[107 a] Dr. Bonham's Case.

Mich. 6 Jacobi 1.

In the Common Pleas.

[See *Kemp* v. *Neville*, 1861, 10 C. B. N. S. 552.]

London, *ss.* Henry Atkins, of London, doctor in physic; George Turner, of London, doctor in physic; Thomas Moundford, of London, doctor in physic; John Argent, of London, doctor in physic; John Taylor, of London, yeoman; and William Bowden, of London, yeoman; were attached to answer to Thomas Bonham, of London, doctor in philosophy, and in physic, of a plea, wherefore they, together with William Dun, of London, doctor in physic, and Richard Ware, of London, skinner, with force and arms, him the said Thomas Bonham took, imprisoned, evilly treated, and him in prison, against the law and custom of the kingdom of England, did long detain, and other wrongs to him did, to the great damage of him the said Thomas Bonham, and against the peace of the lord the now King, &c. And whereupon he the said Thomas Bonham, by Richard Coke, his attorney, complaineth, that the aforesaid Henry, George, Thomas Moundford, John Argent, John Taylor, and William Bowden, together with, &c. on the 10th day of November, in the fourth year of the reign of the said lord the now King, with force and arms, him the said Thomas, in the parish of the Blessed Mary-le-Bow, in the ward of Cheap, took and imprisoned, and evilly treated, and him there so in prison, for a long time, that is to say, by the space of seven days, against the law and custom of this kingdom of England, detained, and other wrongs, &c. to the great damage, &c. and against the peace, &c. Whereupon he saith, that he is injured, and hath damage to the value of 300l. and therefore he bringeth suit, &c. And the [107 b] aforesaid Henry, George, Thomas Moundford, John Argent, John Taylor, and William Bowden, by Francis Barker, their attorney, come and defend the force and injury, when, &c. And as to the coming with force and arms, they say, that they are not thereof guilty, and of this they put themselves upon the country; and the aforesaid Thomas Bonham likewise; and as to the rest of the trespass and imprisonment aforesaid, above supposed to be done, the said Henry,

George, Thomas Moundford, John Argent, John Taylor, and William Bowden, say, that the aforesaid Thomas Bonham ought not to have his action aforesaid against them, because they say, that before the aforesaid time when it is supposed the aforesaid trespass and imprisonment to be done, the lord Henry the Eighth, late King of England, &c. on the 23d day of September, in the 10th year of his reign by his letters patent (which the said Henry, George, Thomas Moundford, John Argent, John Taylor, and William Bowden, sealed with his Great Seal of England, bearing date at Westminster the same day and year, bring here into Court) reciting (that) whereas he thought it the duty of his kingly office, in all reason, to provide for the good and welfare of his people, *that* would (*i.e.* ought) first of all to be done if he might in due season meet with enterprizes of wicked men: first, therefore, he held it necessary to restrain the boldness of wicked men, who professed physic more for avarice than out of confidence of a good conscience; whereupon very many incommodities did arise, to the rude and credulous common people: therefore, partly imitating the example of the well governed cities in Italy, and many other nations, and partly inclined thereunto, at the request of the great men and doctors, John Chambre, Thomas Linacre, Ferdinand de Victoria, his physicians, and of Nicholas Hatswel, John Francisco, and Robert Yaxley, physicians, and chiefly of the Right Reverend Father in Christ, and Lord Thomas (Wolsey) titled of the Holy Church beyond Tyber, priest of the most Holy Church of Rome, Cardinal of York, Archbishop, and our well beloved Chancellor of our kingdom of England; a college perpetual of doctors and grave men, who physic in his City of London, and the suburbs, and within seven miles from the said city every way, might publicly exercise, he willed and commanded to be instituted, to whom both for his honour, and in the name of the public good, and care (as he hoped) the ignorance and rashness of the malicious (which he remembered) as well by their example and gravity to deter, as by his laws late made, and by constitutions to be made by the same college to punish; which that they might more easily well accomplish, to the remembered doctors John Chambers, Thomas Linacre, Ferdinand de Victoria, his physicians, Nicholas Hatswel, John Francisco, and Robert Yaxley, physicians, he granted, [108 a] that they, and all men of