

Dover castle : The act of 32 Henry VIII

This is the act (32 Henry VIII, c 48) which, with effect from 29 Sep 1540, made the castleguard rents payable once a year at the exchequer, not month by month at the castle. I transcribe it as it was printed in STC 9400.6 (fos 68r-9v), extending all the abbreviations. A few misprints are noted; the corrections come from STC 9400.5.

An act concerning the Castel of Douer castel wardes and other munitions therabout. Cap. xlviii. <r. "xlviii.">

VVHERE the castel of Douer wherof the kinges maiesty is very owner in the right of the imperial crown of this his realme, is not onely a very honorable strong and defencible fortresse, set and standyng nexte vnto the sea on the east partes and frontours of this his realm, but also is so necessary a thing for the defence and sauegard of the same, that it may not in any wyse be lacked or forborne. Wherefore the king our soueraine lord, hath hetherto to his great costes and charges repaired and sustained the same, and also continually kepeth and mainteyneth therein a great number of al souldiers, there alway keepyng watch and ward, furnished sufficiently with harnes artyllery and other munitions of war for sauegard of this realm, toward and for the continual sustentation of which said castel and furnitures of the same, our sayd souerayne lord and his most noble progenitours kinges of this realm, haue had time out of mind many sundry reuenues, and namely rentes commonly called castel wardes, due and to be paid by reason of the same castell, of and for diuers other castels manours lordships landes tenementes and hereditamentes holden of the kynge, and his sayd progenitours, that is to say, some of them holden of the constabulary of the same castel, and others holden seuerally of the honours of Creuecure, Hagenet Fobert and other honours, being membres of the said castel of Douer, which sayd rentes, called castel wardes, ben at this present tyme moch decaied and diminished, by reasons and causes vnder writen, that is to say, bycause that diuers of the manors landes, and tenementes which were holden of the sayd castel, be come to the possession of oure sayd soueraine lorde in estates of inheritance, and others haue be giuen by his grace or his sayd progenitors to diuers their subiectes to be holden by other seruices, and diuers other be, and more hereafter shalbe in the possession of the kynge's maiesty, by reason of wardship, primer season, purchase, exchange, or otherwise by gift of any estate of inheritaunce, wherby some of the said rentes called castel wardes, by the lawes of this realme, be and shalbe vtterly extincted for euer, and many other of the same rentes by longe times shalbe suspended and not due to be payd: By occasion wherof the sayde castell and the officers and souldiers therof can not be nor shalbe sustayned, as heretofore honorably haue ben, onles that conuenient remedy therfore be prouided. In consideration wherof our sayd souerayne lord the kinge is contented and pleased, that it be ordeined and enacted by auctoritie of this present parliament, that where the tenauntes and owners of the castels manours landes and tenementes, which bene holden of the sayd castel of Douer, and lye in many shires of this realme, far distant from the same castel, bene

bounden by their tenures therof, to pay and yelde at the same castell of Douer, the sayd rentes called castel wardes, at diuerse and sundry dayes of the yere, to their great costes and charges, and vppon great penalties and forfeitures, commonly called in the sayde castell of Douer sursises: All and syngular those tenautes, which nowe holde or hereafter shall holde any landes tenementes and hereditamentes by the sayd seruice, to pay the sayd rentes called castell wardes, shall yelde and paye the same rentes from and after the feast of saint Michael tharcangell next comming, to the kynge our souerayne lorde, his heires and successors at the kynges courte of Eschequer yerely in the feast of saint Simon and Iude, or within xv. dayes next after that feast, and not at the sayd castell of Douer, nor to the constable or other officer or minister of the same castell.

AND be it enacted, that if any tenaunte make defaulte of paymente of suche rent, contrary to the fourme of this act, then euery tenaunte so makynge defaulte of payment, shall yelde and paye to our sayd soueraine lorde the kynge, his heires and successours, for euery suche his defaulte, the double of his rent, that is to say, twyse his rent then beinge dewe to be payd without any other sursise penalty or forfeiture for none payment thereof. And that euery of the sayde tenautes, which holde any of their landes tenementes or hereditamentes by the seruyce, to make repayre and buyld any house or houses within the sayd castell, shal do and perfourme the same accordinge to their sayde dueties and tenures.

Prouided alway and be it enacted by thauctority aforsayd, that during all such time as any landes tenementes or hereditamentes, holden of the sayd castell of Douer, by rent of castell warde, shall be in the handes or custody of our said soueraine lorde the kynge, or of any of his heires or successours kynges of this realme, by reason of wardeship primer season or other wyse that by and for al such tyme the same landes tenementes and hereditamentes, and euery tenaunte and owner therof, and the heires and successours and assignes of euery of them, shalbe discharged of the said rent called castel ward, against the kynge and his said heires and successours for euer, without any paiement therof, for any such tyme, to be made or yelden at any tyme after that the same landes tenementes or hereditamentes shalbe deuested sued or had out or from the kynges handes or possession.

