Executor at Paul’s Coffee-House in St. Paul’s Church-Yard, on Monday, February 26, and the Four following Evenings, beginning exactly at Six O’clock. Catalogues to be had Gratis, at Mr. Stagg’s in Westminster-Hall, Mr. Whiston’s in Fleetstreet, and at the Place of Sale. N. B. The Books and Mss. may be viewed the Week before the Sale*, 6. London: Catalogues to be had gratis at Mr. Stagg’s in Westminster-Hall, Mr. Whiston’s in Fleetstreet, and at the place of sale, 1739. *Eighteenth Century Collections Online*. [link.gale.com/apps/doc/CW0117129033/ECCO?u=viva\\_wm&sid=bookmark-ECCO&xid=97991c75&pg=9](https://link.gale.com/apps/doc/CW0117129033/ECCO?u=viva_wm&sid=bookmark-ECCO&xid=97991c75&pg=9).

<sup>xiii</sup> Samuel Paterson, bookseller, appraiser, and auctioneer of books. *A Catalogue of Several Thousands of the Most Singular and Interesting Heads in the Collection of Manuscripts of the Right Hon. and Right Worshipful Sir Julius Caesar, Knt. ... Great Britain: Printed, and sold by Mr. Brindley, in New-Bond street, Messengers Dodsley in Pall-mall, Mr. Barnes at Charing-Cross and at the Court of Request, Messengers Hooper and Morley at Gay’s Head, near Beaufort Buildings in the Strand; and at the Place of Sale, 1757.*

<sup>xiv</sup> Trustees of the British Library. “Browse Archives and Manuscripts.” Manuscripts collected by Thomas Birch (b. 1705, d. 1766), D.D., and bequeathed by him to the British Museum, of which he was a Trustee from 1753 until his death ([1200–1799]) (Add MS 4101–4478). The British Library: Western Manuscripts, April 6, 2022. [viewer.bl.uk/iamsHViewer/FindingAidHandler.ashx?recordid=032-002109547](https://viewer.bl.uk/iamsHViewer/FindingAidHandler.ashx?recordid=032-002109547); Paterson, *A Catalogue of Several Thousands*; David Philip Miller. “Birch, Thomas (1705–1766), compiler of histories and biographer.” *Oxford Dictionary of National Biography*. September 23rd, 2004. [oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2436](https://oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2436); UK Public Records Commission, *Public Records: A Description of the Contents, Objects, and Uses of the Various Works Printed by Authority of the Record Commission; for the Advancement of Historical and Antiquarian Knowledge*, 106. London: Baldwin and Craddock, Publishers to the Commission for the Preservation of the Public Records, 1831.

8. The Right Honorable, William Petty, Earl of Shelburne & Marquis of Lansdowne.<sup>xv</sup>
- o He held positions in state from the 1760s and many in the great offices of state during 1780s; sometime prior to his May 7th, 1805 death, he had come into possession of the said two folios as well as many other contemporary documents of Cæsar's.
  - o "II. The correspondence and other papers of Sir Julius Caesar [...] consisting of fifty volumes [...] Purchased by the Trustees of the British Museum in 1807, pursuant to a vote of Parliament, from the representatives of William first Marquis of Lansdowne."

<sup>xv</sup> Ellis, Douce, Petty, 2nd Earl of Shelburne, and 1st Marquess of Lansdowne. "Catalogus Liborum MSS. Num. 486"; Brooke J. Namier, "PETTY, William, Visct. Fitzmaurice (1737–1805), of Bowood, Wilts." *The History of Parliament: the House of Commons 1754–1790. History of Parliament Online.* [historyofparliamentonline.org/volume/1754-1790/member/petty-william-1737-1805](http://historyofparliamentonline.org/volume/1754-1790/member/petty-william-1737-1805); UK Public Records Commission, *Public Records: A Description of the Contents.*

<sup>xvi</sup> Wynton, Winestre, Hámtún, April 23rd, 1194 (5 Ric. I.)  
**See:** Henry Thomas Riley, ed. "F. 188. a. [Charta Rēgis Ricardi.]." In *Mūnimenta Gildhalæ Londoniēnsis; Liber Albus, Liber Custūmārum, et Liber Horn. Volume II, Part I, Containing Liber Custūmārum, with Extracts from The Cottonian MS. Claudius, D. II, 248–49.* Published by the Authority of the Lords Commissioners of Her Majesty's Treasury, Under the Direction of the Master of the Rolls. London: Longman, Green, Longman, and Roberts, 1860.

Richard, by the grace of God, King of England, Duke of Normandy, Aquitaine, Count of Anjou, to the Archbishops, Bishops, Abbots, Earls, Barons, Justices, Sheriffs, ministers, and to all his faithful subjects, both French and English, of the whole of England, greetings. Know that We have granted to our citizens of London, that none of them shall plead outside the walls of the city of London concerning any plea, except for pleas concerning external tenures, with the exception of moneyers and our ministers. We have also granted them the right of exemption from murder, within the city and in Portsoka; and that none of them may engage in dueling; and that concerning pleas pertaining to the crown they may clear themselves according to the ancient custom of the city; and that within the walls of the city no one shall take lodgings by force or by the release of the Marshal. We have also granted this to them, that all citizens of London shall be free from toll and lastage, throughout all England and through the ports of the sea; and that none shall be judged for a money fine, except according to the law of the city which they had during the time of King Henry, grandfather of Henry, our father; and that in the city there shall be no Miskeninga in any plea; and that Husting shall be held only hebdomadally; and that lands of theirs, and tenures, and pledges, and all debts they should justly have, owed by whoever to them; and concerning their lands and tenures, which are within the city, justice shall be upheld according to the custom of the city; and concerning all their debts of theirs that have been lent out at London, and about the pledges made, in the same place, pleas at London shall be held. And if anyone, throughout all England, takes toll or established custom from the men of London, after he himself has defaulted from the right, the Sheriff of London shall take a distress on its behalf at London. We also grant to them that they shall have their chases wherever they had them during the time of King Henry, grandfather of Henry, our father. Furthermore, for the improvement of the city, We have granted to them, that all shall be free from Brudtol, and from Childwite, and from Jeresgeve, and from Scotale; so that our Sheriffs of London, or any bailiff, shall not make Scotale. These aforementioned customs We grant to them, as well as all other liberties and free customs which they had during the time of the reign of King Henry, grandfather of Henry, our father, when in a better or freer condition

*That neither any General Statute nor Nativity only make a Man ( whose Parents were Strangers ) to be a Natural Subject in any Country .*

*King Richard the First granted to the City of London that they should enjoy the Priviledges of Burgesses that should dwell there ten years , but to obtain this Priviledge it is not Sufficient to abide there the prefixed time except both the Strangers demand Letters of Denization and the Same be granted him .<sup>xvi</sup> Bodin: de Repub: li: 5. Ca: 6.<sup>xvii</sup> The reason where of I take to be Beneficium non aufertur in Judicium .<sup>xviii</sup> Which is the reason that a Feoffment being made to the Lord and a Stranger, the Lord may waive the Feoffment and have the arrearage of his Seignorie incurred in̄s .<sup>xix</sup> ffor if he accept of Denization he forfeiteth his freedom in the place of his Nativity : but otherwise if a man remain 50 years in a Country and take not L̄res of Denization , or do any Act contrary to his allegiance , he remaineth a natural Subject to his own King .<sup>xx</sup> But if a man be content to forget his people his people and his fathers House . Ps. 45 . 12 .<sup>xxi</sup> and Joyn himself to make one people with them in whose Country he inhabiteth . Gen . 34. 21.<sup>xxii</sup> then is he a free Denizen , but otherwise So long as he hath animum revertendi or recedendi he is a mere Stranger .<sup>xxiii</sup> See Gen : 35. 26.<sup>xxiv</sup> Gen : 36. 6.7 .<sup>xxv</sup> Gen . 37. 1.<sup>xxvi</sup> Exs . 6. 3 .4 .<sup>xxvii</sup> which provd that Isaac and Jacob were Strangers in the Country of their Nativity because they joyned not themselves to the people with whom they lived . And So of the 400 years that the Israelites were in Egypt, the Prophecy was . Erit Semen ejus Accola in terrâ alienâ .<sup>xxviii</sup> Act 4 . 6.<sup>xxix</sup> Gen : 15. 13.<sup>xxx</sup> And Bracton living in that time when Jewes inhabited in England Saieth of them . Judeus nihil proprium habere potest, et quicquid acquirit non Sibi acquirit Sed Regi .<sup>xxxi</sup> Bracton . Li . . 5 . tt. 4 . Ca.*

6. §.6 . fo: 386.<sup>xxxii</sup> ffor they never Joyn themselves to make one people with the Nation where they live ; and not using Baptism ,but Curcumcision , we can take no knowledge that their children are born amongst us .

