

CAP. IV.

An act to redress the mis-employment of lands, goods and stocks of money heretofore given to certain charitable uses.

WHEREAS lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money and stocks of money have been heretofore given, limited, appointed and assigned, as well by the Queen's most excellent majesty, and her most noble progenitors, as by sundry other well-disposed persons; some for relief of aged, impotent and poor people, some for maintenance of sick and maimed soldiers and mariners, schools of learning, free schools, and scholars in universities, some for repair of bridges, ports, havens, causeways, churches, sea-banks and highways, some for education and preferment of orphans, some for or towards relief, stock or maintenance for houses of correction, some for marriages of poor maids, some for supportation, aid and help of young tradesmen, handicraftsmen and persons decayed, and others for relief or redemption of prisoners or captives, and for aid or ease of any poor inhabitants concerning payments of fifteens, setting out of soldiers and other taxes; which lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money and stocks of money, nevertheless have not been employed according to the charitable intent of the givers and founders thereof, by reason of frauds, breaches of trust, and negligence in those that should pay, deliver and employ the same: (2) for redress and remedy whereof, be it enacted by authority of this present parliament, That it shall and may be lawful to and for the lord chancellor or keeper of the great seal of England for the time being, and for the chancellor of the duchy of Lancaster for the time being for lands within the county palatine of Lancaster, from time to time to award commissions under the great seal of England, or the seal of the county palatine, as the case shall require, into all or any part or parts of this realm respectively, according to their several jurisdictions as aforesaid, to the bishop of every several diocese and his chancellor, (in case there shall be any bishop of that diocese, at the time of awarding of the same commissions) and to other persons of good and sound behaviour, (3) authorizing them thereby, or any four or more of them, to enquire, as well by the oaths of twelve lawful men or more of the county, as by all other good and lawful ways and means, of all and singular such gifts, limitations, assignments and appointments aforesaid, and of the abuses, breaches of trusts, negligences, mis-employments, not employing, concealing, defrauding, mis-converting or mis-government of any lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money or stocks of money, heretofore given, limited, appointed or assigned, or which hereafter shall be given, limited, appointed or assigned, to or for any the charitable and godly uses before rehearsed: (4) and

Commissioners authorized to enquire of misemployment of lands or goods given to hospitals, &c. Their orders shall be performed. 2 Inst. 707.

Commissioners to enquire of the gift of lands and goods to charitable uses.

Four commissioners at the least.

Hob. 136.

The enquiry.

The commis-
sioners orders.

The commis-
sioners orders
shall be exe-
cuted.

The commis-
sioners orders
altered.

Colleges, halls
in Oxford or
Cambridge,
Westminster,
Eaton, Win-
chester, cath-
edral churches.
1 Lev. 284.

City, town
corporate,
college, hos-
pital, free
school.

Ordinary's
jurisdiction.

None shall be
commissioner
or juror which
hath any part

and after the said commissioners or any four or more of them (upon calling the parties interested in any such lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money and stocks of money) shall make enquiry by the oaths of twelve men or more of the said county (whereunto the said parties interested shall and may have, and take their lawful challenge and challenges) (5) and upon such enquiry, hearing and examining thereof, set down such orders, judgments and decrees, as the said lands, tenements, rents, annuities, profits, goods, chattels, money and stocks of money, may be duly and faithfully employed, to and for such of the charitable uses and intents before rehearsed respectively, for which they were given, limited, assigned or appointed by the donors and founders thereof: (6) which orders, judgments and decrees, not being contrary or repugnant to the orders, statutes or decrees of the donors or founders, shall by the authority of this present parliament stand firm and good, according to the tenor and purport thereof, and shall be executed accordingly, until the same shall be undone or altered by the lord chancellor of *England* or lord keeper of the great seal of *England*, or the chancellor of the county palatine of *Lancaster*, respectively, within their several jurisdictions, upon complaint by any party grieved to be made to them.

II. Provided always, That neither this act, nor any thing therein contained, shall in any wise extend to any lands, tenements, rents, annuities, profits, goods, chattels, money or stocks of money, given, limited, appointed, or assigned, or which shall be given, limited, appointed or assigned, to any college, hall or house of learning within the universities of *Oxford* or *Cambridge*, or to the colleges of *Westminster*, *Eaton* or *Winchester*, or any of them, or to any cathedral or collegiate church within this realm.

III. And provided also, That neither this act, nor any thing therein, shall extend to any city, to town corporate or to any the lands or tenements given to the uses aforesaid within any such city or town corporate, where there is a special governor or governors appointed to govern or direct such lands, tenements or things disposed to any the uses aforesaid, neither to any college, hospital or free school, which have special visitors or governors, or overseers appointed them by their founders.

IV. Provided also, and be it enacted by the authority aforesaid, That neither this act, nor any thing therein contained, shall be any way prejudicial or hurtful to the jurisdiction or power of the ordinary, but that he may lawfully in every cause execute and perform the same, as though this act had never been had or made.

V. Provided also, and be it enacted, That no person or persons that hath or shall have any of the said lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money or stocks of money in his hands or possession, or doth or shall pretend

pretend title thereunto, shall be named a commissioner or a juror for any the causes aforesaid, or being named shall execute or serve in the same. of the lands or goods in question.

