

A relation of the proceedings at Charter-House, upon occasion of King James the II. his presenting a papist to be admitted into that hospital. In vertue of his letters dispensatory.

Contributors

Charterhouse (London, England)

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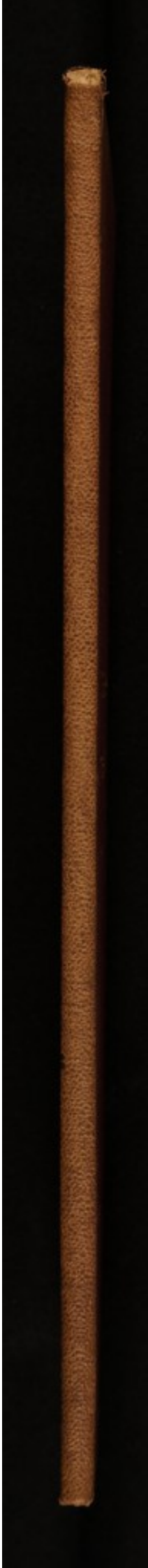
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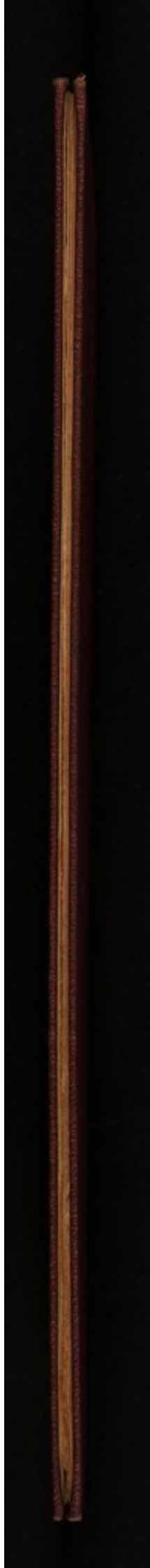
CHARTERHOUSE POPHAM CASE