*Into this opinion I was led first by Some ancient Readers upon the Statute of Magna Carta . Who hold that notwithstanding the said Statute every Merchant must have Special Letters of Safe Conduit , and the Statute is But a General Warrant to the Chancellor to Grant them And according to this opinion I find the practice in the Statute of 25. E. 3.<sup>xxxiii</sup> wherein certain by name are naturalized , and Such other as shall please the King to name , which naming must be by Patent . So in the . Parl: : 13. H. 4. N. 22 .<sup>xxxiv</sup> when the Kings Subjects of Guien were forced to fly into England and here were reproached as Aliens , They Prayed that by Parliam<sup>t</sup>. they might be declared to be natural Subjects . And it is Granted that they shall have L<sup>r</sup>es from time to time as need Shall require .<sup>xxxv</sup>*

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they had held them. Therefore, We wish, and firmly command, that they and their heirs shall hereditarily possess and hold all the aforementioned things from us and our heirs. Witnesses, Hubert Archbishop of Canterbury, Richard of London, Hugh of Durham, Gilbert of Rochester, Hugh of Lincoln, Bishops; Ranulf Earl of Chester, Richard Earl of Clare, William Marshal, Roger Bigot, Geoffrey Fitz Peter, Hugh Bardolf, William Brewer, William de Warenne. Given by the hand of William, Bishop of Ely, our Chancellor, at Winchester, the 23rd day of April, in the year of our reign the fifth.

<sup>xvii</sup> Bodin: *dē Rep. li. 5. Ca. 6 = Iōannēs Bodinī: dē Rēpublicā liber 5. Caput. 6. sic Caput 4.*

<sup>xviii</sup> "Beneficium nōn aufertur in Jūdicium."

**See:** Pūblius Cornēlii Tacitī and Beātus Rhēnānus. "Ab excessū Dīvī Augustī annālium. Liber XX." In *Equitis Rōmānī Annālium ab Excessū Augustī Sicut ipse vocat, sive Historiae Augustae, quī vulgō receptus titulus est, libri sēdecim quī supersunt, partim haud ōscitanter perlēcti, partim nempe posteriōrēs ad exemplar manūscriptum recogniti magna fide*, 377. Basilea: Hieronymus Froben, Annō M D XXXIII.

"It is much easier to repay an injury than a favor: **because gratitude is considered a burden**, while revenge is considered a gain."

See: Iōannēs Bodin Angevin. “Livre Cinquiesme. Chapitre IIII. Dv Loyer, et de la Peine.” In *Les Six Livres de la Republique*, 835–36. Werdenstein: Iohannes Georgii à Monseigneur de Faur, Seigneur de Pibrac, Conseiller du Roy en son privé Conseil, M. D. LXXVII.

Modern French and transliterated Latin	Modern English
<p>L'homme paisible &amp; honteux en ce cas se trouve étonné, où les impudents l'emportent, &amp; savent la coutume des Princes, qui aiment toujours d'entre eux haïr ceux auxquels ils sont plus obligés. &amp; à dire vrai, la nature du bienfait est telle, qu'elle n'oblige pas moins celui qui le donne, que celui qui le reçoit: &amp; au contraire l'action de grâces, &amp; reconnaissance est fâcheuses, même aux ingrats: &amp; la vengeance leur est fort douce: de quoi Tacite rend la raison, quand il dit, <i>Prōniōrēs ad vindictam sumus, quam ad grātiam: quia grātia onerī, ulitiō in quaestū habētur</i>. Et combien que plusieurs Princes ne paient, &amp; ne donnent rien que des paroles, néanmoins ils tiennent une ombre de promesse, qu'on leur a faite, pour une forte obligation.</p>	<p>The peaceful and ashamed man who finds himself in this situation is dumbfounded, while the impudent ones prevail and know the custom of Princes, who always hate those to whom they are most obliged. And to tell the truth, the nature of a good deed is such that it obligates no less the one who gives it than the one who receives it: on the contrary, the act of gratitude and recognition is vexing, especially for the ungrateful: and revenge is very sweet for them: of which Tacitus gives the reason, when he says, <b>We are more inclined towards revenge than towards gratitude: because gratitude is a burden, while revenge is considered a gain.</b> And although many Princes do not pay and give nothing but words, nonetheless they still hold a shadow of a promise, which one made to them, for a strong obligation.</p>

See: Iōannēs Bodinī, Andegāvēnsis. “Liber Quintus. Caput. IIII. Dē praemiis ac poenis in Rēpublicā dēcernendis. D.” In *Dē Rēpublicā Libri Sex, Latīnē ab Auctōre Redditī, Multō Quam Antē Locuplētiorēs*, 550. Lugdūni, et Vēnundantur Parīsiis: Apud Iācōbum Du-puys, sub signō Samaritānae. Cum Privilēgiis Caesarēae Majestātis & Rēgis Christiānissimī, Serenissimae, Angliae Rēginae, M. D. LXXXVI.

Thus it happens that good and modest men are deceived by the tricks of impudent courtiers: because they do not understand that it is almost customary for all princes to incredibly love and honor those to whom they owe the most, and to whom they grant everything: that is, to jesters, parasites, flatterers, prostitutes, and effeminate. However, those to whom they owe their life, and by whose help they hold their scepters, they almost pursue with deadly hatred. Indeed, such is the force and nature of benefits that the giver seems to be no less obligated than the receiver: but the act of giving thanks is burdensome to ungrateful people: revenge is most severe. Inquiring into the cause of this matter, Tacitus says, **we are more prone to vengeance than to gratitude: because gratitude is considered a burden, while revenge is considered a gain.**

See: Lūcius Annaei Senecae. “Liber VI. Saeculō I. Argūmentum I. Lipsii. Caput Primum. §. IV.” In *Ad Aebucium Liberālem Dē Beneficiis*, 108. Parīsiis: Excūdēbat P. Chevalier, in monte Divi Hilariī. Cum Privilēgiō Rēgis. M. D.C. VII.

IV. You admit, he said, that sometimes we do not owe a favor to the person from whom we received it: therefore it is taken away. There are many reasons why we may cease to owe a favor: not because it has been taken away, but because it has been corrupted. Someone defended me in court: but he raped my wife by force. **He did not take away the favor**, but by opposing it with an equal injury, he released me from the debt: and if he harmed me more than he had previously helped, not only is gratitude extinguished, but there should

be freedom to seek revenge and complain where the injury outweighed the favor in comparison. Thus, **the favor is not taken away, but overcome.**

**See:** Gāius Cornēlius Tacitus. “Liber IIII. Imperātor Vespasiānus iterum, Titus Filius.” In *Ab Excessū Nerōnis Historiārūm*, 418. Amsterodamī: Apud Guilj. I. Caesium [Guilielmus Jansonius Blavius], Annō [M] D. C. XXIII.

“It is much easier to repay an injury than a favor: **because gratitude is considered a burden**, while revenge is considered a gain.”

<sup>xix</sup> When a feoffment is made to both the landlord and a stranger, the landlord has the authority to reject or waive the feoffment and claim immediate payment of any outstanding dues or obligations related to his ownership rights. Even if the stranger were to accept it, obtaining and living on, e.g., hereditaments would alone be insufficient for his denization, regardless of the duration of his or his descendants’ living thereupon. Instead, it would be necessary to obtain a letter of denization from the King, which acceptance would conflict with his allegiance to the King of whom he is a natural subject. By waiving the feoffment, the landlord asserts his rights and obligations over the stranger, over whom he otherwise would have come into legal conflict.

<sup>xx</sup> “Litterīs patentēs dēintus.”

<sup>xxi</sup> “Ps. 45. 12”

**See:** “Psalēmōrum. Caput. XLIII. Verse 11.” In *Biblia Sacra Vulgātae Ēditiōnis*, 500. Rōmae: Ex Typographia Apostolicā, M. D. XCII.

“11 Audi filia, et vidē, et inclinā aurem tua: et **oblīviscere populum tuum, & domum patris tui.**”

**See:** “The Booke of Psalmes. Chapter XLV. Verse 10.” In *The Holy Bible, Containing the Olde Testament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by His Majesties special Commandment*. London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“10 Hearken( O daughter)and confider and incline thine eare ; **forget alfo thine owne people, and thy fathers houfe.**”

<sup>xxii</sup> “Gen. 34. 21.”