the same faculty, of and in the city aforesaid, should be in deed and name, one body and commonalty perpetual, or college perpetual, and that the said commonalty or college every year for ever might choose and make of that commonalty any prudent man, and skilful in the faculty of physic, to be president of the said college or commonalty, to oversee, recognize, and govern, for that year, the college or commonalty aforesaid, and all men of the said faculty, and their businesses; and that the said president and college or commonalty, should have perpetual succession, and a common seal, to serve for the businesses of the said commonalty and president for ever; and that they and their successors for ever should be persons able and capable to purchase and possess in fee and perpetuity, lands, tenements, rents, and other possessions whatsoever: he also granted to them and their successors, for him and his heirs, that they and their successors might purchase to them and their successors, as well in the said city as out of it, lands and tenements whatsoever, not exceeding the yearly value of 12l. notwithstanding the statute of alienation in mortmain: and that they, by the name of President of the College or Commonalty of the Faculty of Physicians, London, might plead, or might be impleaded, before whatsoever Judges, in all Courts and actions whatsoever; and that the aforesaid president and college, or commonalty, and their successors, lawful assemblies, and honest of themselves, and statutes and ordinances for the wholesome government, oversight, and correction of the college or commonalty aforesaid, and of all men of the same faculty in the same city, or within seven miles' circuit of the said city, exercising, according to the exigence or necessity (as often, and when need was) might lawfully, and without peril make, without the hindrance of the said late King, his heirs or successors whatsoever, his justices, escheators, sheriffs, and other his bailiffs and ministers, his heirs and successors whatsoever: he also granted to the said president and college, or commonalty, and their successors, that none in the said city, or seven miles in circuit thereof, do exercise the said faculty unless to this, by the said president or commonalty, or their successors, (who for the time should be) he be admitted by the letters of the said president and college, with their common seal sealed, upon the penalty of 100s.

for every month, that not being admitted, he should exercise the same faculty, half thereof to the lord the King, and his successors, and half thereof to the said president and college, to be applied: he besides, willed and granted, for him and his successors (as much as in him was) that by the president and college of the aforesaid commonalty for the time being, and their successors for ever, four (persons) every year by them to be chosen, [108 b] should have the overseeing, searching, correction, and government of all and singular the physicians of the said city, exercising the faculty of physic within the said city; and so of other physicians foreign whomsoever, the said faculty of physic anywise frequenting and using within the said city, and the suburbs thereof, or within seven miles in circuit of the said city, and the punishment of them for their offences, in not well exercising, doing, and using the same; as also the oversight and searching of all medicines, and the reception (*recipes*) of them by the said physicians, or any of them, to the liege people of the said late King, for curing and healing their infirmities, to be given, put, and used, as often, and when need shall be, for the commodity and profit of the said liege people of the said late King, so as the punishments of the said physicians, using the said faculty of physic, so in the premises offending, by fines, amercement, and imprisonment of their bodies, and by other ways reasonable and fitting, be executed: he also willed and granted, for him, and his heirs and successors, (as much as in him was) that neither the president, nor any of the college aforesaid of physicians, nor their successors, nor any of them, exercising the same faculty any way in future, within the city aforesaid, and the suburbs thereof, or elsewhere, should be summoned or put, or any of them should be summoned or put in any assises, juries, inquests, inquisitions, attaints, and other recognitions within the said city, and the suburbs thereof, hereafter to be taken before the mayor or sheriffs, or coroners of the said city for the time being, or by any their officer, or minister, or officers, or