—*—

CHARTERHOUSE ACT OF PARLIAMENT

1742



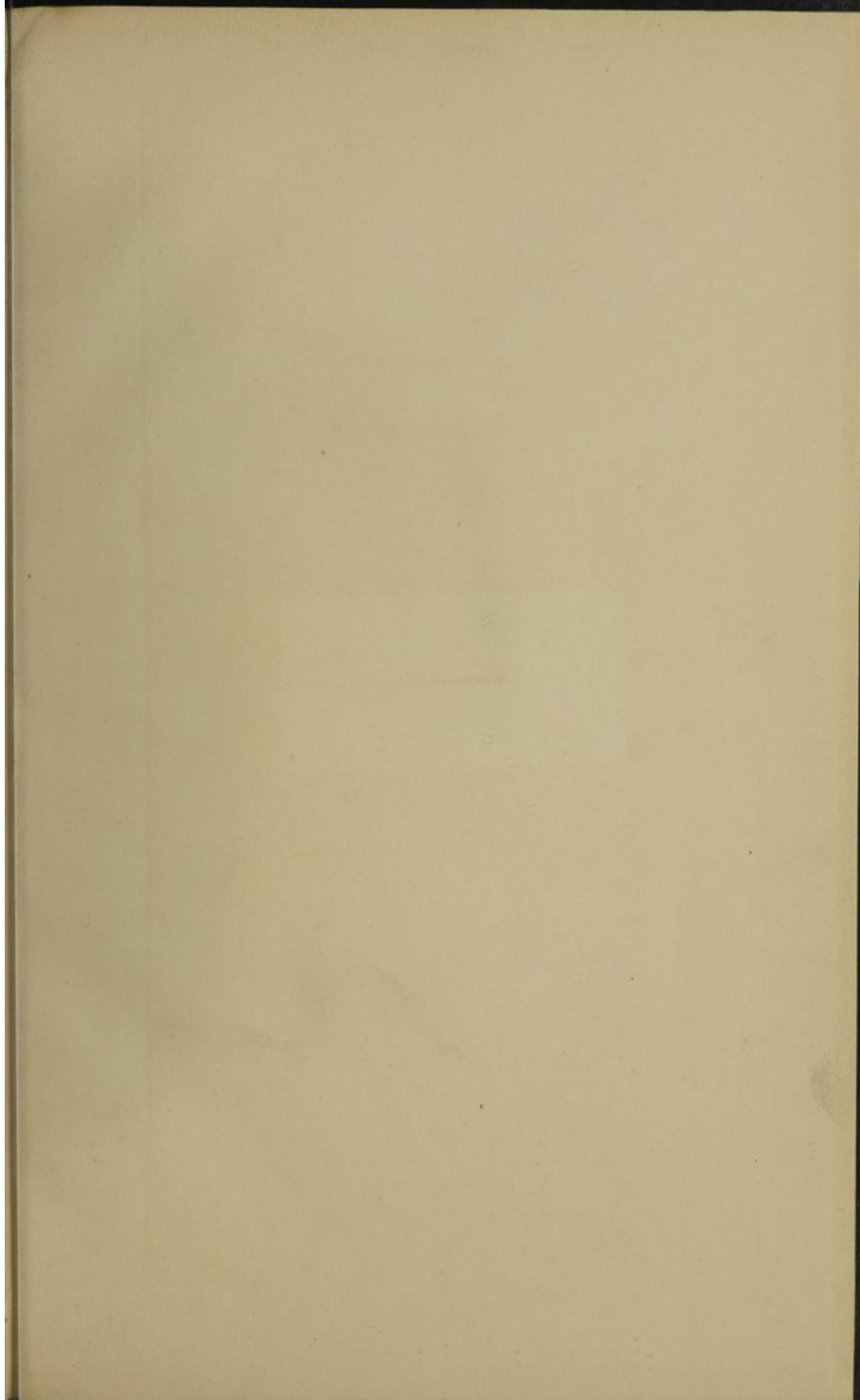


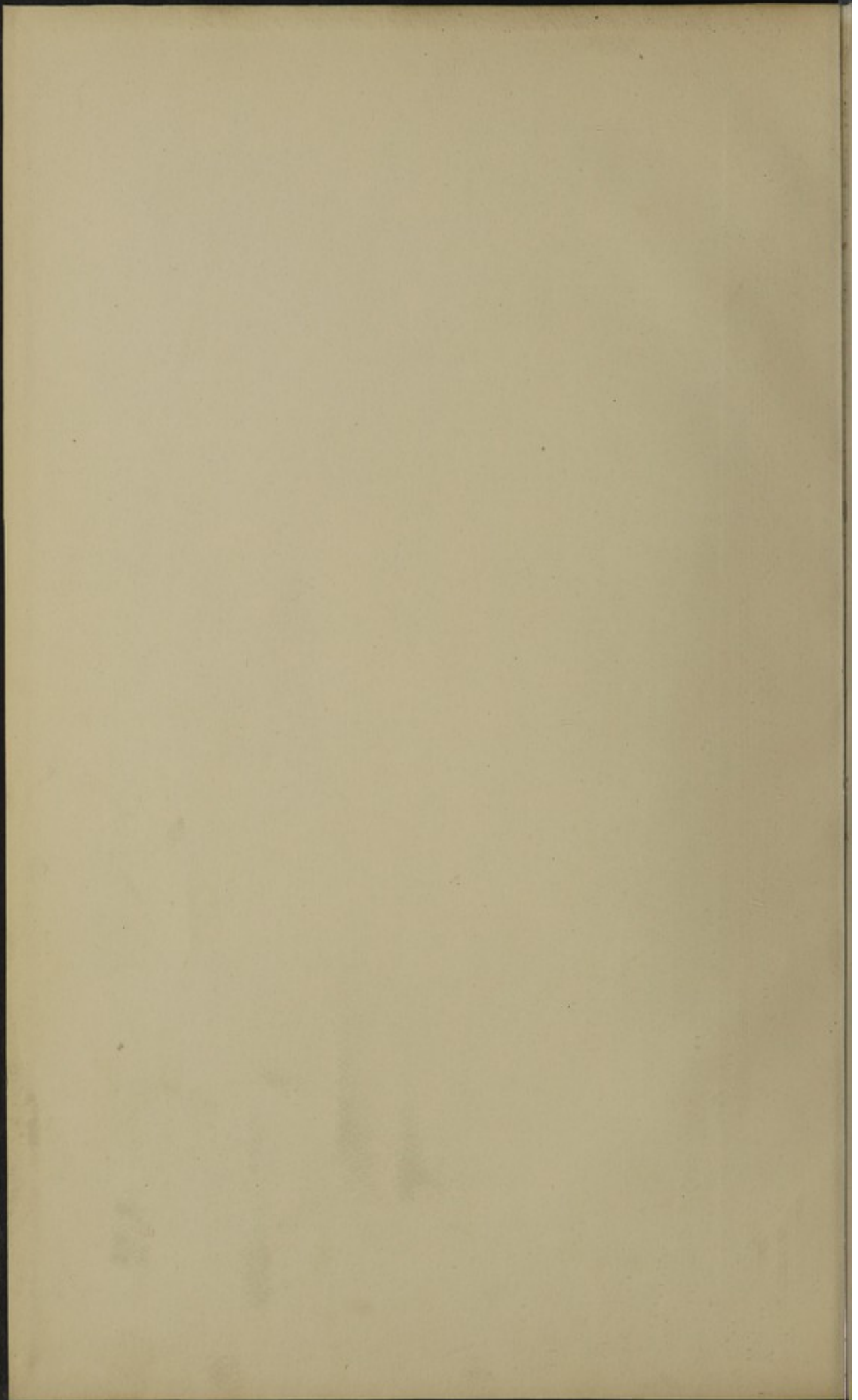


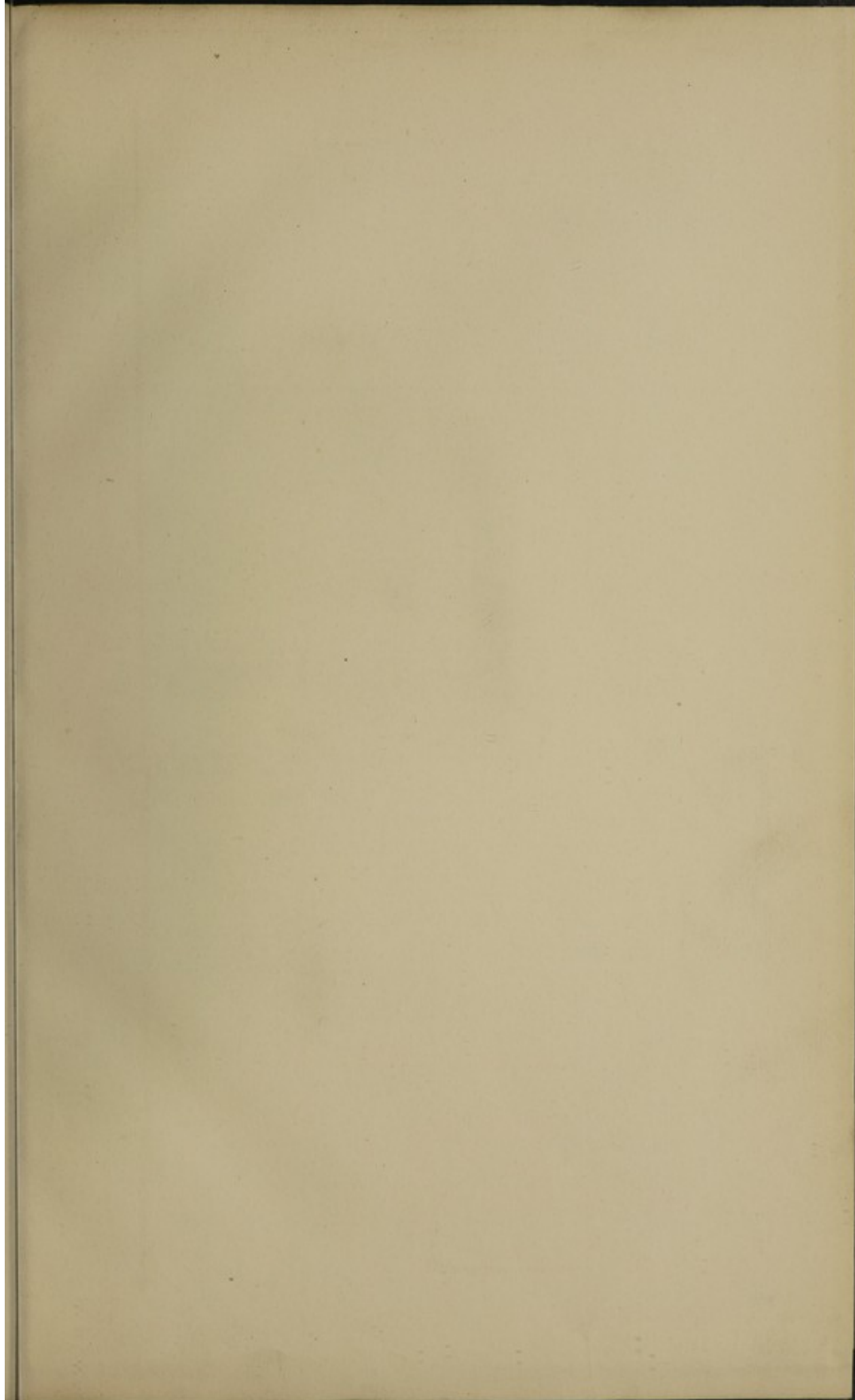


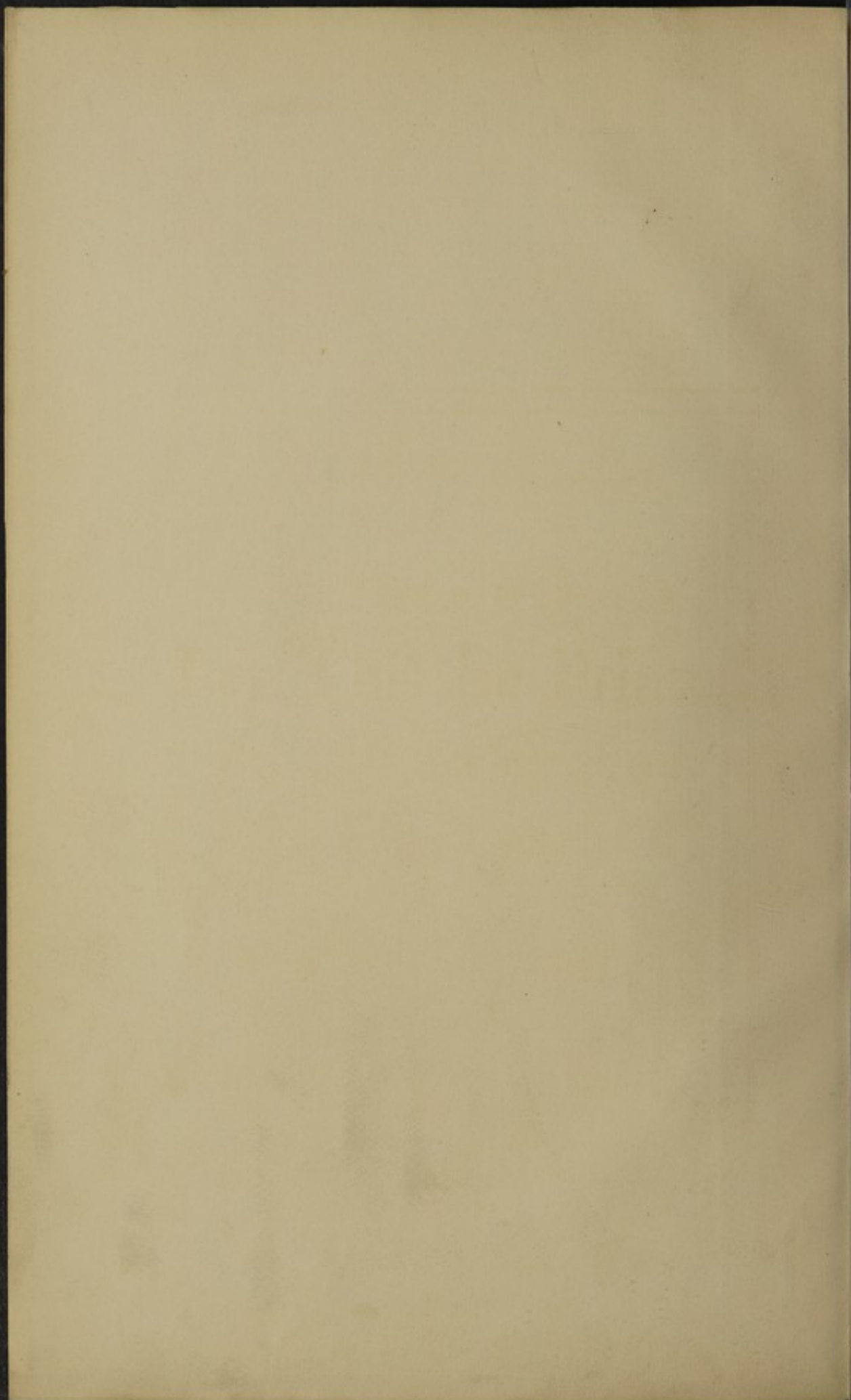
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October 4. 1882.

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Trampellet
James II

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October 4. 1689.

Let This be Printed.

NOTTINGHAM.

A
RELATION
OF THE
PROCEEDINGS

AT

Charter-House,

Upon Occasion of

King JAMES the II.

His presenting a

P A P I S T

To be admitted into that

HOSPITAL.

