Accordingly it was held that taxes may be unequal on different classes of persons or subjects without offending the terms of this amendment. If the tax-payers are in like condition and subject to like conditions, or the subjects of taxation are the same, the doctrine of equality may be invoked as controlling them, though this is not clearly established. But the amendment does not touch the power of a State to adopt its own system of taxation, however unequal it may be, if it does not operate unequally upon the same persons or subjects of taxation in precisely like conditions. Thus a State may assess lands for drainage of swamps which affect them.[1] For the same reason a tax upon an adjacent owner for opening streets, after due notice and hearing, would be upheld as not contrary to the provisions of this amendment. Thus, in *Provident Institution v. Mayor*,[2] it was held that an act making water rents and charges upon lands in a municipality a lien prior to all incumbrances in the same manner as taxes was no violation of the fourteenth amendment. It declares that no State shall deprive any person of property without due process of law, and the court declared they were not prepared to say the giving to such lien priority over liens already created by mortgage or otherwise would be repugnant to this article. Cases have arisen on the procedure in the States to condemn private property for public use. Thus, in the case of *Railroad Co. v. Iowa*,[3] the question arose whether the right of a party could be affected by *mandamus* in a State court where there was a denial of the right of trial by jury, and whether there was due process of law in denying a jury trial. The court decided that this did not offend against the provisions of the fourteenth amendment. The court said: "It is clear that the fourteenth amendment in no way undertakes to control the power of the State to determine by what process legal rights may be asserted or legal objections enforced, provided the methods

[1] Davidson v. New Orleans, 96 U. S. 97.

[2] 113 U. S. 506.

[3] 160 U. S. 389.

of procedure give reasonable notice and fair opportunity to be heard before the issues are decided." In a later case of *Eldridge v. Trezevant*,[1] the Constitution and laws of Louisiana, as interpreted by its highest court, permit the taking, without compensation, of the land of private parties for the construction of the public levee on the Mississippi river. The court held that this provision of statute law did not offend against the provision of the fourteenth amendment, unless in its administration a measure of justice was accorded to a citizen of another State different from that accorded to a citizen of Louisiana, and that the provisions of the fourteenth amendment do not apply to and override public rights existing in the form of servitudes or easements which are held by the courts of a State to be valid under its Constitution and laws.[2]

An interesting class of cases arise in respect to corporations under this amendment. We have seen that a corporation is held to be a citizen within the meaning of the clause conferring jurisdiction on the United States courts in cases between citizens of different States;[3] and that this is because a corporation, though a legal entity, distinct from its corporators, represented the interests of the individual corporators as to property and rights, and that the body of corporators, if members of the partnership, would be entitled to sue and be sued in the United States courts if citizens of the different State from that of the other party, plaintiff, or defendant. The meaning of the Constitution was carried out by considering the corporate entity representing these shareholders as citizens of the State which chartered it. A corporation, whether municipal, joint-stock or eleemosynary, is the representative of the private interests and rights of persons. To touch the corporate right or interest by hostile legislation is to touch the private interest of the persons interested in the corporation. It was therefore just and proper that the court should hold that this clause of the fourteenth

[1] 160 U. S. 452.

[2] Barney v. Keokuk, 94 U. S. 324; Packer v. Bird, 137 id. 661.

[3] Const. U. S., Art. III, sec. 2, clause 1.

amendment should apply as well to corporations as to individual persons.[1]

But when the question of equality of burden upon the property of the corporation and the property of an individual arises, it is proper to take into view that the corporation and the individual do not stand upon the same plane as to their rights. The corporate rights are special privileges conferred by a charter — privileges which do not appertain to the individual. There may, therefore, be reason and justice, in order to attain an absolute equality of burdens between a corporation and an individual, to take into consideration the special privileges conferred upon the one and denied to the other. A tax on a telegraph line running through different States, in the proportion which so much of the line as is within any State bears to its whole line, was held to be constitutional in the case of *Telegraph Co. v. Massachusetts*.[2]

The tax on corporations has in many cases been assessed differently from taxes upon the individual. In *Home Ins. Co. v. New York*[3] a state tax upon all corporate franchises of corporations in the State, or created in another State and doing business in the State, was measured by the dividends of the corporation in the current year, and was held to be constitutional. The court, referring to a number of cases, said: "But the amendment does not prevent the classification of property for taxation, subjecting one kind of property to one rate of taxation, and another kind of property to a different rate — distinguishing between licenses, franchises and privileges, and visible and tangible property, and between real and personal property. Nor does the amendment prohibit special legislation. Indeed, the greater part

[1] Santa Clara County v. Railroad Co., 118 U. S. 394; Silver Co. v. Pennsylvania, 125 id. 181.