VI. And provided also, That no person or persons which hath purchased or obtained, or shall purchase or obtain, upon valuable consideration of money or land, any estate or interest of, in, to or out of any lands, tenements, rents, annuities, hereditaments, goods or chattels, that have been or shall be given, limited or appointed to any the charitable uses above mentioned, without fraud or covin, having no notice of the same charitable use, shall not be impeached by any degrees or orders of the commissioners above mentioned, for or concerning the same his estate or interest: (2) and yet nevertheless, be it enacted, That the said commissioners, or any four or more of them, shall and may make decrees and orders for recompence to be made by any person or persons who being put in trust, or having notice of the charitable uses above mentioned, hath or shall break the same trust, or defraud the same uses, by any conveyance, gift, grant, lease, demise, release or conversion whatsoever, and against the heirs, executors and administrators of him, them or any of them, having assets in law or equity, so far as the same assets will extend. Purchasers of the lands *bona fide*.
Recompence by those which break the trust.

VII. Provided always, That this act shall not extend to give power or authority to any commissioners before mentioned, to make any orders judgments or decrees, for or concerning any manors, lands, tenements or other hereditaments assured, conveyed, granted or come unto the Queen's majesty, to the late King *Henry* the Eighth, King *Edward* the Sixth, or Queen *Mary*, by act of parliament, surrender, exchange, relinquishment, escheat, attainder, conveyance or otherwise: (2) and yet nevertheless, be it enacted, That if any such manors, lands, tenements or hereditaments or any of them, or any estate, rent or profit thereof, or out of the same or any part thereof, have or hath been given, granted, limited, appointed or assigned to or for any the charitable uses before expressed, at any time sithence the beginning of her Majesty's reign; That then the said commissioners, or any four or more of them, shall and may, as concerning the same lands, tenements, hereditaments, estate, rent or profit so given, limited, appointed or assigned, proceed to enquire, and to make orders, judgments and decrees, according to the purport and meaning of this act, as before is mentioned; the said last mentioned proviso notwithstanding. Lands assured to King Hen. 8. Ed. 6. Queen Mary and Queen Elizabeth.

VIII. And be it further enacted, That all orders, judgments and decrees of the said commissioners, or of any four or more of them, shall be certified under the seals of the said commissioners, or any four or more of them, either into the court of the chancery of *England*, or into the court of the chancery within the county palatine of *Lancaster*, as the case shall require respectively, according to their several jurisdictions, within

in such convenient time as shall be limited in the said commissions.

Order for the execution of the commissioners decree
Cro. Car. 40.

IX. And that the said lord chancellor or lord keeper, and the said chancellor of the duchy, shall and may within their said several jurisdictions, take such order for the due execution of all or any of the said judgments, decrees and orders, as to either of them shall seem fit and convenient.

A remedy for any person grieved by the commissioners decree.

X. And that if after any such certificate or certificates made, any person or persons shall find themselves grieved with any of the said orders, judgments or decrees, That then it shall and may be lawful to and for them or any of them, to complain in that behalf unto the said lord chancellor or lord keeper, or to the chancellor of the said duchy of *Lancaster*, according to their several jurisdictions, for redress therein: (2) and that upon such complaint, the said lord chancellor or lord keeper, or the said chancellor of the duchy, may according to their said several jurisdictions, by such course as to their wisdom shall seem meetest, the circumstances of the case considered, proceed to the examination, hearing and determining thereof; (3) and upon hearing thereof, shall and may annul, diminish, alter or enlarge the said orders, judgments and decrees of the said commissioners, or any four or more of them, as to either of them in their said several jurisdictions shall be thought to stand with equity and good conscience, according to the true intent and meaning of the donors and founders thereof; (4) and shall and may tax and award good costs of suit by their discretions, against such persons as they shall find to complain unto them without just and sufficient cause, of the orders, judgments and decrees before mentioned.

Costs of suit against the complainers.

CAP. V.

An act to prevent perjury, and subornation of perjury, and unnecessary expences in suits of law.

At what time a writ to remove a suit depending in an inferior court shall be delivered to the judge or officer of the same court.

WHEREAS within divers cities and towns corporate, and other places within this realm of England, and the dominions thereof, there are jurisdictions, customs and privileges to hold plea in actions of debt, and other actions, plaints and suits between party and party, and divers of her Majesty's subjects do daily commence many actions, plaints and suits in the said cities, towns corporate and places, according to the jurisdictions, customs and privileges of the said places: (2) and many defendants in actions, plaints and suits there brought and commenced, will suffer the said actions, plaints and suits to be proceeded in and prosecuted there, until the cause between the plaintiffs and them be at issue, and the jury sworn, and evidence given on the plaintiffs part, before the said defendant will deliver into the court where the said actions, plaints or suits are to be tried, writs formerly sued forth by them, to remove the cause there depending, into some one or other of her Majesty's courts of record at Westminster; (3) which keeping back of the said writ, is done by the defendant, to no other purpose or intent, but to put the parties plaintiffs to as great charges and expences as they the said defendants