ministers, although the said juries, inquisitions, or recognitions, were summoned upon the writ or writs of the said King, or his heirs, of record: but that the said master or late governors, and commonalty of the faculty aforesaid, and their successors, and every of them the said faculty exercising, against the said late King, his heirs and successors, and against the mayor and sheriffs of the said city aforesaid for the time being, and whatsoever their officers or ministers should be thereof acquitted and discharged for ever, as by the said letters patent, amongst other things, more fully appeareth. And the said Henry, George, Thomas Moundford, John Argent, John Taylor, and William, farther say, that by virtue of the letters patents aforesaid, the aforesaid John Chambre, Thomas Linacre, Ferdinand de Victoria, Nicholas Hatswel, John Francisco, and Robert Yaxley, physicians, and all men of the said faculty in the city aforesaid, were one body and commonalty perpetual, or college perpetual; and that afterwards by a certain Act of Parliament of the said late King Henry the Eighth, holden at London the 15th day of April, in the 14th year of his reign, and from thence adjourned unto Westminster, [109 a] in the county of Middlesex, the last day of July, in the 15th year of the reign of the said late King, and then there holden, amongst other things, it was enacted by authority of the same Parliament, That for that, that the making of the said corporation of physicians was meritorious, and very good for the commonwealth of this kingdom of England, and besides, it was expedient and necessary to provide, that no person of the said body politic or commonalty aforesaid should be suffered to exercise and to practise physic, but only such persons as should be profound, *sad* and *discreet*, groundedly learned, and deeply studied in physic, in consideration whereof, and for the farther authorising of the said letters patent, and also for enlarging and amplifying of farther articles for the aforesaid commonwealth, to be had and made by the said late King, with the consent of the Lords Spiritual and Temporal, and commonalty in the said Parliament assembled, it is enacted amongst other things, that the aforesaid corporation of the commonalty and fellowship of the faculty of the art of physic aforesaid, and all and every grant, article, and other things contained and specified in the said letters patent, should be approved, granted, ratified, and confirmed in the aforesaid Act, and should clearly be authorised and admitted by the same, good, lawful, and available to the aforesaid body corporate, and their successors, for ever, in as ample and large manner as it might be taken, thought, and construed by the said letters patent: and farther it is enacted, ordained, and established by the said Act, that

the aforesaid six persons, in the aforesaid letters patent named as principal, and first named of the aforesaid commonalty and fellowship, should choose to them two other of the said commonalty, who from thenceforth should be called and named elects, and the aforesaid elects yearly should choose one of them to be president of the said commonalty: and as often as any of the rooms and places of the said elects should happen to be void by death, or otherwise, then the supervisors of the said elects, within thirty or forty days next after their deaths, or any of them, should choose, name, or admit one or more, as need should require, of the most learned and expert men of and in the aforesaid faculty in London, to supply the place and number of eight persons, so that he or they who should be chosen be first examined strictly by the said supervisors, according to the form devised by the said elects, and also by the said supervisors approved, as by the said Act amongst other things more fully appeareth. And the said Henry, George, Thomas Moundford, John Argent, John Taylor, and William, farther say, that afterwards, and before the time when, &c. by another Act of Parliament of the Lady Mary, the [109 b] Queen of England, the 24th day of October, in the first year of her reign, at Westminster aforesaid, reciting, that whereas in the Parliament holden at London, the 5th day of April, in the 14th year of the reign of the Lord Henry the Eighth, late King of England, and from thence adjourned unto Westminster, the last day of June, in the 15th year of his reign, and there holden, it was enacted, that a certain grant by letter patents of incorporation, made and granted by the aforesaid late King, to the physicians of London, and all clauses and articles