[2] 125 U. S. 530. See also Butler v. Eaton, 141 U. S. 240; Railroad Tax Cases, 92 id. 575; Railroad Co. v. Backus, 154 id. 438; Railroad Co. v. Gibbs, 142 id. 336; Maine v. Railroad Co., 142 id. 217; Columbus Southern Ry. Co. v. Wright, 151 id. 470; New York v. Squire, 145 id. 175.

[3] 134 U. S. 594.

of all legislation is special, either in the extent to which it operates or the objects sought to be obtained by it. And when such legislation applies to artificial bodies, it is not open to objection, if all such bodies are treated alike under similar circumstances and conditions, in respect to the privileges conferred upon them and the liabilities to which they are subjected. Under the statute of New York all corporations, joint-stock companies and associations of the same kind are subjected to the same tax. There is the same rule applicable to all under the same conditions in determining the rate of taxation. There is no discrimination in favor of one against another of the same class.[1] In this decision the court referred to the reason above suggested for the difference between the tax laid upon an individual and upon a corporation, arising from the fact that one has artificial rights and privileges conferred by law which the other has not.[2]

In *Railroad Co. v. Gibbs*[3] the court held that a law of South Carolina requiring the expenses of a State railroad commission to be borne by the several corporations owning or operating railroads in the several States was not in conflict with this amendment. The burden was laid for services connected with the railroad corporations which were to bear them. There was no inequality, therefore, in subjecting these corporations to, and exempting others from, the burden. The case of *New York v. Squire*[4] is in accordance with the former decision. In *Railroad Commission Cases*[5] it was decided that a charter which grants a railway company the right to fix, regulate and receive the tolls and charges to be received by them for transportation, and which confers upon the directors the power to make by-laws, rules and regulations touching the disposition and management of the

[1] Society for Savings v. Coite, 6 Wall. 534; Barbier v. Connolly, 113 U. S. 29; Soon Hing v. Crowley, Id. 703; Mo. Pac. Ry. Co. v. Humes, 115 id. 512; Mo. Pac. Ry. Co. v. Mackey, 127 id. 205; Minneapolis Ry. Co. v. Beckwith, 129 id. 26.

[2] Wiggins Ferry Co. v. Railway Co., 142 U. S. 399; New York v. Squire, 145 id. 175.

[3] 142 U. S. 386.

[4] 145 U. S. 175.

[5] 116 U. S. 307.

company's property, and all matters appertaining to its concerns, does not deprive the State of its power to act upon the reasonableness of the charges and tolls so fixed, nor to regulate by a commission charged with the duty of preventing unreasonable rates, and of enforcing reasonable police regulations for the comfort, etc., of travelers. Such power in the State is not offensive to the fourteenth amendment. It belongs to the State to regulate these matters, under what is known as the police power, and this prerogative cannot be granted away, unless by words of positive grant or words equivalent in law.[1] This case was followed by *Stone v. Railroad Co.*[2]

So the reasonable regulation by the State of railroad rates, according to long and short haul, is not contrary to this amendment, but if so unreasonable as to violate property rights of the company, such rates may be held void as denying the equal protection of the laws.[3] But when a commission is appointed to decide finally as to these things and denies the right of judicial inquiry into the propriety of the action of the commission which is investigating these matters, and denies the right to produce evidence in response to a *mandamus* against the company, it was held not to be due process of law and the denial of the equal protection of the laws.[4] But to regulate public carriers for the safety of persons and property is a police power of the State of great importance, and it will not be presumed that it is surrendered if all are put on equal ground. If all in like condition are regulated alike, this amendment will not be violated;[5] and in *Railroad Co. v.*

[1] Citing Charles River Bridge v. Warren Bridge Co., 11 Pet. 419; Delaware Railroad Tax Cases, 18 Wall. 206; Bailey v. Magwire, 22 id. 215; Fertilizing Co. v. Hyde Park, 97 U. S. 659; Newton v. Commissioners, 100 id. 548.

