

18 באפריל 2013 אולם הסנאט, קומה 29, מגדל אשכול

ערן שמיט, אוניברסיטת תל-אביב
מחזיקי המשרות המקומיות על-פי פטיציות שהוגשו
לפרלמנט בתקופת שלטונו של אדוארד השלישי
(1330 – 1377)

מבחר תעודות

פטיציה להרחבת סמכויות השופטים האזוריים (Justices of the Peace) - 1352

- 13. III. Also, because the laws, both the common law and the statutes previously ordained by our lord the king and his progenitors, have not been upheld or maintained nor process of due execution made, because of the failure of the justices to whom the laws have been committed to be enacted, whether through lack of opportunity as a result of the weight of business in various sessions, or because express mention has not been made in their commissions of the articles which they should carry out, or because they have been prevented by the great maintenance made to their office; the commons pray: that the great men of the land, earls and barons, each in his region, along with the most loyal and wise men of the law in those parts, in not too great a number, appointed in this present parliament by the advice of the great men and others of the said commons, sworn to the task, **shall be assigned in aid of the poor people to hear and determine, at the suit of the party as well as at the suit of the king, both within franchises and without, from year to year,**
- 1. **all manner of felonies and trespasses and all manner of extortions, oppressions and grievances done to the people by officers and victuallers, whether of the king's household or any other officers and officials whatsoever,**
- 2. **and labourers, craftsmen, sellers of victuals, innkeepers, brewers, bakers, butchers, poulterers, shoemakers, tanners, regraters and all others contained in the statute formerly made concerning the aforesaid matters and all other things contrary to the articles of the laws and statutes formerly made for the preservation of the peace**
- 3. **and punishment of criminals, and for preventing their deceits and crimes, and to make due and strict execution and punishment of the same without impediment, as the law demands.** And that the said justices shall be commanded to do this from year to year, as aforesaid, at least twice each year at the expense of our lord the king, **taking their appropriate wages from their sessions. And that the said justices and all others assigned to hear and determine felonies and trespasses shall make the appropriate protections during at least fifteen days of their sessions,** so that the people shall not risk losing their issues, or being put in exigent, or taken at the suit of the party or the suit of the king without the appropriate protection and process being made.

Most honoured and most dread lord; whereas at this parliament your commons were charged to advise you as to how the peace of this land could best be kept;[5] to which they responded that **in each county six men should be chosen by the people of the county, of whom two should be from the greatest men, and two knights, and two men of the law, from the most respected and most loyal men of the said county. And when necessary more should be assigned or less if needed.** And they should have full power, by commission from the chancery, to hear and determine felonies and trespasses and other points touching the keeping of the peace; **since the keepers of the peace of each county, who live in the same counties, could punish the felons and trespassers better and more often, and with greater ease and lesser grievance to the region, than other justices coming from afar.** And common trailbaston should not be current as was previously agreed in parliament, since this was entirely to the destruction and ruin of the people, and to very little or no amendment of the law or the peace or of the punishment of felons or trespassers. And, most dread and most honoured lord, because the people of the commonalty have remained for a very long time at their very great expenses and misfortunes, they pray to your highest lordship for an answer to this bill, and their deliverance.

פטיציה לגבי הצורך במינוי שופטים - 1353

Also, they pray: **that the justices of labourers and keepers of the peace shall be appointed from the most worthy men dwelling in the counties**, for the ease of the people, according to the disposition of our lord the king and his good council; **so that such justices shall be required by our said lord the king to pursue the articles of their commission. And that the same justices shall have power to punish innkeepers for their outrageous prices, and the regraters of victuals. And that they shall inspect the measures, ells and weights in each county, so that they shall be held in all points according to the ordinances agreed in this council; provided always that such commissions shall not be in prejudice of the officials of the king's household or of any other franchise.** And in this case the lords of franchises, mayor and bailiffs of cities, boroughs and vills shall be charged to observe and uphold the aforesaid ordinances; provided always that no such commissioner shall appoint a deputy, and that the aforesaid commissioners shall not go to delivery in any crown cases without the justices assigned to deliver to gaols.