In Vertue of His

Letters Dispensatory.

v L O N D O N, ^K

Printed for *Walter Kettilby*, at the Bishop's-Head in
St. Paul's Church-Yard. M DCLXXXIX.

A
RELATION

OF THE

PROCEEDINGS

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Charter-House

Upon Occasion of

King JAMES the II.

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P A P E R

To be read in the

HOSPITAL

in Verue of His

Letters Dispensatory

L O N D O N

Printed for W. B. at the Bishop's-Head in
St Pauls Church-Yard. MDCXXXIX.



A

RELATION

OF THE

PROCEEDINGS

AT

Charter-House, &c.



HE late Usurpation upon the Laws of *England* by a *Dispensing Power*, was so remarkable and singular, that every instance of it ought to be recorded to posterity. They begun very early with *Mr Sutton's Hospital*, commonly called the *Charter-house*: and the King sent a *Papist* to be admitted Pensioner or poor Brother there, contrary to all rules of that Foundation. But he came accordingly armed with a Royal Dispensation, both as to his Conformity to the Church of *England*, and as to the Oaths of Allegiance and Supremacy: Which they are bound to take at their admission into that place.

The Governours of the Hospital, Persons of the greatest quality, shewed themselves Faithful Trustees to *Mr Sutton* upon that occasion. And, tho' they had no precedent, at that time, to follow, made a vigorous resistance to this encroaching power. Whereby they did good Service also to the Publick, in that low station of a private Hospital. As sometimes a little Frontier Garrison, well defended, gives a check to a great Army, and a good example to the rest of the Countrey, to stand stoutly upon their defence.

The KING's Letter was as followeth.

JAMES R.

Right Trusty and Right Welbeloved Cousins and Counsellors, and Right Trusty and Welbeloved Counsellors and Trustees, WE greet you well. Humble suit having been made unto US, in the behalf of *Andrew Popham*, Gent. that, in regard of his Loyalty and Sufferings, and the necessitous condition he is thereby reduc'd unto, WE would bestow upon him the place of one of Our Pensioners in the Hospital of the *Charter-house*; which request WE are graciously pleased to condescend unto. Our Will and Pleasure therefore is, that you choose and admit him the said *Andrew Popham* into the first Pensioners place in that Our Hospital, that shall become void and in Our disposal. Next after such as have already obtained our Letters for the like places, if any such be. Without Tendring any Oath or Oaths, unto the said *Andrew Popham*: or requiring of him any Subscription, Recognition or other Act or Acts in conformity to the Doctrine and Discipline of the Church of *England*, as the same is now established. And notwithstanding any Statute, Order, or Constitution of or in the said Hospital: with which we are graciously disposed to Dispense in this behalf. To hold and enjoy the said place, with all profits, perquisites and advantages thereunto belonging. And so We bid you heartily farewell. Given at Our Court at *Whitehal* the 17th day of *December* 1686. in the Second Year of Our Reign.

This

This Letter was not delivered to the Master of the Hospital, but to the Register at his house in the City. Who thereupon did not come to acquaint the Master with the contents of it, but sent this *Andrew Popham* to him, to be admitted, with a Certificate under his hand, in the usual form, as for an Admission of course. Giving the Master no Notice that he was a Papist, or that the King had dispens'd with his taking the Oaths and with his Religion.

The Certificate was This.

These are to Certifie, That Andrew Popham is to be admitted a Pensioner into this Hospital, upon the Nomination of the King's Majesty. And that his Place is now fallen.

20 Decemb. 1686. W. L.
Regist.

Popham came to the Master with this Certificate, and desir'd to be admitted. The Master askt him, where his Letter of Nomination was, and to whom it was directed? He said it was directed to the Governors of the Hospital, and he had left it in the Register's hands. If it was directed to the Governors, the Master told him, it must be deliver'd to them, before he could act upon it. And so telling him when there would be a meeting of the Governors, dismiss him without admission.

The day appointed for the meeting of the Governors, was the Munday after Twelve-tide; but there did not come a full number at that time, so they could not act. But on the 17th. following, there was a full Assembly, and *Popham* was present, and his business heard. The King's Letter being read to the Governors, My Lord Chancellor *Jeffrys* presently mov'd, that they should immediately, without any debate, proceed to vote, Whether *Andrew Popham* should be admitted or no, according to the King's Letter. And 'twas put upon the Master, as Junior, to vote first. But the Master told them, he thought it was his duty to acquaint their Lordships with the state and constitution of the Hos-

pital, before they proceeded to a Vote. This was opposed by some; but, after a little debate, the Master was heard; Who thereupon acquainted their Lordships, That to admit a Pensioner into that Hospital, without taking the Oaths of Allegiance and Supremacy, was not only contrary to the Constitutions of the House, but also to an Act of Parliament provided in that case; namely, to the *Charter-House Act 3. Car.* In which it is declar'd and order'd in express terms, that no Person, Governour, Officer, nor Pensioner, shall be admitted into this Hospital, till they have taken the Oaths of Allegiance and Supremacy. When the Master had said this, One Governour answer'd, *What is this to the purpose?* To whom the late Duke of *Ormond* reply'd, He thought it was very much to the purpose; For an Act of Parliament was not so slight a thing, but that it deserv'd to be consider'd. Hereupon, after some discourse, the Question was put again, Whether *Andrew Popham* should be admitted or no: and it was carried in the Negative.

The words of the Act of Parliament are these:

And be it enacted and established by the Authority aforesaid, that every Person that shall from henceforth be elected a Governour of the said Hospital, shall, before he exercise the Place of a Governour, take the severall Oaths of Allegiance and Supremacy.----- And that the Preacher, Minister, Schoolmaster, Usher, Officers, and poor Men, and every of them henceforth to be elected or admitted, shall, before he exercise or take benefit of any such place, take the said severall Oaths of Supremacy and Allegiance.