[2] 116 U. S. 347.

[3] Chicago, etc. Ry. Co. v. Minnesota, 134 U. S. 418; Head v. Amoskeag Mfg. Co., 113 id. 21; Soon Hing v. Crowley, Id. 703; Mo. Pac. Ry. Co. v. Humes, 115 id. 512.

[4] Head v. Amoskeag Mfg. Co., 113 U. S. 21; Soon Hing v. Crowley, Id. 703; Mo. Pac. Ry. Co. v. Humes, 115 id. 512.

[5] Railroad Co. v. Mackey, 127 U. S. 205.

Mackey, a law of the State of Kansas providing that every railroad company organized or doing business in that State shall be liable for all damages done to any employee, consequent upon the negligence of its agents, engineers or other employees, was held not to deprive a railroad of property without due process of law, nor the equal protection of the laws, and was not in conflict with the fourteenth amendment. The court said that the special character of the legislation did not make it violative of the fourteenth amendment; that the improvement of cities, the opening of streets, the introduction of water and gas, for the safety and convenience of their inmates, and laws for irrigation and drainage, and for the construction of levees and so on, were of like kind and were valid; "and when legislation applies to particular bodies or associations, imposing on them additional liabilities, it is not open to the objection that it denies to them the equal protection of its laws, if all persons brought under its influence are treated alike under the same conditions; but it seems that where the charter of the company protects it in express and clear terms against this interference, such legislation by a state will be invalid, as impairing the obligation of contracts.[1] In all these cases it was held that the railroad company takes its charter subject to the general police power of the State to regulate the rates of charge, and the general management of the railway, looking to the safety and welfare of its people, and that this general power of the State will be constitutionally exercised, unless a charter exemption from future general legislation is granted expressly or by clear implication.[2] It has not been decided in any of these cases that the State may not bind itself by contract not to regulate the charges of a railroad company.

In the *Lake Front Cases*,[3] the Supreme Court held that the

[1] Railroad Co. v. Iowa, 94 U. S. 155.

[2] Railroad Co. v. Miller, 132 U. S. 75; Railroad Co. v. Minnesota, 134 id. 418; Railroad Co. v. Wellman, 143 id. 339; Railroad Co. v. Bristol, 151 id. 556.

[3] 146 U. S. 387.

State had not the power to alienate to a railroad company the public use of Lake Michigan and its bed, that the contract of the State was *ultra vires*, and that the repeal of the law alienating the public use of the lake did not impair a contract, for it was not valid as such.

A law of the State of Iowa giving double damages against a railroad for cattle killed by it is not contrary to this fourteenth amendment.[1] Nor does this amendment, which inhibits the State from depriving a person of property without due process of law, apply where there is no right of property as to the thing legislated upon.[2]

§ 390. What, then, is "due process of law" referred to in this section of the amendment? Whatever in the regular administration of law in a State is general and impartial in its operation on *all* persons is "due process."[3] An indictment which is defective in form, though not in substance or in the requirements of the sixth amendment, is within the meaning of "due process;"[4] but it must, with reasonable certainty, apprise the defendant of the nature of the crime with which he is charged.[5] Nor is a person denied "due process of law" who is tried and sentenced by a *de facto* judge of a *de jure* court.[6] So trial, without a jury, for breach of a municipal regulation, does not contravene this section.[7]

The statute of limitations fairly operating on the remedy is not repugnant to this clause nor to the one forbidding a State to pass any law impairing the obligation of contracts.[8] And so a law which converts a defendant's appearance in

[1] Minneapolis Ry. Co. v. Beckwith, 129 U. S. 26.

[2] New Orleans v. New Orleans Water Works Co., 142 U. S. 79; Williamson v. New Jersey, 130 id. 189; Essex Public Road Board v. Skinkle, 140 id. 334; Com'rs of Laramie County v. Com'rs of Albany County, 92 U. S. 307.

[3] Walker v. Sauvinet, 92 U. S. 90; Caldwell v. Texas, 137 id. 692.

[4] Caldwell v. Texas, 137 U. S. 692; Leeper v. Texas, 139 id. 462.

[5] Rosen v. United States, 161 U. S. 29.

[6] In re Manning, 139 U. S. 504.