**See:** “Liber Genesis. Caput. XXXVI. Verses 16, 17, 21, 22, & 23.” In *Biblia Sacra Vulgātae Ēditiōnis*, 30. Rōmae: Ex Typographia Apostolicā, M. D. XCII.

“16 tunc dabimus & accipiēmus mītuō filiās vestrās, ac nostrās: & habitābimus vōbīscum, erimusq[ue] ūnus populus:”

“17 sī autem circumcīdī nōlu[e]ritis, tollēmus filiam nostram, & recēdēmus.”

[...]

“21 Virī istī pācifici sunt, & volunt habitāre nōbīscum: negōtientur in terrā, & exerceant eam, quae spatiōsa & lāta cultōribus indiget: filiās eōrum accipiēmus uxōrēs, & nostrās illis dabimus.”

“22 Ūnum est quō differtur tantum bonum: Sī circumcīdāmus māsculōs nostrōs, rītum gentis imitantēs.”

“23 Et substantia eōrum, & pecora, & cūncta quae possident, nostra erunt: tantum in hoc acquiēscāmus, & habitantēs simul, ūnum efficiēmus populum.”

**See:** “The First Booke of Moses, called Genesis. Chapter XXXIII. Verses 16, 17, 21, 22, & 23.” In *The Holy Bible, Containing the Olde Testament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by His Majesties special Commandment*. London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“16 Then will we giue our daughters vnto you, and we will take your daughters to vs, and wee will dwell with you , and we will **become one people.**”

“17 But if ye will not hearken vnto vs , to bee circumcīfed, then we will take our daughter , and we will be gone.”

[...]

“21 These men are peaceable with vs , therefore let them dwell in the land , and trade therein : for the land, behold, it is large enough for them : let vs take their daughters to vs for wifes , and let vs giue them our daughters.”

“22 Onely herein will the men consent vnto vs , for **to dwell with vs to bee oue people** , if euery male among v s be circumcised , as they are circumcised.”

“23 Shall not their cattell, and their substance, and euery beaft of theirs bee ours ? onely let vs consent vnto them, and they will dwell with vs.”

<sup>xxiii</sup> “animum revertendi” or “recēdendi.”

**See:** Imperātōris lūstīniānī. “Institūtiōnum, seu Elementōrum D. lūstīniānī sacrātissimi Prīncipis Liber Secundus. Dē Rērum Dīuīsiōne, & adqūirendō ipsārum dominō. Titulus I. 15 ¶.” In *Institūtiōnum librī IIII. Adiecti sunt ex dīgēstis Titulī dē verbōrum significātiōne et dē Rēgulis iūris: Cum Indice ad eōsdem*. Amsterdam: Apud Guiljelmum Caesum [Guilielmus Jansonius Blavius], Annō {M} D.C. XXII.

“15 ¶ They seem to lose the **intention to return** when they have abandoned the custom of returning.”

**See:** Petri Barbosa, Lūsītānī. “Lēgem Haērēs absēns §. proinde, in hoc articulus dē forō ratiōne originū foliīs dē Iūdicīis. §§. 20–21.” In *Commentārī ad Interpretātiōnem Tituli, ff. dē Iūdicīis. Opera & dīligentia Petri Barbosa dē Luna, suprēmī Cōsiliī in rēgnō Portugalliae Senātōris*, 499–500. Lugdūni: Sūmptibus Lūdovīci Prost, haerēdis Rouillé, M. D.C. XXII.

In other circumstances, it would follow that if a man had the **intention to depart** to a certain place, & there establish his domicile, because of his father’s intended destination, a son would be considered as born in a location where the father never constituted a domicile, which Nicolao Cumano declares to be absurd in the *lex caetera*. Giovanni Francesco de Ripa addresses this matter in the title *dē peste* and in the title. *dē priuilegiō contractūs*, number 183. he makes the law. regarding domicile below in the section ad mūnicip. In these cases, the opinion that will advance also has a place, if the parents moved to another province to conduct some business, & there the wife gave birth: for then, the son will be more evidently considered a native of the place where he was actually born, given the rationale discussed above, & so the general rule *lex civis* in the *Codex de col. book 10. & lex municipis 226*. below *dē verbōrum significat*. And is to be introduced. & established precedents by Sylvanus in *consilium I. at number 96*, no matter what contrary assumption Jason del Mayno may presuppose in *consilium 77. column 2. book 3*.

**See:** Petri Barbosa, Lūsītānī. “Ad Lēgem Exigēre dōtem, 65. §§. 57–60.” In *Commentārī ad Interpretātiōnem Tituli, ff. dē Iūdicīis. Opera & dīligentia Petri Barbosa dē Luna, suprēmī Cōsiliī in rēgnō Portugalliae Senātōris*, 545. Lugdūni: Sūmptibus Lūdovīci Prost, haerēdis Rouillé, M. D.C. XXII.

However, this soldier never had the intention of staying permanently in his wife’s domicile, but only temporarily, unless he was moved to another place or province by the prince. Therefore, he never seemed to have had a domicile, in relation to which he could enjoy the benefits of the statutes of the Kingdom of Portugal, as Andreas Alciatus has consulted in *respōnsiō 55. number 9*. If a Castilian dwells in a castle with his wife & family, even for more than ten years, he will not be said to have established a domicile in the castle: because, once his service is finished, he has **the intention of leaving**, and when it is clear that he has no intention of staying permanently in the place, he is never considered to have established a domicile there at any time. This is in line with Bartolus de Saxoferrato in the book *lex Cornelia §. si tantum. number 1. & with Angelus ff. dē iniurijs*, and Menochius *dē arbitrārī in book 2. case 86. at number 7*. which resonate with the resolution of Rogerius de Mota, in the book *haērēs absēns §. I. number 109*, mentioned above, that if a temporal judge is in a place with his goods & family, he is still not considered to have established a domicile there, because it is clear that he does not intend to stay there permanently, but to leave once his service is finished, & as we have said in the book *haērēs absēns §. finis*. mentioned above. Hence, as Augustinus Beroius consulted in *consilium 60. at number 22. book 2*. that if

someone accepted the office of secretary to a duke, he would never be considered to have established a domicile in that place because, due to the temporary nature of the office, it is clear that he had not the intention of staying there permanently, which even in a similar & very notable case was also considered, & handed down by Alvarus Valascus in *cōnsultatiōne* 175. number 25.

**See:** D. Iōhannis Cephalī, Ferrāriēnsis. “Cōnsilium CCCCLI. Prō Magnificā Commūnitāte cīvitatīs Rēgii. §§. 99–103.” In *Cōnsiliōrum Sive Respōnsōrum Iūris Liber Quārtus*, 4–5. Francōfurti ad Moenum: Impressum apud Iōannem Feyerabendt, Impellis Sigismundi Feyerabendts, Annō M. D. LXXIX.

Fifth, one does not enjoy the privileges of any profession, city, or office, who in reality does not perform it. *lēx nēminem in Cōdex dē cōnsulātū.* book 12, which argument seems to suggest, the same procedure applies to a citizen living elsewhere, & not undertaking the duties in the city. From this, it seems to be inferred that the same conclusion should apply to the inhabitants of the city, who do not bear the burdens there, since they do not seem worthy of praise for the benefit, although it speaks of the praises of the inhabitants, who are not citizens, such as foreigners, who do not enjoy the benefit, wherever in the place they do not suffer the disadvantage, Bartolus, de Saxoferrato tractātus repræsālia question 2. part 5. or in *lēx nēminem Cōdex dē incolā* book 12. Nor does it seem an obstacle, that it speaks of residents, because the same appears to apply to inhabitants, who are called residents. *lēx cīvēs Cōdex dē incolīs* book 10. And the inhabitants in the proposed case would be included even less, if they had the **intention of leaving**, since such people do not seem to be proper inhabitants, Jacobus Butrigarius. Albertus Salycetus. & Rogerius. in lib. cum filius. ff. sī cer. pet. where the appellation of inhabitants does not include a scholar who has the **intention of leaving**, through the book sī nihil. ff. dē capt. ita Ruius dē cōnsiliōrum. 112 number 12. book 5. However, notwithstanding the aforementioned objections, I think the opposite is more true, that indeed they should enjoy the said immunity, not only those residing in the city, but also those outside it, so long as they were born there, & thus are original citizens.

**See:** D. Iōhannis Cephalī, Ferrāriēnsis. “Cōnsilium CCCCLI. Prō Magnificā Commūnitāte cīvitatīs Rēgii. §§. 171–174.” In *Cōnsiliōrum Sive Respōnsōrum Iūris Liber Quārtus*, 7. Francōfurti ad Moenum: Impressum apud Iōannem Feyerabendt, Impellis Sigismundi Feyerabendts, Annō M. D. LXXIX.