And bicause that the more redy and vndelayed paymentes hereafter shalbe had and made to all officers ministers and souldiers of the sayde castell of Douer for the tyme being, without any defalcation abridgement or restraint of any of their fees stipendes salaries or wages in any wyse to be made: Be it ordeyned and enacted by thauctoritie of this present parliament, that the constable of the sayd castell of Douer, and euery of his successours, beinge constable of the same castell, shall haue as annexed vnited and appropriated to the same office from henseforth for euer, an annuall or yerely rent of one hundred and thre score poundes of lauffull money, to be paide yerely to the same constable or his laufful deputy or assygne in the Citie of Caunterbury at the doore of the common hal there, called the court hal, of the kynges reuenues of the augmentations of his crowne, yerely growing and cominge within the county of Kent, by the handes of the kynges general receiuor for the time being of the sayd reuenues of that county, in the feastes of saint Michel tharchangel, the Natiuitie

of our lord god, The annunciation of our lady saint Mary, and the Natiuitie of saint Iohn Baptist, or within thre daies next ensuyng euery of the same feastes, by euen portions yerely to be payd.

And be it further enacted, that if the kynges said general receyuour for the tyme beinge, doo not fully pay to the constable or his lauffull deputy or assigne, the sayd annual rent of one hundred and thre score poundes, according to the tenour of this acte before written, excepte therof and to be reteyned by the sayd receyuour onely eyght pence for the makynge of his acquitance of euery of his paymentes: Then the same receyuour shall forfayte and lose to the sayd constable for the tyme being, for euery such defaulte of payment therof so to be made at any tyme or place of payment therof before limitted, fyue poundes of lauffull money: For which penalitie and al arrerages of the sayd annual rent, the sayd constable shal haue his remedy by action of debt, Scirefacias to be grounded vppon this act or any other lauffull remedy to be pursued agaynst the sayd receyuour for the tyme being, in any competent court of the kynges lawes. In whiche sute none essoyn protection or wager of lawe shall lye or be allowed.

And where our said soueraine lord the king by his exceding great costes and charges hath lately made and buylded nye vnto the seas, diuerse Castels Blockehouses, Bulwarkes, and other houses and places of greate defence within the limites of the fyue portes, and their membres, or betwene the same, in the shires of Kent and Sussex, for the sauegarde and surety of this his realme, and subiectes of the same, our said soueraine lorde willing the same newe made castelles, Blockehouses, Bulwarkes, and other defensible houses and places, to be well surely and saufely kepte and fulfilled with suche, and as many officers ministers souldiours gonners and other persons, as his maiestie hath ordeyned and established, and hereafter shal ordeyne and establishe to be and remayn at and in euery or any of them: And that euery of the same persones shall daiely and nyghtly, and from tyme to tyme contynually do his office and duety in and at the same, withoute any extortion oppression or other iniury offence or misbehauour, by them or any of theym to be done or committed by sea or by lande, to or vppon any what soo euer person or persons, or to or vpon any of theyr shippes botes goodes or cattalles, hath ordeyned and enacted by auctoritie of this present parliament, that the wardeyn of the sayd fyue portes, and constable of the sayd castel of Douer, whiche now is and commonly heretofore hath bene one person, and euery of his successours, being warden of the sayde portes, and his lieutenant for the tyme being, or eyther of them, shall haue full power and auctoritie by vertue of this act, to suruey, vewe, and comptroll, as often as by his discretion, he shall thinke necessary or expedient, all and synguler captaynes keepers and other hed officers of euery of the sayde newe castelles, Blockehouses, Bulwarkes and other defensible houses and places, and al souldiers gonners and other ministers and persones of any of them, and all the artillaryes stores and munycions of war in any of them being, and by his discretion aswell shal examine euery of the sayd captaynes keepers offycers souldiers gonnours mynysters and persones by their othes vppon a boke or otherwise, aswell of suche offences crymes misorders omissions and defaultes as shalbe thought by hym necessary to be enserched tried

or knowen, as also of all excesses wastes imbessellinges miskeapynges and misvsynge of the sayde artilleries stores and munitions, and shall commaunde and enioyne them and euery of them by his discretion to make reformation and redresse therin, as by his discretion shalbe considered to stand with reasone and equitie. And if the importancy or vrgency of the cause or matier shal so requier, the sayd constable shall make relation and notification therof to the kynges maiestie, or to his honorable counsell.

And also be it enacted, that if any of the sayde captaynes kepers officers souldiers gonners ministers or other persons of any of the sayd new castels, Blockehowses, Bulwarkes, or other defensible houses or places, in any wyse resist contempne disobey or otherwyse offende againste the sayd warden of the said fiue portes for the tyme beyng, in any of the premisses: Then it shal be leafull <r. "lawfull"> to the sayd warden to commytte euery suche offendoure to warde in to the sayde castell of Douer, or elles where in the sayde portes or theyr membres, there to remayne by the discretion of the said warden. And if any suche person so ones punished, shal eftsones offend in any of the premisses against the said warden: Then euery such offendour shall therefore forfait and lose at the kynges pleasure his sayd office rome and seruice, and shall further be punished at the pleasure of our sayd souerayn lord the kyng.

Provided alwaye and be it enacted, that the sayde generall receyuoure, make <r. "may"> kepe and retayne in his handes so moche of the kynges reuenues, as shall amount for satisfaction of the sayde yerely rent to be payde as is aforesayd: And shal also aswell be discharged and allowed for the payment therof, as of and for suche costes and expences as he shall sustayne by occasion of the same, as by the discretion of the Chauncelloure and mynisters of the sayd court of Augmentation shalbe thought reasonable vppon thaccompt of the sayde generall receyuoure.

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