This, I think, was the first *Stand* that was made against the *Dispensing Power*, by any Society in *England*. After which, followed the opposition it met with at the University of *Cambridge*, and at *Magdalen Colledge* in *Oxford*. The Governours of *Charter-House* had a fresh Example in sight, of a tame resignation to that *Dispensing Power*, in an Instance where both the honour of the Church, and many Acts of Parliament, were concern'd; But that had no other effect upon them, than to make them think it the more necessary to stand in the breach that was already made, and to stop the progress of that Torrent, which was in a fair way, at that time, to over-run the Nation.

They intended to have return'd an Answer in Writing forthwith to the King's Letter; But as soon as that Vote was past, my Lord Chancellor flung away, and some others followed him; so that there was not a Number left to act as an Assembly, or to do any more business at that time. My Lord of *Canterbury* attempted several times afterwards to have another Assembly, that this Letter might be writ

to the King, but could not get a full Number together, till Midsummer following.

While the business was hanging thus, there happen'd an accident, which we thought would have put an end to the controversie. Another Person appear'd with a Letter of Nomination from the King, of a Date antecedent to that of *Popham's*. And 'twas a Person qualified for the Place, one *Cardonel*, a *French* Protestant Naturaliz'd. This we thought had been a soft method, invented by the Court, to supersede *Popham's* Letter, and so let the Controversie fall without noise. But it prov'd otherwise; for when this Man's pretensions came to be known at Court, The King sent another Letter to exclude him, and to reinforce His former Order for *Popham*.

The KING's Second Letter was this.

JAMES R.

Right Trusty and Right Welbeloved Cousins
and Counsellors, and Right Trusty and
Welbeloved Counsellors and Trustees, We greet
you well. We did by Our Letter of the 17th of
December last, signifie unto you, that it was Our
Koyal Will and Pleasure, that *Andrew Popham*, Gent.
should be chosen and admitted into the first Pen-
sioner's place in that Our Hospital, which should
become void and in Our disposal: Next after such
as had already obtained Our Letters for the like
places, if any such there were. *Without* tendring
any Oaths unto the said *Andrew Popham*, or re-
quiring of him any Subscription, Recognition, or
other Act or Acts in conformity to the Doctrine
and Discipline of the Church of *England*, as the
same is now established. Notwithstanding any
Order or Constitution of or in Our said Hospi-
tal: with which We were and are graciously
pleas'd

pleas'd to dispense in this behalf. To hold and enjoy the said place, with all profits, perquisites, and advantages thereunto belonging. And We do accordingly expect and hereby Require, that you forth-with admit him, the said *Andrew Popham*, a Pensioner of that Our Hospital, in pursuance of this and Our said former Letters. And whereas We are informed, that *Philip de Cardonel* had Our Letter, dated the first day of *August* last past, and that he omitted to present the same, till the 23. of *February* last, after *Andrew Popham's* Letter had been presented: We do therefore hereby declare *Our Will* and pleasure to be, That the said *Andrew Popham* have the preference, and be immediately admitted into a Pensioner's place in that Our Hospital. And so we bid you heartily farewell. Given at Our Court at *Whitehall* the 21th day of *March*, 1686. In the Third Year of Our Reign.

Here were Two Letters, you see, already, under the Signet: And there wanted onely a Broad-Seal, that all the Forces of the Dispensing Power might be employ'd in this attack against *Charter-house*. At length a Broad-Seal was sent, to compleat and ratify this Dispensation for *Popham*; and a Copy of it left with the Master, collated, in his presence, with the Original. They brought also Witnesses along with them, to attest the delivery and collation, and so left it in the Master's hands.

These Letters-Patents did not respect *Popham* onely, but several Others also in the University of *Cambridge*: Four or Five there, that were dispens'd with for like unqualifications. And because the form of one of these new Dispensations is worth seeing, I will set down the form of this in general, as it relates to them all; and particularly, all that belongs to *Andrew Popham*. They begun thus.

JAMES

JAMES the Second, By the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. To all to whom these Presents shall come Greeting, Whereas Joshua Bassett ————— and Andrew Popham, Elected, or directed by Us, to be elected one of the Almshouses of or in Sutton's Hospital near Smithfield, commonly called the Charter-House, have humbly besought us, that they may respectively have and enjoy the said several and respective Places and Preferments, with all the advantages and emoluments to the same respectively belonging, Without being obliged to repair to Church, or to use the Book of Common-Prayer, or to take the Oaths of Allegiance and Supremacy, or either of them; Or the Sacrament of the Lord's Supper, or any Test, or making any Declaration or Subscription relating to Religion: or doing, performing, or subscribing any other Act or Acts in Conformity to the Doctrine, Discipline, or Liturgy of the Church of England. And We being well assured of the Loyalty and integrity of the said respective persons, and of their fitness to have and enjoy the said respective places and preferments, are graciously disposed to grant their said humble suit. KNOW YE therefore, that WE, for the considerations aforesaid, and of Our especial Grace, certain knowledge and mere motion, have given and granted, and by these Presents, for Us, Our Heirs, and Successors do give and grant unto the said Joshua Bassett, &c. and Andrew Popham, and to every of them, Our Royal Licence and Dispensation to absent themselves respectively from Church, Chapel and usual place of Common-Prayers, as the same is now used in England: and to forbear using or reading the said Prayers, or declaring their respective assent or consent to the Contents of the Book of Common-Prayer, now used in England; and to abstain from and forbear receiving and administering the Sacraments of the Lord's Supper, according to the Liturgy or usage of the said Church; and from taking the Oaths of Supremacy and Allegiance; and from reading and subscribing the Articles of Religion, commonly called the Nine and Thirty Articles; and from making, subscribing and repeating any Declaration, Acknowledgement, or recognition; and from doing any other Act or thing, required by, or mentioned or contained in one Act of Parliament made in the Thirteenth or Fourteenth Year