The third doubt is, for it is queried, whether the citizens of Reggio, who through habitation have acquired a domicile in the places of Nuvolari, & Bagnoli, ought to enjoy the benefits of the aforesaid immunity. And it seems necessary to distinguish, as per Bartolus de Saxoferrato in the book *lēx Cornēlia*. §. sī tamen fundum, ff. dē iniūriis where he forms a question concerning a scholar, and asserts that where it is certain that he does not have the **intention of departing**, & there a domicile is established: But, if they have the **intention of departing**, it is not established even if he lived there for a thousand years. In doubt, however, the lapse of a decade presumes that **he does not wish to depart**, but rather to establish a domicile there, thus Bartolus de Saxoferrato §. si tamen, whom Arctinus follows in *cōnsilium* 135, column 2, Parisinus in *cōnsilium*, number 966, book 3, along with many others cited by Rolandus a Valle in *cōnsilium* 79, number 51, at the end, with the following number. Thus in the present case as well, for either it is clearly established, or at least a decade has passed, & they seem not to be able to enjoy the immunity, since they appear to have changed their domicile, & are obliged to undertake the duties that the other inhabitants of the said places undergo: Indeed, during the said time, they seem to have forsaken the city of Reggio itself with the intention of abandoning it, book 2, *Cōdex de incol.* book 10. when they changed their domicile. *Afflictio. dēcisio.* 384. number 5. turned around for this reason, after Baldus in the Authenticum & entirely in column 8. *nē vxor. prōmāris.* By such desertion, they seem to have lost the city, Baldus book 2. *Cōdex de insul. expugnat.* & above widely in the preceding doubt in the 3rd contrary argument.

**See:** Iōhannis Cephalī, Ferrāriēnsis. “Cōnsilium CCCCLI. Prō Magnificā Commūnitāte cīvitatīs



Rēgiī. §§. 118–124.” In *Cōnsiliōrum Sive Respōnsōrum Iūris Liber Quārtus*, 8. Francōfurti: Sūmptibus Godefridi Tampachiī, Bibliopōlae. Annō M. D.C. XXIV.

Indeed, even if one does not bear burdens, as because he himself or his place of origin is exempted by privilege, he is still a citizen, provided he is not excluded from honors as well. Hostiensis in summary, *dē forō competo*. §. 2, *versiculī item ratiōne oriġinis*. For if he were also deprived of honors, he would not be a citizen proper, but abusively so, according to Alciatus in *lēx mūniceps*, at the end of *ff. dē verbōrum significātū*, the last being an inhabitant, & he is the one who comes from elsewhere to dwell, with the intention of remaining, & of constituting a domicile, *lēx pūpillus*. §. *incola*. *ff. dē verbōrum significat lēx ciuēs*, 2. *respōnsōrum*. *Cōdex dē incola lib.* 20. *glōssārium incola* in book I. *Cōdex dē mūnicipēs & oriġinis* book 20. & in book *incola*, I. *ff. ad mūnicipēs Alciatus*. *dē §. incola*, & *parergon* book 2. chapter 7. *versiculī igitur sciendum est*. *Didacus Covarruvias Practicārum* Book 1. *Quaestiōnum*. chapter 37. column 3. *versiculī*. *Quis vērō dicātur propriē incola*, & *Silvanus in cōnsilium* I. number 92, with the following. Otherwise, if he had the **intention of departing**, he would not be called an inhabitant, book 2, *Cōdex dē incola glōssārium in lēx scīre*. *ff. ad mūniceps*. *Mariano Socinus junior*, in *cōnsilium* 7, number 7, book 2. The intention of establishing a residence is presumed from the lapse of a decade in doubt or presumed, *glōssārium in book 2. in verbō cōstituerint*. *Cōdex dē incola & glōssārium* book 3. of the same title. *Bartolus de Saxoferrato in book lēx Cornēlia*. §. *sī tamen*. column 2. *versiculī videte*, *ff. dē iniūriā glōssārium Bartolus dē Saxoferrātō & Baldus*. in book 2. *Cōdex. vbi dē crimin. agitur. Lex Castrēnsis in lēx hērēs absēns*, §. *vt sī quis*. *ff. dē iūdicīis*. *Lucas de Penna* book. 2. before the end, *Felyn in cōdex dilēctus* 2. numbers 28. 29. *dē rescriptis*. & *Ruin. in cōnsilium* 59. number 7. book 3. & before a decade is a mere inhabitant, because he is not compelled to undergo burdens, in that book 3. after a decade indeed he is held to burdens *lēx cum neque*. in the book *sī in patria*, of the same title *lēx incola*, second, joined with *glōssārium ff. ad mūnicipēs & often elsewhere*, & is therefore not a mere inhabitant, but also a citizen, from that book. §. 1. *ad mūnicipēs*.

<sup>xxiv</sup> “Gen. 35. 26 [sic 11 & 12].”

**See:** “Liber Genesis. Caput. XXXV. Verses 11 & 12.” In *Biblia Sacra Vulgātae Ēditiōnis*, 31. Rōmae: Ex Typographia Apostolicā, M. D. XCII.

“11 dixit[ue] ei: Egō Deus omnipotēns, crēsce, & multiplicāre: gentēs, & populī nātiōnum ex tē erunt, rēgēs dē lumbis tuīs ēgredientur.”

“12 Terram[ue] quam dedī Ābrahām & Isaāc, dabō tibi & sēminī tuō post tē.”

**See:** “The First Booke of Moses, called Genesis. Chapter XXXV. Verses 11 & 12.” In *The Holy Bible, Containing the Olde Testament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by His Majesties special Commandment*. London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“11 And God saide vnto him , I am God Almighty : be fruitfull and multiply :a nation and a company of nations fhall be of thee, and Kings fhall come out of they loynes.”

“12 And the land which I gaue Abraham , and Ifaac,to thee I will giue it, and to thy feede after thee will I giue the land.”

<sup>xxv</sup> “Gen: 36. 6.7.”

**See:** “Liber Genesis. Caput. XXXVI. Verses 5, 6, & 7.” In *Biblia Sacra Vulgātae Ēditiōnis*, 31–32. Rōmae: Ex Typographia Apostolicā, M. D. XCII.

“5 Oolibama genuit Iehus & Ihelon & Core, hī filiī Esau quī nātī sunt ei in terrā Chanaān.”

“6 Tulit autem Esau uxōrēs suās et filiōs et filiās, et omnem animam domus suae, & substantiam, et pecora, et cūncta quae habēre poterat in terrā Chanaān: et abiit in alteram regiōnem, recessitque ā fratre suō Iacōb.”

“7 Dīvitēs enim erant valdē, et simul habitāre nōn poterant: **nec sustinēbat eōs terra peregrinātiōnis eōrum** prae multitudine gregum.”

**See:** “The First Booke of Moses, called Genesis. Chapter XXXVI. Verses 5, 6, & 7.” In *The Holy Bible, Containing the Olde Testament, and the New. Newly Translated Out of the Originall Tongues:*

and with the former Translations diligently compared and revised, by His Majesties special Commandment. London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“5 And Ahulibamah bare Ieuth , and Iaalam , and Korah : theſe are the ſonnes of Efau , which were borne vnto him in the land of Canaan.”

“6 And Efau took his wiues , and his ſonnes and his daughters , and all the perſons of his houſe ,and his cattell , and all his beaſts, and all his ſubſtance , which hee had got in the land of Canaan:and went into the country from the fate of his brotherIacob.”

“7 For their riches were more then that they might dwell together: and **the land wherein they were ſtrangers ,could not beare them** , becauſe of their cattell.”

<sup>xxvi</sup> “Gen. 37. 1.”

**See:** “Liber Genesis. Caput. XXXVII. Verſe 1.” In *Biblia Sacra Vulgatae Editionis*, 32. Rōmae: Ex Typographia Apoſtolicā, M. D. XCII.

“1 HABITAVIT autem Jacōb in terrā Chanaān, **in quā pater ſuus peregrinātus eſt.**”

**See:** “The Firſt Booke of Moſes, called Genesis. Chapter XXXVII. Verſe 1.” In *The Holy Bible, Containing the Olde Teſtament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by His Majesties special Commandment.* London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“1 AND Iacob dwelt in **the land wherein his father was a ſtranger** , in the land of Canaan.”

<sup>xxvii</sup> “Exs. 6. 3.4.”