• פן משפטי

- 1355 - 20. IX. Also, whereas before this time various **commissions have been made to sheriffs**, constables of castles and wardens of gaols of prisoners to inquire into trespasses, felonies and other articles for which men are liable to imprisonment; by colour of which commissions **the said sheriffs, constables and wardens fabricate indictments, so that the people are indicted before them, and they take the people and imprison them until they have made fines** to the said wardens of gaols and of prisoners in order to have favour, and to sheriffs in order to be granted bail, to the great damage of the commonalty. **Wherefore they pray: that no sheriff or man who guards prisoners shall be put on such commissions**
- 1373 - 33. XXI. Also, the commons pray: **that people are indicted of felonies before the sheriff at his tourn, who areailable and granted bail by the same sheriff, and some other sheriff of the said county who is appointed afterwards comes and takes new bails and outrageous securities from prisoners, each by himself, because there is no delivery of gaols by justices at this time, in great oppression and damage of the said commonalty**, and especially in the county of Cumberland. Wherefore they pray remedy, for God and in way of charity.

• פן כלכלי

- 1371 - Also, the commons declare: that whereas the receivers of the **sheriffdoms levy issues and ameracements of the green wax, and because no reason is stated in the estreats they levy the said sums twice, or three times, to the great misfortune of the people**. Wherefore they petition our lord the king and his council that it may please them to ordain that the reason shall be stated openly in the estreat; that is to say, at whose suit the issues and ameracements will be taken, at what term and in what plea, and also between which parties the jurors who impose issues and ameracements were empanelled, and in what plea, and at what term they were taken. And also concerning fines, the reason for which the fine was made and the term shall be stated openly.

בקשה להקלות מאיסוף הכנסות הכתר – The Sheriffs Farms

• צמצום שטחי נחלות בשל הענקת נחלות למקורבי הכתר

- 1352 - 39. XXIX. Also, the commons pray: **that all sheriffs who are charged of certain farms for the counties where they are sheriffs shall be discharged of that which is deducted from their bailiwick by reason of franchises having been granted.**

• סיבות טבעיות

- 1376 - 153. IIIIXXXIII. Also, **his poor lieges of Northumberland** pray: that whereas the sheriff of Northumberland is charged £100 annually to be paid for the profit of the said county, and the increment of the same; the sheriff has to levy part of the said sum in addition to the sum of £53 3s. 4s., **whereby many sheriffs of the same county are ruined and greatly impoverished of their own goods, and the commonalty greatly aggrieved.** The said poor lieges petition that it might please their said most gracious liege lord, for God and in way of charity, to have consideration for the said county, and for their low degree **into which they have fallen because the corn and the beasts have failed in the said county, as a result of the misfortune of storms which have occurred there, and of frequent destruction from Scots.**

• סיבה כללית

- 1369 - 19. Also, the commons pray: **that whereas the king's farms in each county of England are greatly diminished by the great plagues** and by the various franchises granted by our lord the king since the time when the great farms were first assessed, to the disinheritance of many people of the realm; **that the sheriffs be charged as much as they have received, or can receive, and no more.**

• סיבה ממוקדת

- 151. IIIIXXXII. Also, **the counties of Essex and Hertfordshire** pray: that whereas the sheriff of the said counties was charged annually to levy £257 17s. from farms, serjeants, purprestures and the same farms of the said counties, as appears in the pipe of the exchequer; **whereby before this last pestilence each sheriff lost £100 yearly, and now as a result of the last pestilence the loss is greater, because the profits of the county cannot be levied in any manner. And although our lord the king of his special grace makes pardon to the sheriffs of the said counties of 100 marks yearly for part of their loss, they are so pestered before they might have allowance that for this reason their expenditures amount almost to the sum of the said pardon; whereby each year men of the said counties are grievously ruined and nearly destroyed. May it please his excellent grace, in way of charity and for the souls of his progenitors, to fix the pardon for certain of the £100 pardoned, or to reduce the sum of the said farms by as much, and to grant that this sum should be allowed them on account, without making any suit for the same**

- בקשה לתחלופה מדי שנה
1351 - 23. XIII. Also, the commons pray: **that sheriffs, escheators and coroners shall be removed and changed from year to year, according to the tenor of the statutes thereon ordained, because of the excesses, charges and extortions which they impose on the people.** And that the said officers who shall be appointed in times to come **shall have sufficient possessions in the counties where they shall hold office,** in order to answer to the king and to his people.
- הצמדת רכוש כתנאי למשרה
1371. Also, may it please him to ordain **that no sheriff or escheator shall remain in his office beyond one year,** as previously has been ordained in parliament by statute before this time; and if it is done otherwise, a writ shall be granted to remove them; and **that such sheriffs and escheators shall hold £20 of land at hand in the same county where they shall be appointed to office.**