

for buying Barley to convert to Malt. And if any person shall refuse, disobey, or not perform such suppressing, discharge, or restraint, on any Order which the said Justices in their Sessions shall set down touching the same; then, and so often such person being thereof duly convicted before the Justices at their Quarter Sessions, or before any two Justices of Peace out of their Sessions (by his own confession, or by two Witnesses) shall be by the said Justices committed to the Common Gaol, there to remain without Bail for three days, and after that until he shall become bound by Recognizance in Forty pounds to the Kings use, before some one Justice of Peace, to perform and obey such order, suppressing, discharge, or restraint. So that any two Justices of Peace may convict such offenders (upon their confession, or by two Witnesses) and then may commit them, as aforesaid; and after any one Justice of Peace may take such Recognizance, Lam. 336.

One Justice. as aforesaid.

C H A P. LXII.

Markets and Fairs.

§. 1. *Name.* **F**air seemeth to be derived from the Latin, *Ferix, Nundinae enim semper instar Festi sunt*, saith *Skinner's-Lexicon*.

Market seems to be derived from the Latin, *Merces* or *Mercari*, saith *Skinner's Lexicon*.

§. 2. *Priviledge.* Fairs were anciently places of great resort and priviledge; for by Civil Law, *Nundinae habent publicam securitatem, ut nemo privati debiti causa ibidem possit interpellari, non delicti*; which must be understood of Debts and Offences preceeding the Fair; for as to Contracts there made the Law hath provided a Court of Pipowders, which is incident to a Fair; and is a Court of Record for the speedy determining of Differences there arising upon Contracts.

§. 3. *Time of continuance.* Fairs are accounted things of Franchise and Priviledge, as well as of Profit; and whether they be held and claimed by Charter of the King, or by Prescription, which supposes a former Charter, they ought to be holden for no longer time, than such Grant or use will warrant: And after such time, what is done there, is not warranted or justifiable, nor amounts to more than a private transaction, and the Sheriff ought to make Proclamation, That those that have Fairs keep them no longer than they ought to do; and every Lord of a Fair, shall at the beginning thereof, make Proclamation how long the same is to continue, upon pain to be grievously amerced to the King: And if they hold them longer than they ought, they shall be seised into the Kings hands, until they make Fine for the offence; and if a Merchant sell Ware after the time the Fair ought to end, he shall forfeit to the King double the value of what is sold, and the prosecutor shall have the fourth part. 2 E. 3. 15. 5 E. 3. 5.

§. 4. *Festival.* Fairs and Markets on the principal Feasts, viz. Ascension-day, Corpus Christi day, Whitsunday, Trinity Sunday, and all other Sundays. The Assumption of our Lady, All-Saints, and Good-Friday, shall cease from all shewing of Goods and Merchandises, necessary Victuals only excepted, upon pain of Forfeiture of their Goods shewed the four Sundays in Harvest excepted, and the Fairs or Markets which are granted to be holden on those Festivals, may be holden within three days, before or after. 27 H. 6. 5.

§. 5. *Place.* No Fairs or Markets shall be kept in Church-yards, for the honour of the Church. 13 E. 1. c. 5. Winch.

Buying