**See:** “Liber Exodus Hebraice Veelle Semoth. Caput. VI. Verſes 4 & 5.” In *Biblia Sacra Vulgatae Editionis*, 51. Rōmae: Ex Typographia Apoſtolicā, M. D. XCII.

“4 Pēpigi[ue] foedus cum eis, ut darem eis Terram Chanaān, **terram peregrinātiōnis eōrum, in qua fuērunt advenae.**”

“5 Egō audivi gemitum filiōrum Iſrāēl, quō Aegyptiī oppreſſerunt eōs: et recordātus ſum pacti mei.”

**See:** “The Second Booke of Moſes, called Exodus. Chapter VI. Verſes 4 & 5.” In *The Holy Bible, Containing the Olde Teſtament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by His Majesties special Commandment.* London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“4 And I haue alſo eſtabliſhed my Couenant with them, to giue them the land of Canaan , **the land of their pilgrimage , wherein they were ſtrangers.**”

“5 And I haue alſo heard the grouing of the children of Iſrael , whom the Egyptians keep in bondage : and I haue remembered my Couenant.”

<sup>xxviii</sup> “Erit Semen ejus Accola in terrā alienā.”

**See:** Henricum Harvillaevm, Ā Grangia & Palatiolaea, Concionātōrum Capucinum. “Tertiā Temporis Periodus. Difficultās. Dē Annis Quibus Filiī Iſrāēl mānsērunt in Ægyptō: Quotnam feurient ? Cōſequenter, Dē Annis 400. quī Gen. 15. Iudith 5. & Act. 7. dē 430. quī Exod. 12 & Galat. 3 & dē quaſi 450. quī Act. 13. ubinam incipient, & finiant, vel quōmodo ſint invicem conciliandi? §. 43. C.” In *Īſagōgē Chronologica hoc eſt Intrōdvctiō ad Cognitiōnem Temporum et Rerum, Quae Exitērunt ā Mundō Condītō, ad ūſque Annum Salūtis Millēſimum & vīgēſimum. Opus noā methodō conſcriptum: ſed vtiliſſimā Chronologiā, & Sacra Scriptūrae ſtudiōſis. Liber Primus. Complectēs Solide, Velutque Scholasticō Mōre, Difficultātēs Omnēs, quae reperiuntur circā Summās & Mētās praecipuārum Temporis Period ‘n cōſtituendās. Dictātus Sāntiſſimō Pāpa Urbano huius nōminis VIII, 398. Parīſiis: Sūmptibus Nicolāi Buon, viā Iācobaeā ſub ſignīs S. Claudii & Hominis Silveſtris, M. D.C. XXIV. Cum Privilegiō Rēgis.*

Also, in Acts 7, verſe 6, according to ſome editions of the Vulgate, it is written as follows: “And **his descendants will be ſtrangers in a foreign land, & they will enſlave and miſtreat them for 430 years.**”

**See:** Harvillaevm & Palatiolaea, “Tertiā Temporis Periodus. III. Locus. Act. 7. verſe. 6. iuxtā commūniōrēs cōdicēs. §. 43.” In *Īſagōgē Chronologica hoc eſt Intrōdvctiō ad Cognitiōnem Temporum*

et Rerum, Quae Exstitērunt ā Mundō Condītō, ad ūsque Annum Salūtis Millēsimum Sescentēsimum & vīgēsimum, 405. Parisiis: M. D.C. XXIV.

III. PASSAGE. Acts 7:6, according to more common editions. God spoke to him, saying, “For **his descendants will be strangers in a foreign land**, and they will enslave and mistreat them for 400 years.” Here again, 400 years are attributed to slavery and affliction. If, on the other hand, you object that in Genesis 15 and Acts 7, only 400 years are attributed to the entire stay in Egypt, it will be answered that slavery and affliction must be distinguished from being a foreigner or living in a foreign land, in the sense of the words, for example, in Genesis 15: “Your descendants will be foreigners in a land not their own,” or in Acts 7: “His descendants will be strangers in a foreign land.” And within this state of being a foreigner or living in a foreign land, they will enslave and afflict them, or mistreat them for 400 years. See: Harvillaevm and Palatiolaea. “Tertiā Temporis Periodus. IV ARGUMENTUM. §. 43.” In *Isagōgē Chronologica hoc est Intrōductiō ad Cognitiōnem Temporum et Rerum, Quae Exstitērunt ā Mundō Condītō, ad ūsque Annum Salūtis Millēsimum Sescentēsimum & vīgēsimum*, 415. Parisiis: M. D.C. XXIV.

“IV. ARGUMENT. It is drawn from the passage in Acts 7, verse 6. ‘And God spoke to him, saying that **his descendants will be strangers in a foreign land**, and they will enslave them and mistreat them for 400 years.’”

<sup>xxix</sup> “Act. 4. 6.”

See: “Actus Apostolorum. Caput. VII. Verses 6, 7, 8.” In *Biblia Sacra Vulgatae Editionis*, 1008. Rōmae: Ex Typographiā Apostolicā, M. D. XCII.

“6 Locūtus est autem eī Deus: Quia **erit sēmen eius accola in terrā alienā**, et servitūtī eōs subjiciētis, et malē tractābunt eōs annis quadringentis:”

“7 et gente, cui servierint, iudicābō egō, dixit Dominus. **et post haec exībunt, et serviet mihi in locō istō.**”

“8 Et dedit illi testāmentum circumcisiōnis: et sic genuit Isaāc, et circumcidit eu diē octāvō: et Isaāc, Iacōb [...].”

See: “The Actes of the Apostles. Chapter VII. Verses 6, 7, & 8.” In *The Holy Bible, Containing the Olde Testament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by his Majesties special Commandment*. London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“6 And God spake on this wise, that his seed should sojourne in a strange land, and that they should bring them into bondage, and intreate them euill foure hundred yeeres.”

“7 And the nation to whom they shall be in bondage, will I iudge, said God: And **after that shall they come forth, and ferue me in this place.**”

“8 And hee gaue him the Conenant of Circumcision: and so Abraham begate Isaac, and circumcised him the eighth day: and Isaac begate iacob [...].”

<sup>xxx</sup> “Gen: 15. 13.”

See: “Liber Genesis. Caput. XV. Verses 13, 14, 15, & 16.” In *Biblia Sacra Vulgatae Editionis*, 12. Rōmae: Ex Typographiā Apostolicā, M. D. XCII.

“13. Dictum[ue] est ad eum: Scitō praeuoscens quod peregrinū futurū sit sēmen tuum in terrā nōn suā, et subjiciēt eōs servitūtī, et affligent quadringentis annis.”

“14 Verūntamen gentem, cui seruitūrī sunt, egō iudicābō: et post haec egredientur cum magnā substantiā.”

“15 Tu autem ibis ad patrēs tuōs in pāce, sepultus in senectūte bonā.”

“16 Generatiōne autem quārtā reuertentur huc: necdum enim complētae sunt iniquitātēs Amorrhaeorum ūsque ad praesens te[m]pus.”

See: “The First Booke of Moses, called Genesis. Chapter XV. Verses 13, 14, 15, & 16.” In *The Holy Bible, Containing the Olde Testament, and the New. Newly Translated Out of the Originall Tongues: and with the former Translations diligently compared and revised, by His Majesties special Commandment*. London: Imprinted by Robert Barker, Printer to the Kings most Excellent Majestie, Anno 1612.

“13 And hefaid vnto Abram, Know of a surety, that thy seed shall be a stranger, in a land that is not theirs, and shall serve them, and they shall afflict them four hundred years.”

“14 And also that nation whom they shall serve, will I judge: and afterward shall they come out with great subtrance.”

“15 And thou shalt goe to thy fathers in peace; thou shalt be buried in a good olde age.”

“16 But in the fourth generation they shall come hither againe: for the iniquitie of the Amorites is not yet full.”

<sup>xxxix</sup> “Henrici dē Bracton”; “Judeus nihil proprium habere potest, et quicquid acquirat non sibi acquirat Sed Regi.”

<sup>xxxix</sup> “Bracton Li. 5. Cap. 6. §. 6. fo: 386” = Henrici dē Bracton. Libri quinque. Tractatus IV. Capituli. VI. Foliō 386 ¶ 6.

**See:** Henrici dē Bracton. “Libri quinti, in quō Tractatur dē Warrantia. Tractatus Quartus dē Warrantia. Caput 6. ¶6. Foliō 386.” In *Dē Legibus & Consuetudinibus Angliæ. Libri quinque; in variis tractatibus distincti, ad diversorum et vetustissimorum codicum collationem, ingenti cura, nunc primus typis vulgati: quorum quid cuique; insit, proxima pagina demonstrabit.* ∴ Londini: Apud Richardum Tottellum, Anno domini 1569. Cum privilegio.