contained in the said grant, should be approved, granted, ratified, and confirmed by the said Parliament; in consideration whereof, it was enacted by the authority of the same Parliament, that the aforesaid statute and Act of Parliament, in all the articles and clauses in the same contained, from thenceforth for ever should stand and continue in full strength, force, and effect, any statute, law, custom, or any thing made, had, or used to the contrary, in any thing notwithstanding: and for the better reformation of divers enormities happening to the commonwealth, by the evil usage and undue administration of physic, and for the amplifying and enlarging of the last articles, for the better execution of the things in the aforesaid grant contained, it was further enacted, that whensoever the president of the college, or commonalty of the faculty of physic in London, for the time being, or such as the aforesaid president and college, yearly, according to the tenor and meaning of the same Act, should authorise to search, examine, correct, and punish all offenders and transgressors in the aforesaid faculty, within the same city and precinct in the aforesaid Act expressed, should send, or commit such offender or offenders, for his or their offences or disobedience, contrary to any article or clause contained in the aforesaid grant, or act, to any ward, gaol, or prison, within the aforesaid city and precinct aforesaid (the Tower of London excepted) that then, and from time to time, the warders, gaolers, and keepers of the wards, gaols, and prisons within the city or precinct aforesaid (the Tower of London excepted) should receive into his or their prisons all and every such person or persons so offending, which should be sent, or committed to him, or them, as aforesaid, and there safely should keep the person or persons so committed into any of their prisons, at the proper costs and charges of the person or persons so committed, without bail or mainprize, until such offender and offenders, by disobedients, be discharged of the aforesaid imprisonment, by the aforesaid president; and such persons as by the aforesaid college should be authorised, upon pain, that every such warder, gaoler, or keeper, doing [110 a] the contrary, should lose and forfeit double of such fine and amercement as such offender or offenders, or disobedients, should be assessed to pay, by such as by the said president and college, as should be authorised, as before is said, so as the said fine and amercement should not be at any time above the sum of 20l., the moiety whereof to be employed to the use of the said late Queen, her heirs and successors, and the other moiety to the aforesaid president and college, all which forfeitures should be recovered by action of debt, bill, plaint, or information, in any the said late Queens, her heirs or successors, Courts of Record, against any such warden, gaoler, or keeper, so offending, in which no essoign, wager of law, nor protection, should be allowed, nor be admitted for the defendant: and further it was enacted, by the authority of the said Parliament, that all justices, mayors, sheriffs, bailiffs, constables, and other ministers and officers

within the city and precinct aforesaid, upon request to them to be made, should help, aid, and assist the president of the aforesaid college; and all persons, by them from time to time authorised, for the due execution of the said Act, or statute, upon pain, for not giving help to them, of being in contempt of the said late Queen, her heirs or successors, as by the same Act, amongst other things, more fully appeareth. And the said Henry, George, Thomas Moundford, John Argent, John Taylor, and William, further say, that by virtue of the said letters patent, and by force of the statutes aforesaid, one Thomas Langton, doctor of physic, a man prudent and skilful in the faculty of physic, and then one of the commonalty of the college of physicians, in London aforesaid; and then also being one of the eight electors of the college aforesaid, before the said time when, &c. that is to say, the 30th day of September, in the year 1605, at the college of physicians, situate in London, in the parish of St. Bennet, Paul's-wharf, in the ward of Baynard's-castle, was duly chosen and preferred to the office of president of the college aforesaid, and then and there held the said office of president of the college aforesaid: and the said Thomas Langton being president of the college aforesaid, the same president and commonalty of the college aforesaid, the same 30th day of September, in the year 