of the Reign of our late Royal Brother, Entituled, An Act for the Uniformity of Publick Prayers, and Administration of the Sacraments, and other Rites and Ceremonies, and for establishing the form of making, Ordaining and Consecrating Bishops, Priests and Deacons in the Church of England, mentioned or contained in another Act of Parliament, made in the Five and Twentieth Year of the Reign of our said late Brother, Entituled, An Act for preventing dangers which may happen from Popish Recusants: And from doing, declaring and subscribing all and every such other Act and Acts, thing and things, in conformity to the Doctrine, Discipline, and Liturgy of the Church of England, as the said Joshua Bassett-----and Andrew Popham, or any of them, by reason of their or any of their being admitted into, or having or enjoying the said respective promotions and places, are, is, or shall be, by the Laws and Statutes of this our Realm of England, or by any Statute, Constitution or custom of our said University of Cambridge, or of the Colledges or Hospital heretofore mentioned.-----AND OUR PLEASURE ALSO IS, and we hereby require, enjoyn, and Command, the Governours of the Lands, Possessions, Revenues and goods of the Hospital of King James founded in Charter-House, within the County of Middlesex, at the humble Petition and only cost and charges of Thomas Sutton, Esquire: Now and for the time being: and all other persons whom it may concern, that they and every of them in their respective places do Act and perform all and whatsoever is or ought to be acted, done and performed by them respectively, for the Electing, admitting and establishing the said Andrew Popham to be one of the poor men in the said Hospital, and to have and enjoy all the Profits, benefits and advantages, to any poor man in the said Hospital belonging. Notwithstanding that the said Andrew Popham hath not taken, or shall omit, neglect or refuse to take the Oaths of Supremacy and Allegiance, or either of them: Or hath not done or performed, or shall omit, neglect, or refuse to do or perform what by the said Acts of Parliament, or any of them, or by one other Act of Parliament made in the Third or Fourth Year of the Reign of our late Royal Grandfather King James, over England, &c. Entituled, An Act for the establishing and confirming of the Foundation of the Hospital of King James, founded in Charter-House, in the County of Middlesex, at the humble Petition and only Costs and Charges
of

of Thomas Sutton, Esquire; and of the Possessions thereof. Or by any Statute, Law, Constitution, or Custom of the said Hospital, he is enjoyned or required to do or perform: as if he had fully and effectually done or performed the same. AND do hereby further for Us, our Heirs and Successors, authorize and impower the said Joshua Bassett ----- and Andrew Popham, to accept, hold and continue in the said respective Promotions and Places, with all the rights, profits, powers, priviledges, authorities and advantages whatsoever to the same respectively belonging, without incurring any pain, penalty, loss, disability, or censure whatsoever, and also to travel to the Cities of London and Westminster, and to come, remain, and be in our Presence, or in the presence of Our Royal Consort the Queen, or of Katharine Queen Dowager of England, or in Our Court, or in the Court or House where We or They are, or shall be, or reside, although the said Joshua Bassett ----- and Andrew Popham have not, or any of them hath not done or performed, or shall at any time or times hereafter omit, neglect or refuse to do or perform any thing or things enjoyned, required or enacted to be done or performed by the said Acts of Parliament, or either of them, or in or by any other Act or Acts of Parliament made in the Thirtieth Year of the Reign of our said late Royal Brother King Charles the Second, or in the first, fifth, thirteenth, three and twentieth, seven and twentieth, nine and twentieth, and five and thirtieth Years of the Reign of the late Queen Elizabeth, or in the first or third Years of the Reign of Our late Royal Grandfather King James over England, &c. Or in or by any Statute, Constitution, or Custome of, or in the University of Cambridge, or of the Respective Colledges and Hospital aforesaid, or any of them: and although the said Joshua Bassett ----- and Andrew Popham, or any of them have or hath committed or done, or shall commit or do any thing or things contrary unto any of the said Acts of Parliament, or any or either of them, or contrary unto any clause, article or thing in them, or any of them contained, or contrary unto any Statute, Constitution or Custome of, or in the said University of Cambridge, or of the severall and respective Colledges and Hospital aforesaid, or any of them. AND to the end that this Our Royal Licence, Dispensation and Grant may have its due effect, We do hereby

of Our further especial Grace, certain knowledge and meer motion, pardon, remit, exonerate and discharge the said Joshua Bassett ~~_____~~ and Andrew Popham, of and from all Treasons, misprisions of Treason, crimes, offences, pains, penalties, suspensions, deprivations, sentences, censures, forfeitures and disabilities by them, or any of them, incurred or to be incurred, or whereunto they or any of them now are, is, or hereafter may be liable for, or by reason of their or any of their having acted, done or committed any thing or things contrary to the said Acts or any of them, or for that they or any of them have or hath omitted, neglected or refused; or shall at any time hereafter omit, neglect or refuse to do, execute or perform any thing or things enjoined or required to be done, executed or performed in or by the said Acts of Parliament, or any of them, or in or by the Statutes, Constitutions or Customes of the University of Cambridge, or of the respective Colledges or Hospital aforesaid or any of them, hereby enjoyning and requiring all and singular Courts and Judges, as well Ecclesiastical as Civil, to supersede and forbear at all times hereafter all prosecutions and proceedings whatsoever against the said Joshua Bassett ~~_____~~ and Andrew Popham, or any of them, for or by reason of any matter or thing hereby dispensed with, licensed or remitted. AND our pleasure is, and we do hereby of Our more abundant grace, certain knowledge, and meer motion, grant and declare, that these Presents shall be in and by all things firm valid and effectual in the Law, and shall be available for the purposes aforesaid, notwithstanding the said Acts of Parliament, or any of them, or any the Statutes, Constitutions, or Customes of the said University of Cambridge, or of the Colledges or Hospital aforesaid, or any of them. AND notwithstanding the not reciting or mentioning, or not sufficiently or particularly reciting or mentioning, or misreciting the Statutes, Constitutions or Customes of the said University, Colledges or Hospital aforesaid, or any of them, or the Titles or Contents thereof. AND notwithstanding that the said Joshua Bassett ~~_____~~ and Andrew Popham, or any of them is, are or at any time hereafter shall be a convict Recusant, or convict Recusants. And notwithstanding any misnomer, misrecital, or other defect or Imperfection in these Presents; and any Act, Ordinance, Provision, Proclamation, Disability or Restriction to the contrary thereof in any wise notwithstanding.