“**Jews cannot have anything of their own, because whatever they acquire, they do not acquire for themselves but for the king,** because they do not live for themselves but for others, and thus they acquire for others and not for themselves.”

<sup>xxxiii</sup>

- The Right Honorable Sir Julius Cæsar, knight was himself sworn as Chancellor, i.e., Chancellor of the Exchequer, on April 7th, 1606, which he held until the March 10th, 1613–14 due to entry into the House of Commons as a knight of the shire for Middlesex.
- As per the following statute, the “certain by name” were the following: Henry, son of John de Beaumont, Elizabeth, daughter of Guy de Bryan, and Giles, son of Ralph Daubeny.

**See:** Great Britain, Alexander Luders, Thomas Edlyne Tomlins, John France, & William Elias Taunton, eds. “Annō 25° Edwardi, III, Annō Domini 1350–1.” In *The Statutes of the Realm. Volume the First, 1:310.* London: Printed by Command of His Majesty King George III<sup>rd</sup> in Pursuance of an Address of the House of Commons of Great Britain. Printed by Dawson of Pall Mall, MDCCCX; Great Britain, Richard Blyke, Philip Morant, Thomas Astle, John Topham, John Strachey. *Rotuli Parliamentorum; ut et Petitiones, et Placita in Parlamento Tempore Edwardi R. III, 2:231,* London: Prepared and Edited, by Order of a Committee of the House of Lords, 1767.

The Roll of Parliament of the Year of the Reign of King Edward III<sup>rd</sup> the 25th. (25 Edw. III.)

From the great Roll of Statutes in the Tower of London, manuscript 19.

- Parliament was summoned from November 25th, 1350.
- Parliament was assembled and held from Wednesday, January 27th, 1350–51.
  - Candlemas was on Monday, January 25th, 1350–51.
  - The 40th day after Christmas 1350 is Tuesday, January 26th, 1350–51.
  - Its octave was Monday, February 1st, 1350–51.

So much of the Common Law of Natural Subjecthood  
(dates of royal assent given; if not, parliamentary session commencement or prorogation):

- February 1st, 1350–51 (25 Edw. III. Statute the First)
- May 1st, 1368 (42 Edw. III. c. 10)
- July 24th, 1540 (32 Hen. VIII. c. 16)
- April 1st, 1543 (33 Hen. VIII. c. 25)
- July 23rd, 1610 (7 Jac. I. c. 2)
- April 16th, 1677 (29 Car. II. c. 6)
  
- April 11th, 1700 (11 Will. III. c. 6)

- June 12th, 1701 (12 and 13 Will. III. c. 2 §. 3)
- March 23rd, 1708–9 (7 Ann. c. 5. §. 3)
- February 9th, 1711–12 (10 Ann. c. 9)
- July 20th, 1715 (1 Geo. I. Statute 2, c. 4)
- May 7th, 1731 (4 Geo II. c. 21. §. 1)
- March 19th, 1739–40 (13 Geo II. c. 7)
- June 17th, 1747 (20 Geo. II. c. 44)
- March 26th, 1752 (25 Geo. II. c. 39)
- March 16th, 1773 (13 Geo. III. c. 21)
- April 1st, 1773 (13 Geo. III. c. 25)
- June 14th, 1774 (14 Geo. III. c. 84)

#### Relevant Repeals

July 29th, 1914 (House of Commons Debates, volume 65, columns 1507–11):

1. “Extent of Repeal. From ‘and in the right of other children’ to the end of the statute” (25 Edw. III. Statute the First)
2. 42 Edw. III. c. 10, 7 Ann. c. 5, 4 Geo. II. c. 21, 33 Geo. III. c. 21, and 12 & 13 Will. III. c. 2 were all REPEALED, save further for the words “naturalized or” in “although he be naturalized or made a Denizen” (12 and 13 Gul. III. c. 2 §. 3)

Royal assent given August 7th, 1914 and effective January 1st, 1915 (4 and 5 Geo. 5. c. 17. THIRD SCHEDULE. § 28. Enactments repealed.)

#### Statute the First

Modern French

#### **L’estatut des enfants nés par-delà.**

NOTRE seigneur le Roi, à son Parlement tenus a Westminster à les Octaves de la Purification de notre Dame, l’an de son règne d’Angleterre vingt-cinquième, & de France douzième, considérant les grandes meschiefs & damages que sont avenues au peuple de son royaume d’Angleterre, si bien parce que les statuts devant, ces heures ordonnés n’ont mie été tenus & gardés comme ils devroient, comme par cause de la pestilence mortelle que naguères dura, & veillant pourvoir au quietude & commune profit de son peuple sur ce remede covenable, par assent de Prélates, Comtes, Barons & autres grandes & toute la Commune de son dit royaume, au dit parlement sommé, a ordonné & établi les choses sous-écrites. C’est à savoir, parce que aucunes gents étaient en conscience si les enfants nés est parties de delà dehors la ligeance d’Angleterre, seraient ables à demander héritage dans même la allégeance ou néanmoins, de quoi pétition fut mis autrefois en parlement tenues à Westminster l’an notre dit Seigneur le Roi dix-septième, & ne fut mie à tous temps en tout assenti: Notre dit Seigneur le Roi voulaient que toutes doutes & ambiguïtés fussent oustées & la loi en ce cas declarée & mis en certain, fist charger les Prélates, Comtes, Barons, & autres sages de son conseil, assemblés à ce parlement, à faire délibération sur cel point. Lesquels d’un assentiment ont dit que la loi de la Couronne d’Angleterre, & a été tousjours telle, Que les Enfants des Rois d’Angleterre est, quelle part qu’ils soient nés en Angleterre ou ailleurs, sont ables & doivent porter héritage, après la mort leur ancêtres: Laquelle Loi notre Seigneur le Roi, lesdits Prélats, Comtes, Barons, & autres grands, & toute la Commune, assemblées en le dit parlement, approuvent & affirment pour toutes jours. Et endroit des autres Enfants nés hors de l’Allégeance d’Angleterre en temps notre dit Seigneur le Roi, si sont ils uniment accordés que Henri fitz Johan de Beaumound, Elizabeth fille Guy de Bryan, & Giles fitz Rauf D’aubeneye, & autres que le Roi verra nomer qui naquirent par-delà hors de l’Allégeance

d'Angleterre, soient désormais capables d'avoir & enjoyer leur Héritages après la mort leur Ancêtres toutes partes dans l'Allégeance d'Angleterre, si avant comme ceux qui naquirent dans même l'Allégeance. Et que toutes les Enfants héritiers qui seront nés désormais dehors l'Allégeance le Roi, dont enfans les Père & Mère au temps du naître sont & seront à la foi & de l'Allégeance du Roi d'Angleterre, aient & enjoyent mêmes les bienfaits & avantage d'avoir & porter héritage dans la dite Allégeance, comme les autres héritiers avant lesdits en temps avenir: Issint toutesfois, que les Mères de tieux Enfants passent la mer par congé et volonté de leur barons. Et si alléguée soit contre nul tel né par-delà, qu'il est Bastard, en cas où l'Évêque doit avoir connaissance de Bastardie, soit mandé à l'Évêque du lieu là où la demande est de certifier la Court le Roi où le Plaid aient pendu, si comme anciennement a été usée en cas de Bastardie allégué contre ceux qui naquirent en Angleterre.