1605, abovesaid, at the college aforesaid, did choose Ralph Wilkinson, William Dun, Richard Palmer, and John Argent, prudent men, and skilful in the faculty of physic; and then being four doctors of the college aforesaid, to be the four censors or governors of the commonalty aforesaid, to oversee, search, correct, and govern all and singular physicians of the said city, using the faculty of physic in the said city, and other foreign physicians whomsoever, [110 b] frequenting to, and using the said faculty of physic, any ways within the said city, and the suburbs thereof, or within seven miles in circuit of the same city, and to punish their defects in not well exercising, doing, and using the same; as also to oversee, and search all manner of medicines, and their receipts, by the said physicians, or any of them, for curing of infirmities, as often as need should be; and to punish the said physicians, delinquents, exercising the said faculty of physic, by fines, amercements, and imprisonment of their bodies, and other ways reasonable and fitting, according to the form and effect of the said letters patent, and the statutes aforesaid: and the said Thomas Langton being president of the college aforesaid, and the aforesaid Ralph Wilkinson, William Dun, Richard Palmer, and John Argent, being likewise the four censors or governors of the college aforesaid, the aforesaid Thomas Bonham, within the aforesaid time in which, &c. that is to say, the 10th day of April, in the year of our Lord 1606, within London aforesaid, in the aforesaid parish of the blessed Lady of Bows, in the ward of Cheap aforesaid, contrary to the form and effects of the letters patent aforesaid, and the aforesaid statute made in the Parliament aforesaid, of the said King Henry the Eighth, did practise physic, not admitted by the letters of the aforesaid president and college, sealed with their common seal; whereas in truth the aforesaid Thomas Bonham was insufficient to practise physic; by reason whereof, the said Thomas Bonham afterwards, that is to say, the 13th day of April, in the year of our Lord 1606, at London, in the parish and ward aforesaid, was summoned by the aforesaid censors or governors of the college aforesaid, to appear before the president and censors, or governors of the college aforesaid, at the college aforesaid, in the parish and ward aforesaid, the 14th day of April, in the year of our Lord 1606, abovesaid, then next following, to be examined upon the premises: at which 14th day of April, in the year of our Lord 1606, aforesaid, at the college aforesaid, came the aforesaid Thomas Bonham, in his proper person, before the aforesaid president and censors, or governors of the said college, and then there was examined of his science in his faculty of physic to be administered, by the aforesaid censors or governors of the college aforesaid; and because the said Thomas Bonham so examined answered less aptly and insufficiently in the art of physic, he then and there upon his examination aforesaid was found by the aforesaid president and censors, or governors of the college aforesaid, less sufficient and unskilful to administer physic; and for that the aforesaid Thomas Bonham being many times examined, and forbidden by the president and censors, or governors aforesaid, for the causes aforesaid, to administer [111 a] physic for a month, or more, after such forbidding of him within London aforesaid, in the aforesaid parish of the blessed Mary of Bows, in the ward aforesaid, without the licence of the aforesaid president and college, under their common seal,

contrary to the form of the letters patent aforesaid, and the statutes aforesaid did practise, then and there it was granted, by the aforesaid president and censors, or governors of the college aforesaid, that the aforesaid Thomas, for his said disobedience and contempt, be amerced to 100s. in the next assembly of the aforesaid president and college, at the college aforesaid to be paid: and then and there it was commanded to the said Thomas Bonham, by them the president and censors, or governors of the college aforesaid, that the aforesaid Thomas Bonham, from thenceforth, should forbear to practise physic within the aforesaid City of London, and the suburbs thereof, and seven miles circuit of the said city, until the said Thomas Bonham were found to be sufficient, and should be admitted to practise the said art of physic, within the city and circuit aforesaid, by the president and college aforesaid, under the pain of being cast into prison, if in the premises, as is aforesaid, he should offend.