[7] Natal v. Louisiana, 139 U. S. 621; Murray's Lessee et al. v. Hoboken Land & Improvement Co., 18 How. 272. See also Holden v. Hardy, 169 U. S. 366.

[8] Wheeler v. Jackson, 137 U. S. 245.

court for the purpose of contesting the jurisdiction of the court, and for that purpose alone, into a general appearance for all the purposes of the suit, does not deny to him "due process of law;"[1] and a statute of a State has been upheld which provided that "not more than two new trials shall be granted to any party in any action at law,"[2] as also a statute which allowed the State a larger number of peremptory challenges in certain cities, in the organization of juries, than in the counties at large.[3] In the case of *Louisiana v. Mayor of New Orleans*[4] it was held that the State could take away from a municipal corporation the power of levying a tax to pay a judgment against itself, and by such prohibition the owner of the judgment was not deprived of his property without "due process of law." If a State, through its laws, provides "due process," and does not deny "equal protection," etc., and the State court departs from these statutory provisions by an erroneous decision, there is no relief. The State has not failed to provide "due process," etc., but its court has, against its legal provisions.[5] In the case of *Yick Wo v. Hopkins, Sheriff*,[6] an ordinance of the city of San Francisco vested in the board of supervisors the arbitrary power, without restraint, to give or refuse consent to carry on public laundries, without regard to the competency of persons applying therefor. It was held that the ordinance violated the provisions of the fourteenth amendment by making arbitrary and unjust discriminations. This case is differentiated from *Arrowsmith v. Harmoning, supra.* In the former, arbitrary discretion is given the board of supervisors to defeat personal right. In the latter, judicial power, by its decision, puts aside the legislative enactment which the State had provided for all alike. Many cases have arisen under this amend-

[1] York v. Texas, 137 U. S. 15.

[2] Louisville, etc. R. Co. v. Woodson, 134 U. S. 614.

[3] Hayes v. Missouri, 120 U. S. 68. See also Cross v. North Carolina, 132 id. 131; Missouri v. Lewis 101 id. 22.

[4] 109 U. S. 285.

[5] Arrowsmith v. Harmoning, 118 U. S. 194; Davis v. Texas, 139 id. 651.

[6] 118 U. S. 356.

ment, deciding what is "due process" in the exercise of "eminent domain." The taking of private property for public use only, on just compensation, is in accordance with Magna Carta. To determine the question whether it is taken for real public use, and what is just compensation therefor, requires "due process of law." Such a taking is an enforced sale to the public of private property, and therefore to take private property for private use or for public use without just compensation is not "due process of law."[1] The same rule of construction given to the fifth amendment in its application to the Federal government applies with equal force to the States in this clause of the fourteenth amendment.[2]

In Virginia the owner must be fully compensated for the property taken and also damages to the residue of his land beyond the peculiar benefits.[3] The compensation to which the owner may be entitled must be provided for by judicial procedure in order to meet the requirement of "due process of law."[4] The interruption of the use of property without its actual seizure,[5] as also riparian rights,[6] and the right to the use of water, are within this clause. This right exists in the government of the United States for the purpose of exercising the powers conferred in the Constitution;[7] but what should be the limitations of the exercise of such power within the States has been the subject of much controversy.

The destruction of property may be ground for payment, but if destroyed to prevent the spread of fire, either by public authority or private persons, it creates no liability under the clause. In such cases fire is a common enemy;—if the enemy has possession of A's house, from which B and C may be assailed, the fortress may be destroyed.[1]

[1] James River & Kanawha Co. v. Turner, 9 Leigh, 313; Bloodgood v. Mohawk, etc. R. R. Co., 18 Wend. (N. Y.) 9; Tyler v. Beacher, 44 Vt. 648; Monongahela Nav. Co. v. United States, 148 U. S. 312; Loan Ass'n v. Topeka, 20 Wall. 655; Missouri Pacific Ry. Co. v. Nebraska, 164 U. S. 403.

[2] Cole v. La Grange, 113 U. S. 1.

[3] Mitchell v. Thornton, 21 Gratt. 164.

[4] United Statee v. Jones, 109 U. S. 513; Cherokee Nation v. Southern Kansas Ry. Co., 135 id. 641; Boom Co. v. Patterson, 98 id. 403.

[5] Pumpelly v. Green Bay Co., 13 Wall. 166.