<p><b>Lestatut des enfantz nez pdela, des marchandises vendre, &amp;c.</b></p>	<p><b>Statūtum prō ilis quī nātī sunt in prōtinus trānsmarīnis.</b></p>
<p>Nr̄e Seign<sup>r</sup> le Roi, a son plement tenuz a Westm̄ a les Octaves de la Purificacion de nr̄e Dame, lan de son regne Denglet<sup>re</sup> vintisme quint, &amp; de F<sup>a</sup>nce douzisme, considerant les g<sup>antz</sup> meschiefs &amp; damages q̄ sont venuz au poeple de son roialme Denglet<sup>re</sup>, sibien p<sup>r</sup> ce q̄ les estatuz devant ces heures ordines nount mie este tenuz &amp; gardez come ils dev<sup>o</sup>ient, come p cause de la pestilence mortiele q̄ nadgairs dura, &amp; veullant p<sup>r</sup>voier au quiete &amp; cōe pfit de son poeple s<sup>r</sup> ce reme<sup>d</sup> covenable, p assent de Prelatz, Countz, Barons &amp; aut<sup>r</sup>s g<sup>antz</sup>, &amp; tote la Cōe de son dit roialme, au dit plement somons, ad odene &amp; establi les choses souzscriptes, Cest assavoir: p<sup>r</sup> ce q̄ ascunes gentz estoient en awere si les enfantz neez es pties de dela, dehors la ligeance Denglet<sup>re</sup>, s<sup>r</sup>roient ables a demander hitage deinz meisme la ligeance ou nemie, de quoi peticion feust mis autrefoitz en plement teneuz a Weymonster lan nr̄e dit Seign<sup>r</sup> le Roi dys &amp; septisme, &amp; ne feust mie a tieu temps en tout assentu, nr̄e dit Seign<sup>r</sup> le Roi, veulliant q̄ totes doutes &amp; awers feussent oustez &amp; la lei en ce cas declaree &amp; mis en c<sup>te</sup>in, fist charger les Prelatz, Countez, Barons, &amp; aut<sup>s</sup> sages de son conseil, assemblez a ce parlement, a faire delibacion s<sup>r</sup> cel point; Les queux dun assent ount dit q̄ la lei de la Corone Dengleterre est, &amp; ad este touz jours tiele, q̄ les enfantz des Rois Denglet<sup>re</sup>,</p>	<p>OUR Lord the King, at his Parliament holden at Westminster at the Utas of the Purification of our Lady, the year of his Reign of England the Twenty-fifth, &amp; of France the Twelfth, considering the great Mischiefs &amp; Damages that have happened to the People of his Realm of England, as well because that the Statutes before this Time ordained have not been holden &amp; kept as they ought to be, by cause of the mortal Pestilence that late reigned, &amp; willing to provide for the Quietness &amp; common Profit of his People convenient Remedy, therefore by the Assent of the Prelates, Counts, Barons &amp; and other great Men, &amp; all the Commons of his Kingdom, summoned to the said Parliament, hath ordained and established the Things underwritten, videlicet: Because that some People be in doubt if the Children born in the Parts beyond the Sea, out of the Ligeance of England, should be able to demand any Inheritance within the same Ligeance or not, whereof a Petition was put in the Parliament late held at Westminster the year of our said Lord the King the Seventeenth, &amp; was not at the same Time wholly assented, our said Lord the King, willing that all Doubts &amp; Ambiguities should be put away, &amp; the Law in this Case declared &amp; put in a Certainty, hath charged the said Prelates, Counts, Barons, and other wise men of his Council, assembled in</p>

(Continued.)

Lestatut des enfantz nez pdela, des marchandises vendre, &c.	Statūtum prō ilis quī nātī sunt in prōtinus trānsmarīnis.
<p>queu part qils soient neez en Englet<sup>re</sup> ou aillo<sup>s</sup>, sont ables &amp; devient porter heritage, ap<sup>s</sup> la mort lour auncest<sup>s</sup>; la quele lei nostre Seign<sup>r</sup> le Roi, les ditz Prelates, Countz, Barons, &amp; aut<sup>s</sup> g<sup>antz</sup>, &amp; tote la Cōe assemblez el dit plement, approevent &amp; afferment p<sup>r</sup> touz jours: et endroit des aut<sup>s</sup> enfantz, neez hors de la ligeance Denglet<sup>re</sup> en temps n<sup>re</sup> dit Seign<sup>r</sup> le Roi, si sont ils uniement acordez q̄ Henri fitz Johan de Beaumound, Elizabeth fill Guy de Bryan, &amp; Giles fitz Rauf Daubeneye, &amp; aut<sup>s</sup> q̄ux le Roi vorra nomer qi nasquirent p<sup>r</sup> dela hors de la ligeance Denglet<sup>re</sup>, soient desore ables davoit &amp; enjoier leur hitages, ap<sup>s</sup> la mort lour auncest<sup>s</sup> tote ptz deinz la ligeance Denglet<sup>re</sup>, si avant come ceux qi nasquirent deinz meisme la ligeance: et q̄ touz les enfantz heritiers, qi s<sup>r</sup>ront neez desore dehors la ligeance le Roi, des queux enfantz les pierre &amp; miere au temps du nestre sont &amp; s<sup>r</sup>ront a la foi &amp; de la ligeance du Roi Denglet<sup>re</sup>, eient &amp; enjoient meismes les bn<sup>fc</sup>ice &amp; avantage dav<sup>o</sup> &amp; porter heritage deinz la dite ligeance, come les aut<sup>s</sup> heritiers avant-ditz, en temps avenir; Issint totes foitz q̄ les mieres de tieux enfantz passent la meer p<sup>r</sup> conge et volunde de lour barons. Et si alleggee soit contre nul tiel nee p<sup>r</sup> dela, qil est bastard, en cas ou Levesq doit avoir conissance de bastardie, soit maunde a Levesq du lieu la ou la demande est de c<sup>o</sup>tifier la Court le Roi ou le ple ent pend, sicome auncienement ad este usee en cas de bastardie, allegge contre ceux qui nasquirent en Englet<sup>re</sup>.</p>	<p>this Parliament, to make deliberation upon this Point; The which of one assent have said that the Law of the Crown of England is, and hath always been such, that the Children of the Kings of England, in whatsoever Parts they be born, in England or elsewhere, be able &amp; ought to bear the Inheritance after the death of their Ancestors; the which Law our Lord the King, the said Prelates, Counts, Barons, &amp; other great Men, &amp; all the Commons assembled in this said Parliament, do approve and affirm forever: And in the Right of other Children, born out of the Ligeance of England in the Time of our said Lord the King, they be of one Mind accorded, that Henry son of John de Beaumont, Elizabeth daughter of Guy de Bryan, &amp; Giles Son of Ralph Dawbeny, &amp; others which the King will name who were born beyond the Sea out of the Ligeance of England, shall henceforth be able to have &amp; enjoy their Inheritances, after the death of their Ancestors in all Parts within the Ligeance of England, just as those who were born within the same Ligeance: And that all the which Children Inheritors, who shall be born henceforth outside the Ligeance of the King, whose Fathers &amp; Mothers at the Time of their Birth be &amp; shall be at the Faith and Ligeance of the King of England, shall have &amp; enjoy the same Benefits &amp; Advantages to have &amp; bear that Inheritance within the same Ligeance, like the other Inheritors aforesaid, in Time to come; Provided always that the Mothers of such Children do pass the Sea by the Licence and Wills of their Lords. And if it be alleged against any such born overseas, that he is a Bastard, in case where the Bishop ought to have Cognizance of Bastardy, it shall be commanded to the Bishop of the Place where the Claim is to certify the King's Court where the Plea thereof hangs, just as of old Times hath been</p>

(Continued.)

<b>Lestatut des enfantz nez pdela, des marchandises vendre, &amp;c.</b>	<b>Statūtum prō ilis quī nātī sunt in prōtinus trānsmarīnis.</b>
	used in the Case of Bastardy, alleged against those who were born in England.

**See:** Parliament of England, Richard Blyke, Philip Morant, Thomas Astle, John Topham, John Strachey. *Rotuli Parliamentōrum; ut et Petitiōnes, et Placita in Parliamentō Tempore Edwardī R. III,* 2:297. London: Prepared and Edited, by Order of a Committee of the House of Lords, 1767; Parliament of England, Alexander Luders, Thomas Edlyne Tomlins, John France, and William Elias Taunton, eds. “Annō 42° Edwardī, III, Annō Domini 1368.” In *Statutes of the Realm, Volume 1,* 1:389. London: Printed by Command of His Majesty King George III<sup>d</sup> in Pursuance of an Address of the House of Commons of Great Britain. Printed by Dawson’s of Pall Mall, MDCCCX.

Roll of parliament of the Year of the Reign of King Edward the IIIrd the 42nd.

From the great Roll of Statutes in the Tower of London, manuscript 3.

- Parliament was summoned on February 24th, 1367–68.
- Parliament was assembled and held from May 1st, 1368.

The Parliament held at Westminster on Wednesday in the octaves of the Purification of our Lady, in the year of the Reign of our Lord King Edward the IIIrd the 25th, and of France the 12th.

Roll of Parliament of the year of the Reign of King Edward the IIIrd the 42nd. (42 Edw. III.)

The Petitions of the Commons, and their Responses in the form which follows.

**Chapter III.**

Supra, i.e., July 29th, 1914 (HC Deb. vol. 65 cc. 1507–11.)