And the said Henry, George, Thomas Moundford, John Argent, John Taylor, and William Bowden, further say, that after and before the aforesaid time when, &c. that is to say, the first day of October, in the year of our Lord 1606, abovesaid, at the college aforesaid, at London aforesaid, in the parish and ward aforesaid, the aforesaid Thomas Langton, doctor of physic, a man prudent and skilful in the faculty of physic, and then one of the commonalty of the college of physicians in London aforesaid, and one of the electors of the college aforesaid, was elected and chosen into the office of president of the college aforesaid, for one year then next following, and the office of president of the college aforesaid, then and there held: and the said Thomas Langton being president of the college aforesaid, the same president and commonalty of the college aforesaid, the said first day of October, in the year of our Lord 1606, abovesaid, at the college aforesaid, chose the aforesaid George Turner, Thomas Moundford, William Dun, and John Argent, doctors, men prudent and skilful in the faculty of physic, and then being four of the college aforesaid, to be the four censors or governors of the said college, to supervise, search, correct, and govern, all and singular the physicians of the said city, and other foreign physicians whomsoever, frequenting to, and exercising the said faculty of physic within the same city, and the suburbs of the same city, or within seven miles' circuit of the said city, and to punish their defects, in not well exercising, doing and using the same; as also to oversee, and search all [111 b] manner of medicines and receipts by the said physicians, exercising the said faculty of physic, within the City of London aforesaid, and the circuit aforesaid, or any of them, for the curing of diseases, as often as need should be required, and to punish the said physicians exercising the faculty of physic in the premises, delinquents, by fines, amercements, and imprisonments of their bodies, and other ways reasonable and fitting, according to the form and effect of the letters patent aforesaid, and the statutes aforesaid: and the said Thomas Langton being president of the college aforesaid, and the aforesaid George Turner, Thomas Moundford, William Dun, and John Argent, being likewise the four censors, or governors of the college aforesaid, the said Thomas Bonham, before the time when, &c. that is to say, the 20th day of October, in year of our Lord 1606, abovesaid, within London aforesaid, that is to say, in the aforesaid parish of the blessed Mary of Bows, in the ward of Cheap aforesaid, did practise physic, contrary to the form of the aforesaid letters patent, and the statutes aforesaid, and the aforesaid forbidding and command of the aforesaid president and censors: and afterwards, that is to say, the same 20th day of October, in the year of our Lord 1606, aforesaid, the said Thomas Bonham, at London aforesaid, in the aforesaid parish of the blessed Mary of Bows, in the ward of Cheap aforesaid, was summoned by the aforesaid censors, or governors of the college aforesaid to appear before the said censors, at the college aforesaid, in the parish and ward aforesaid, the 22d day of the said month of October, upon the premises to be examined, at which 22d day of October, in the year of our Lord 1606, abovesaid, at the assembly of the college aforesaid, holden at the college aforesaid, at London aforesaid, in the parish and ward aforesaid; afterwards, that is to say, the same 22d day of October, in the year of our Lord 1606, abovesaid, before the said George Turner, William Dun, Thomas Moundford, and John Argent, then censors and governors of the college aforesaid, because that the said Thomas Bonham, by the aforesaid censors or governors of the college aforesaid, as it is said, being warned to appear at the college aforesaid, before the

president and censors, or governors of the college aforesaid, the aforesaid 22d day of October, in the same day, did not appear, then and there it was considered by the said censors or governors of the college aforesaid, that the said Thomas Bonham, for his disobedience and contempts, should be amerced to 10l., and that the said Thomas Bonham, for the causes aforesaid, should be arrested, and delivered into custody, and the said Henry, George, Thomas Moundford, John Argent, John Taylor, and William (Bowden,) farther [112 a] say, that afterwards, and before the time when, &c. that is to say, the 24th day of October, in the year of our Lord 1606, abovesaid, the said Thomas Langton, president of the college aforesaid, at London, in the aforesaid parish of the blessed Mary of Bows, in the ward of Cheap aforesaid, died; after whose death, and before