IN WITNESS whereof we have caused these Our Letters to be made Patents. WITNESS Our Self at Westminster the Fourth day of March, in the Third Year of Our Reign.

There was a great mistake committed in these Letters Patents, and in a part that requir'd the greatest care. The Act of Parliament that should have been dispens'd with in behalf of *Popham*, was 3 *Caroli*. Whereas the Patents refer to, and dispence with one in the 3^d. or 4th. Year of King *James*. The Governours were made sensible of this, but they would not lay any stress upon a Circumstance, when the substance was faulty, and therefore took no notice of it.

This is the sum and substance of the Letters Patents, MANDATORY and DISPENSATORY. And as to the Case of *Popham*, in vertue of that clause, where the Governours of *Sutton's Hospital*, and all other persons concerned, are required to act and perform whatsoever ought to be done and performed by them respectively, for the Electing, admitting and establishing the said *Andrew Popham* in the said *Hospital*. In vertue, I say, of this clause, they demanded present admission of the Master; Admissions being made by his Order. But he told them, the business was now depending before the Governours in a Body, and therefore no single Governour could act separately in it.

My Lord of *Canterbury*, as I told you, call'd an Assembly of the Governours several times, but without success: Some coming, and some staying away, so as the number still fell short; till Midsummer day came, which being a stated Assembly, there were Nine Governours present. Then the King's Second Letter, and these Letters Patents were read and considered; And thereupon a Letter was drawn up to give reasons to his Majesty why they could not comply with his pleasure as to the Admission of *Andrew Popham* into that *Hospital*. This Letter was Signed by Eight Governours, and directed and sent to one of the Secretaries of State to represent the contents of it to the King.

The **LETTER** was as followeth,

My **LORD,**

HIS Majesty's Two Letters, the one dated the 17th of *December* last, and the other the 21th of *March* last, countersigned by your Lordship, came to our hands. Whereby His Majesty requires us, that we admit *Andrew Popham* to be a Pensioner in *Sutton's Hospital*, without tendring any Oath or Oaths unto the said *Andrew Popham*, or requiring of him any Subscription, Recognition, or other Act or Acts in Conformity to the Doctrine and Discipline of the Church of *England*, as the same is now Established; And notwithstanding any Statute, Order, or Constitution, of or in the said Hospital, with all which His Majesty was pleased to Dispense. Which Letters were received with the respect that is due to whatsoever cometh from His Majesty. And it hath not been any fault of ours, that an Answer hath not been sooner returned. Several Assemblies having been appointed in order to it, but there were not, at those times, so many Governours in or about the Town, in a condition to attend, as would make up the number directed by the Constitutions. We could not till now acquaint your Lordship, that upon debate of the aforesaid Letters, it is agreed to represent, in the most humble manner, to His Majesty by
your

your Lordship's means, and through your hands; That we apprehend our selves to be tyed up, and to lye under such strict obligations, that we are not at liberty to comply with what is required from us, for these Reasons.

For that the said Hospital is of a private Foundation: and the Governours obliged to act according to the Constitutions of the same.

That by an Act of Parliament, made in the Third Year of the Reign of King *Charles* the First, of blessed memory, It is Enacted, That every poor man to be elected and admitted into the said Hospital, shall, before he receive benefit of any such place, take the Oaths of Supremacy and Allegiance.

Therefore We pray your Lordship to represent to His Majesty that we conceive, We cannot with a Faithful discharge of our Trust, admit the said *Andrew Popham*. This, We pray your Lordship to represent to His Majesty in the most humble manner; Whereby you will extremely oblige

W. CANT.

ORMOND.

HALIFAX.

CRAVEN.

DANBY.

NOTTINGHAM.

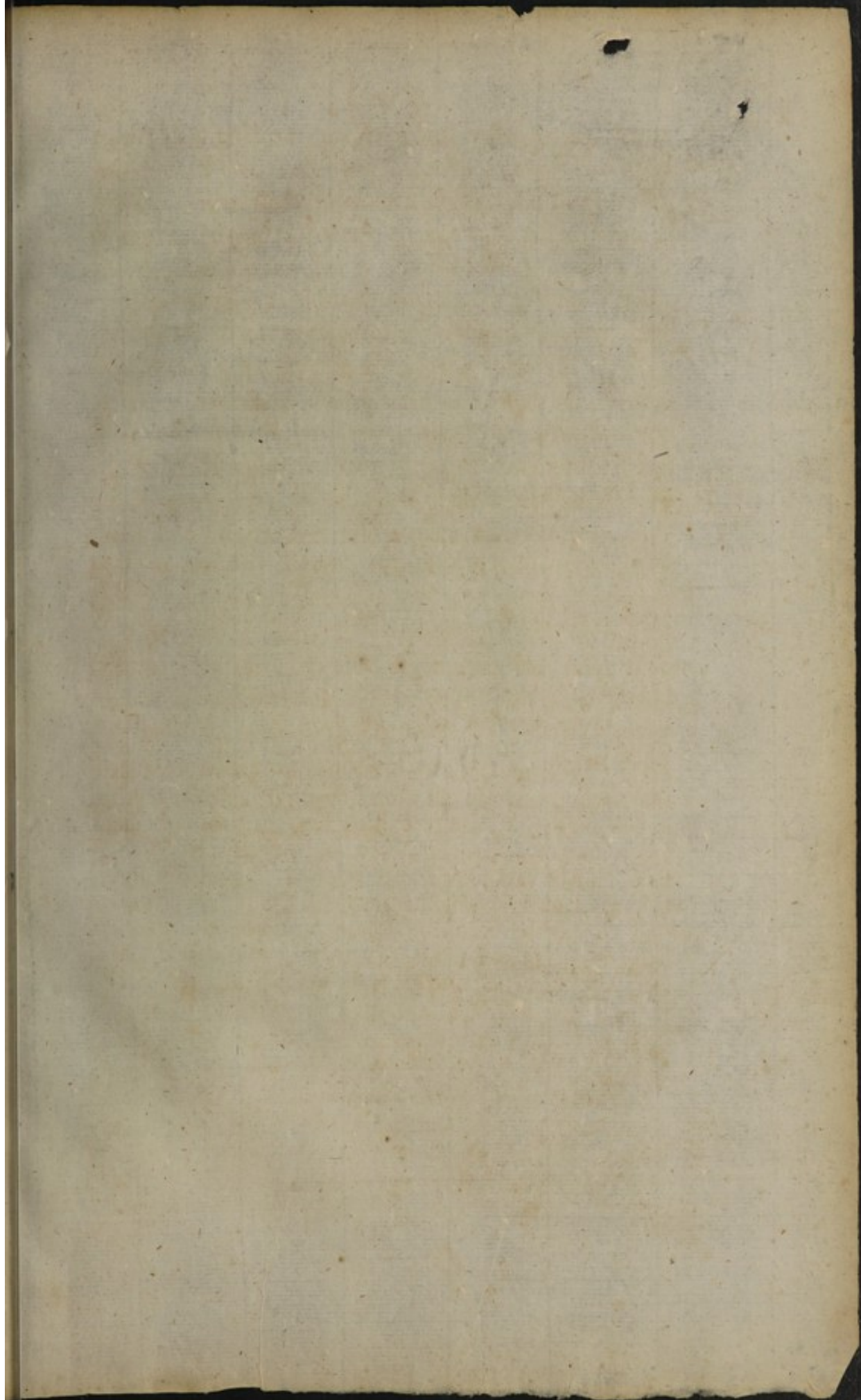
H. LONDON.