Item 19

Modern French
<p>19. ITEM prient les Communes, que comme avant ces heures les Enfantz nés par-delà hors de l’allégeance d’Angleterre ne furent ables d’enjoyer n’être hérités des terres leur ancêtres en Angleterre, Que plaise au Roi ordonner en ce présent Parlement, que tous les Enfants neés dans les Seigneuries de Calais, Guînes, ou Gascogne, ou ailleurs dans les terres &amp; Seignuries qui appartiennent à notre Seigneur le Roi de par-delà, qu’ils soient si avant ables &amp; enhéritables de leur héritages en Angleterre comme autres Enfantz neés dans même cette terre, de si comme les avant-dites terres qui à cette heure appartiennent a notre Seigneur le Roi, sont par la plus grande partie inhabités par les Gens notre Seigneur le Roi d’Angleterre que vont iloc par commandement notre Seigneur le Roi. Soit la Commune Loi &amp; le Statut sur ce point autrefois fait tenu &amp; gardés.</p>

19. I T E M prient les Cōmunes, qe come avant ces heures les Enfantz neez p dela hors de la ligeance d’Angleterre ne furent ables d’enjoier ne estre eheritez des terres lour auncestres en Angleterre, Que plese au Roi ordeiner en cest present Parlement, qe touz les En- fantz neez deinz les Seignuries de Calais, Guynes, ou Gascoigne, ou ailliors deinz les terres & Seignuries quex appertiegnent a ñre Seigñr le Roi de par dela, q’ils soient si avant ables & eheritables de lour heritages en Angleterre come autres Enfantz neez deinz mesme ceste terre, desicome les



avant dites terres q̄ ore appertient a nostre Seigñr le Roi, sont p le greindre partie enhabitez p les Gentz nostre Seigneur le Roi d'Engleterre quex vont illoeqes p com̄andement ñre Seigñr le Roi.

Soit la Com̄une Ley & l'Estatut sur ce point autre foitz fait tenu & gardez.

Chapter 10

Capitulum X.	
<p>Aussint s<sup>r</sup> la peticion mis en plement p la cōe, suppliant q̄ les enfantz neez pdela deinz les Seign<sup>ries</sup> de Caleys, Guynes &amp; Gascoigne, &amp; aillours deinz les t<sup>res</sup> &amp; s<sup>ries</sup> q̄ apptiegnent a n<sup>re</sup> s<sup>r</sup> le Roi pdela, soient si avant ables &amp; enheritables de leur heritages en Englet<sup>re</sup>, come autres enfantz neez deinz le Roialme Denglet<sup>re</sup>, est accorde &amp; assentu, q̄ la cōe leye &amp; les-tatut s<sup>r</sup> ce point autrefois faitz, soient tenuz &amp; gardez.</p>	<p>Upon the Petition put in the Parliament by the Commons, desiring that Infants born beyond the Seignories of Calais, Guines &amp; Gascony, &amp; elsewhere within the lands &amp; seignories that pertain to our Lord the King beyond, be as able &amp; inheritable of their heritage in England, as other Infants born within the Kingdom of England, it is accorded &amp; assented, that the common law &amp; the statute upon the same point another time made, be holden &amp; kept.</p>

<sup>xxxiv</sup> Guien = Le duché de Guyenne.

**See:** Great Britain, Richard Blyke, Philip Morant, Thomas Astle, John Topham, John Strachey. *Rotuli Parliamentorum; ut et Petitiones, et Placita in Parlamento Tempore Ricardi R. II [et Tempore Henrici R. IV.]*, 656–57. London: Prepared and Edited, by Order of a Committee of the House of Lords, 1771.

**The Roll of parliament of the Year of the Reign of King Henry the IVth the 13th.**

**From the great Roll of Statutes in the Tower of London, manuscript 3.**

- Parliament assembled and held from Sunday, October 25th, 1411.

The Roll of Parliament held at Westminster, on the day after All Souls' Day, in Year of the reign of King Henry the IVth the 13th. (13 Hen. IV.)

#### Item 22

Modern French
<p>22. ITEM, une Pétition fut baillée en Parlement par les Gens de Guyene, en les paroles qu'ensuiuant:— [...] par toutes les bonnes Villes, &amp; autres lieux de votre dit Royaume, que dorénavant ni les veuillent pas appeler Aliens, ni dire aucunes Vilains, Injures, ni Reproches sur telle peine comme a votre très excellent discrétion, par avis &amp; délibération de votre tres honorable Conseil, semblera mieux à faire en tel cas. Et que toutes ces choses susdites puissent être entrées &amp; enactées en Rôle du Parlement de record, &amp; que puissent être proclamées par toutes les Cités, Bourgs, &amp; bonnes Villes, &amp; par toutes les Comtés d'Angleterre; pour Dieu, &amp; en œuvre de sainte charité. Quelle Pétition lue et entendue fût répondu en la forme qu'ensuit. Le Roi, de l'avis et assent des Seigneurs Spirituels &amp; Temporels en plein Parlement, a garanti cette Pétition, &amp; qu'ils en aient Lettres Patentes &amp; Briefs de temps en temps, tants &amp; tels comme seront besoingnables en le cas.</p>

Pur les Gentz de Guyen'. (m. 9.)	For the People of Guyenne.
<p>22. I T E M, une Petition feust baillee en Parlement par les Gentz de Guyene, en les parols q'enseuent:— [...] p toutes les bones Villes, &amp; autres lieux de v're dit Roialme, q̄ d'ores enavant ne les vueillent appeller Alliants, ne dire aucunes Villenie, Injures, ne Reproches sur tielle peine come a v're tres excellent discrecioun, p advys &amp; deliberation de v're tres honorable Conseil, semblera mieulx a faire en tiel cas. Et q̄ toutes ces choses dessus dites puissent estre entrees &amp; enactes en Rolle de Parlement de record, &amp; q̄ puissent estre pro-clamees p toutes les Citees, Burghs, &amp; bonnes Villes, &amp; p toutes les Countees d'Engleterre; pur Dieu, &amp; en oeuvre de sainte charitee. Quele Peticion lue &amp; entendue feust responduz en la fourme q'enseute. Le Roy, de l'advys &amp; assent des Seig'irs Espirituelx &amp; Temporelx en plein Parlement, ad grauntez ceste Petition, &amp; q'ils ent aient Lrēs Patentes &amp; Briefs de temps en temps, tantz &amp; tielx come seront boisoignables en le cas.</p>	<p>22. I T E M, a Petition was given in Parlement by the People of Guyene, in the words that follow:— [...] throughout all the major Townes, &amp; other places of your said Realm, that henceforth will neither call them Aliens, nor say any Naughties, Injustices, or Reproaches, on such pain as at your very excellent discretion, by advice &amp; deliberation of your most honorable Council, will seem better to do in such a case. And that all these things aforesaid may be entered &amp; enacted in Parliamentary Roll of record, &amp; may be proclaimed by all the Cities, Boroughs, &amp; major Townes, &amp; by all the Counties of England; for God, &amp; in work of holy charity. Which Petition read &amp; heard was answered in the form that follows. The King, in the advice &amp; assent of the Spiritual &amp; Temporal Lords in full Parliament, has granted this Petition, &amp; that they have Letters Patents &amp; Briefs from time to time, as many &amp; such as may be required in the case.</p>

<sup>xxxv</sup> E.g., “litteræ patentēs” (Mediæval Latin ca. 1201–1216), “patente lettre” (Middle French ca. 1280–1307), “lettre patent” (Middle English ca. 1387), “lettre patente” (Middle French ca. 1389), “lettres patentes” (Middle English ca. 1425–1429), and “Letters Patentes” (Middle English ca. 1450–1474).

**Acknowledgments.** Author presents this to Ms. Vidrine with acknowledged gratitude to the original works of the Right Honorable, Sir Julius Cæsar, LL.D., D.C.L., Knight Batchelaur, Master of the Rolls, and of his Majesties privie Counsel, as also duplicated in or from the library of Sir Robert Bruceus Cotton, Knight Batchelaur, Baronett—both long cataloged and lately held by the British Museum.

**Author contribution.** All words, not otherwise quoted or facsimiled verbatim, are entirely my own.

**Funding statement.** No financial support was sought, obtained, or used in any way whatsoever.

**Competing interests.** None.

N. R. W. Dudani states that this study originated during his time at William & Mary whose resources have continually allowed him to grow this research into an hopeful D.Litt. dissertation and thesis on the Anglo-American common law of slavery and naturalization unto 1875 <ndudani@email.wm.edu>.

**Cite this article:** N. R. W. Dudani, “Anglo-Romano Common Law on Natural Subjecthood, Lansdowne MS 486 ff. 142–143,” *Law and History Review* (2025): 1–26. <https://doi.org/10.1017/S0738248024000087>