the time when, &c. that is to say, the 25th day of October, in the year of our Lord 1606, abovesaid, the said Henry Atkins, a prudent man, and skilful in the faculty of physic, and one of the commonalty of the college aforesaid, and one of the then eight electors of the college aforesaid then being, at the college aforesaid, within London aforesaid, in the parish and ward aforesaid, was in due manner chosen, and into the office of president of the college aforesaid, for one whole year then next following, and then and there held, and as yet doth hold the said office of president of the college aforesaid; and the said Henry Atkins being president of the college aforesaid, and the aforesaid George Turner, William Dun, Thomas Moundford, and John Argent, being censors or governors of the college aforesaid, at an assembly of the college aforesaid holden, at the college aforesaid, within London aforesaid, in the parish and ward aforesaid, the 7th day of November, in the year of our Lord 1606, abovesaid, before the aforesaid Henry Atkins, then president of the college aforesaid, and the aforesaid George Turner, William Dun, Thomas Moundford, and John Argent, then censors or governors of the college aforesaid, came the aforesaid Thomas Bonham in his proper person, of which Thomas Bonham, when the aforesaid Henry Atkins, then president of the college, and the aforesaid George Turner, William Dun, Thomas Moundford, and John Argent, then censors or governors of the college aforesaid, asked whether he would satisfy to the college aforesaid, for his disobedience and contempts aforesaid, and again submit himself to be examined, and to obey the judgment of the college aforesaid; and the aforesaid Thomas Bonham then and there answered, that he, before that had within London aforesaid, done and practised, and then after within London aforesaid, would do and practise physic, no leave being asked of the said college, and that he would not, in any thing, to the president and censors, or governors of the college aforesaid, yield obedience; and then and there affirming the aforesaid president and censors, or governors aforesaid, to have no authority over those who are made doctors in the university; by which the said censors or governors, for the offences and disobedience aforesaid, then and there ordained and decreed, that the aforesaid Thomas Bonham should be sent to prison, there to remain, until from thence, by the president and [112 b] censors, or governors of the college aforesaid, for the time being he should be delivered, as by the said letters patent, and the statutes aforesaid, it is ordained and established; and then and there made their warrant, with the common seal of the said college or commonalty sealed, and to the keeper of the prison of the lord the King, in the Compter, London, in the Poultry, in the parish of St. Mildred, in the ward of Cheap directed, and commanded by the said warrant to the keeper of the prison aforesaid, that the said keeper of the prison aforesaid should receive the body of the said Thomas Bonham, and him, in the prison aforesaid, of the said lord the King, there should safely keep, without bail or mainprize, at the proper costs and charges of the aforesaid Thomas Bonham, until the aforesaid Thomas Bonham, by the command of the president and censors, or governors aforesaid, or their successors, he should be delivered; which Thomas Bonham, for his offences and disobedience aforesaid, together with the warrant aforesaid, in form aforesaid made, the said Henry Atkins then being president of the college aforesaid, and the aforesaid George Turner, William Dun, Thomas Moundford, and John Argent, then being the four censors or governors of the college aforesaid, by virtue of the letters patent, and statutes aforesaid, and the aforesaid William Bowden and John Taylor as servants of the said Henry Atkins, president, and of George, William Dun, Thomas Moundford, and John Argent, and by their the said president, and four censors or governors aforesaid, warrant, the

aforesaid time, when, &c. to one Richard Ware, then keeper of the said prison of the lord the King, of the Compter aforesaid at London, in the parish of St. Mildred the Virgin, in the Poultry, in the ward of Cheap aforesaid, did commit and deliver into safe custody, according to the form and effect of the letters patent, and statutes aforesaid, as to them it was lawful to do; which commitment of the aforesaid Thomas Bonham, for the causes aforesaid, in form aforesaid done, is the same trespass and imprisonment whereof the aforesaid Thomas Bonham above complaineth: and this they are ready to verify, and thereupon pray judgment, if the said Thomas Bonham his action aforesaid against them ought to have, &c.