[6] Kaukauna Co. v. Green Bay, etc. Canal, 142 U. S. 255.

[7] Kohl v. United States, 91 U. S. 367; United States v. Gettysburg Electric R. Co., 160 id. 668; Luxton v. North River Bridge Co., 147 id. 337.

In criminal procedure this constitutional right has been frequently invoked. In *Hurtado's Case*[2] the Constitution of California authorizing prosecutions for felonies on information rather than indictment, and the statutes passed in pursuance thereof, were upheld as not denying "due process of law" to the prisoner. The rule would be different in a court of the United States under the fifth amendment. A law passed after a crime is committed cannot add solitary confinement until execution to the death penalty,—it is *ex post facto;*[3] but if after the commission of the offense the law is changed in immaterial respects, this is not *ex post facto* nor against the provision for "due process of law;"[4] and so where the law before the commission of the crime made solitary confinement until execution a part of the penalty, the law was held not to be against the eighth amendment, nor the right to "due process of law," provided in the fourteenth amendment.[5] Nor will mere irregularity in the State procedure, not involving the essential rights of the prisoner, be construed as contrary to "due process of law;"[6] nor will the due administration of its laws by the State be interfered with.[7]

At the time of the decision of *Strauder's Case*,[8] he being a negro, the laws of West Virginia, in effect, provided that no negro should sit on a jury. On the part of the prisoner it was urged that such laws denied to him "the equal protec-

[1] Beach v. Trudgain, 2 Gratt. 219; American Print Works v. Lawrence, 3 Zabr. 603; Jones v. City of Richmond, 18 Gratt. 517. But see Wallace v. City of Richmond, 94 Va. 204.

[2] 110 U. S. 516; Hodgson v. Vermont, 168 id. 262.

[3] Medley's Case, 134 U. S. 160.

[4] Holden v. Minnesota, 137 U. S. 483.

[5] McElvaine v. Brush, 142 U. S. 155.

[6] Cross v. North Carolina, 132 U. S. 131.

[7] In re Wood, 140 U. S. 278–284.

[8] 100 U. S. 303.

tion of the laws" as well as "due process of law" secured to him by the fourteenth amendment. He was convicted, and on appeal the court of appeals of the State affirmed the decision of the lower court; but on appeal to the Supreme Court of the United States, under the twenty-fifth section of the Judiciary Act of 1789, the judgment was reversed and the original objection sustained. About the same time a similar case[1] arose in Virginia; the law of Virginia did not exclude negroes from the juries. In this case the prisoner, a negro, moved the court to so modify the *venire* that one-third or some portion of the jury should be composed of negroes. This motion was refused. On petition for removal, under section 641 of the Revised Statutes, the district judge of the United States ordered the case to be docketed in the circuit court of the United States, after refusal to remove had been made by the State court, and under a writ of *habeas corpus cum causa* took the prisoner out of the custody of the State. Virginia applied for a *mandamus* to compel Judge Rives, the district judge of the United States for the western district of Virginia, to remand the cause to the State court and deliver up the prisoner to her custody. The *mandamus* was granted, because there was no ground for removal, since the Virginia law did not exclude negroes from the jury, though the composition of the jury might be only white men. The law, therefore, did not deny equal protection, etc., and the prisoner had no right to demand that negroes should be summoned on the *venire*, as the fourteenth amendment only required that the State, through its laws, must not exclude them; but if the legislature or courts or executive of the State prevents a jury from being constituted of both races, then the State denies the equal protection of its laws to all its citizens alike, and the case, on petition, under section 641 above mentioned, must be removed, or if not, on conviction, an appeal to the Supreme Court will lie.

In *Ex parte Virginia*,[2] Judge Coles, the judge of a county court in the State of Virginia, was indicted in the district

[1] Virginia v. Rives, 100 U. S. 313. [2] 100 U. S. 339.