And the aforesaid Thomas Bonham saith, that he, for any thing before, &c. alleged to have his action, ought not to be barred, because protesting that he the said Thomas Bonham, was not insufficient, nor was found by the aforesaid president and censors, or governors of the college aforesaid, to practise physic, nor unfitly or insufficiently to the aforesaid president and censors, or governors of the college aforesaid, in the art of physic did answer, as the said H. Atkins, G. Turner, T. Moundford, **[113 a]** John Argent, John Taylor, and William Bowden, above have alleged for plea, the said Thomas Bonham saith, that by the aforesaid Act in the aforesaid Parliament, of the aforesaid late King Henry VIII. holden at London, aforesaid, the aforesaid 5th day of April, in the 14th year of his reign, and from thence adjourned to Westminster, in the aforesaid county of Middlesex, until the last day of July, in the 15th year of the reign of the said King, and then and there holden, it was further enacted by authority of the same Parliament, that whereas in the dioceses of England, out of London, it was not then very likely always to find men able sufficiently to examine according to the statute such as should be admitted to exercise physic in them, that no person then after be suffered to exercise physic through England, until the said person should be examined at London, by the aforesaid president, and three of the aforesaid electors and should have from the said president and electors, letters testimonial of their approbation and examination, except he should be a graduate of Oxford or Cambridge, who had accomplished all things for his form without any grace. And further, the said Thomas Bonham saith, that he the said Thomas, the second day of July, in the year of our Lord 1595, in the University of Cambridge aforesaid took the degree and dignity of a doctor in physic; and then and there, that is to say, the said second day of July, in the year of our Lord 1595 abovesaid, in the University aforesaid, at Cambridge aforesaid, in the county of Cambridge, was duly and lawfully ordained and made a graduate of the University aforesaid, that is to say, doctor in physic, according to the laws, statute, constitutions, and ordinances of the said University of Cambridge aforesaid, and that he the said Thomas Bonham then and there had accomplished all things concerning his degree aforesaid, by his form, without grace, from time to time, according to the laws statutes, constitutions, and ordinances of the said University of Cambridge aforesaid: by colour whereof the said Thomas Bonham, a graduate of the University of Cambridge aforesaid, that is to say, being doctor in physic in the form aforesaid, who had accomplished all things concerning his degree aforesaid, for his form, without any grace, the said faculty of physic from time to time in the said City of London, that is to say, in the aforesaid parish of the blessed Mary of Bow, in the ward of Cheap aforesaid, did exercise, as it was lawful for him to do, until the aforesaid Henry Atkins, George Turner, Thomas Moundford, John Argent, John Taylor, and William Bowden, together with, &c. the aforesaid 10th day of November, in the fourth year abovesaid, with force and arms, him the said Thomas Bonham, at London aforesaid, in the aforesaid parish of the blessed Mary of Bow, in the ward of Cheap, took and imprisoned, and **[113 b]** him there in prison long, that is to say, by the space of seven days, against the law and custom of this kingdom of England, did detain, as the aforesaid Thomas Bonham above against them complaineth, and this he is ready to verify: whereupon, inasmuch as the aforesaid Henry Atkins, George Turner, Thomas Moundford, John Argent, John Taylor, and William Bowden, the trespass and imprisonment aforesaid, above have acknowledged, the said Thomas Bonham prays judgment, and his damages, by reason of the trespass and imprisonment aforesaid, to be adjudged unto him, &c. And the aforesaid Henry Atkins, George Turner, Thomas Moundford, John Argent, John Taylor, and William Bowden say, that the aforesaid plea of the aforesaid Thomas Bonham, above by

replication pleaded, is not sufficient in law, for him the said Thomas Bonham to maintain his said action, against them the said Henry Atkins, George Turner, Thomas Moundford, John Argent, John Taylor, and William Bowden, and that they to that plea in manner and form aforesaid by replication pleaded, need not, nor by the law of the land are bound to answer, and this they are ready to verify, whereupon they pray judgment, And that the said Thomas Bonham may be barred from having his action aforesaid against them, &c. And the aforesaid Thomas Bonham, forasmuch as he sufficient matter in law, to maintain his action aforesaid, against the said Henry Atkins, George, Thomas Moundford, John Argent, John Taylor, and William Bowden, above hath alleged, which he is ready to verify, which matter the aforesaid Henry, George, Thomas Moundford, John Argent, John Taylor, and William Bowden, do not deny, nor to the same any ways answer, but the same averment altogether to admit do refuse, as before prays judgment and his damages, by occasion of the trespass and imprisonment aforesaid to be adjudged, to him, &c. And because the justices here will advise themselves of and upon the premises aforesaid, whereof the parties have put themselves upon the judgment of the Court aforesaid, before that they give their judgment thereof, day is given to the parties here, until in eight days of St. Hilary, to hear their judgment thereof, because the same justices here thereof are not yet, &c.