court of the United States for the western district of Virginia, under the act of 1875, for excluding and failing to summon negroes on the grand and petit juries because they were negroes. He was held liable, for he acted for the State, and his action was in effect that of the State in denying the equal protection of its laws, etc. Judges Field and Clifford dissented in strong opinions. In *Neal v. Delaware*,[1] as the laws of the State of Delaware contained no prohibition against negroes sitting as jurors, on indictment in the State court, the petition of the prisoner (a negro) for removal of the cause under section 641 of the Revised Statutes of the United States to the circuit court of the United States was properly denied, but as the jury commissioners excluded negroes from the juries because of race, the Supreme Court held that the indictment should have been quashed, and the State court having refused to do so an appeal was properly had to the Supreme Court.[2] In this case the court followed the decision in *Ex parte Virginia*, *supra*. These decisions have been re-affirmed in the late case of *Chicago, B. & Q. R. Co. v. Chicago*,[3] but they have not been accepted without criticism by high authority in some quarters. They are largely based on the dissenting opinions of Judges Clifford and Field in *Ex parte Virginia*, *supra*, and the objections may be stated as follows:

1st. To remove a criminal case from a State court to a Federal court is neither necessary nor proper.[4] For if the State court decides against a right secured under the Constitution or laws of the United States, an appeal lies to the Supreme Court under the twenty-fifth section of the Judiciary Act. The removal, therefore, is not necessary for the protection of such right. Nor is it proper ("*bona fide* appropriate, etc."); for with what propriety can a United States court try a prosecution set on foot by the State under her criminal laws, and for an offense against her laws? Under

[1] 103 U. S. 370.
[2] See also Bush v. Kentucky, 107 U. S. 110; In re Ward, 140 id. 278–370.
[3] 166 U. S. 226.
[4] Const. U. S., Art. I, sec. 8, clause 18.

what law will the jury be selected? challenges made? appeals allowed? and in case of conviction who may pardon? the President of the United States or the Governor of the State?

2d. The amendment protects rights, but does not grant political power. If rights be not equal because power is not (as was argued), the negro must, not may, be on every jury to try negro or white; and so if the exclusion of the negro from a jury is the denial of equal protection, is not his exclusion from the office of judge, member of the legislature or executive the same? Must the State make the negro eligible to all of these in order to equality? If not, why as to juries?

3d. If a like constitution of juries for both races be not equality, how is it to be attained? Must all the jury for a white man be white? and for a negro all be negroes? or how many? and if they *must* not (as the court admits), how is practical equality reached by a "May?" and if such constitution of the jury be essential to equality, how shall a male jury try a female? or adults try an infant? or an American citizen a Chinaman? Equality to *persons* is secured by the amendment. How then as to a corporation? It cannot serve on a jury.

4th. When the fourteenth amendment was adopted, the negro had no right to vote, and, until adopted, no right to hold office, if denied by the States. It may well be asked what "equal protection" could he have, with no vote in making the laws? Yet with no such power, with absolute disfranchisement, the fourteenth amendment assumed that "equal protection" to the negro might be secured without any political power; for if not denied by the refusal of suffrage, how could it be so denied by excluding him from the court and jury? When the fifteenth amendment was adopted, it secured to him suffrage, but nothing else.

5th. These decisions, it is claimed, make the negro a favored class. Foreigners, women and children, non-freeholders, etc., may be tried and have no peer on the jury, but a negro cannot be.

APPENDIX.

June 15th, A. D. 1215.

MAGNA CARTA.

. . . . . .

9. Nec nos nec ballivi nostri seisiemus terram aliquam nec redditum pro debito aliquo, quamdiu catalla debitoris sufficiunt ad debitum reddendum; nec pleggii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficit ad solutionem debiti; et si capitalis debitor defecerit in solutione debiti, non habens unde solvat, pleggii respondeant de debito; et, si voluerint, habeant terras et redditus debitoris donec sit eis satisfactum de debito quod ante pro eo solverint, nisi capitalis debitor monstraverit se esse quietum inde versus eosdem pleggios.

. . . . . .

12. Nullum scutagium vel auxilium ponatur in regno nostro, nisi per commune consilium regni nostri, nisi ad corpus nostrum redimendum, et primogenitum filium nostrum militem faciendum, et ad filiam nostram primogenitam semel maritandam, et ad haec non fiat nisi rationabile auxilium: simili modo fiat de auxiliis de civitate Londoniarum.

13. Et civitas Londoniarum habeat omnes antiquas libertates et liberas consuetudines suas, tam per terras, quam per aquas. Praeterea volumus et concedimus quod omnes aliae civitates, et burgi, et villae, et portus, habeant omnes libertates et liberas consuetudines suas.

14. Et ad habendum commune consilium regni, de auxilio assidendo aliter quam in tribus casibus praedictis, vel de