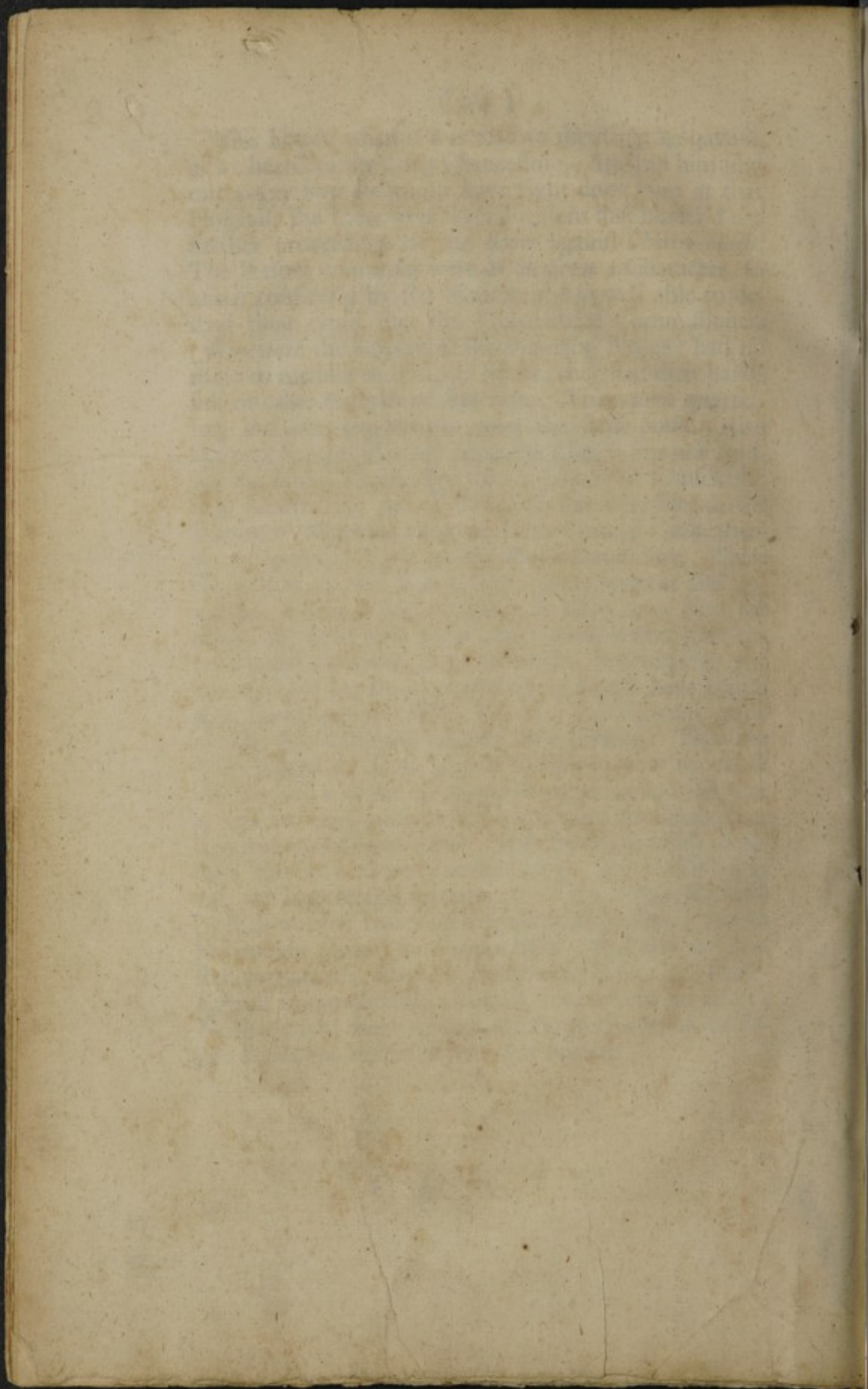
T. BURNET.

E

This

This Letter, when it was read to the King, he gave it, as we heard, to the Lord Chancellor: And bid him find out a way how he might have right done Him at that Hospital. But there were several reasons that hinder'd the further proceedings of the *Court* against *Charter-House*. The Persons concern'd were of so great a Character, so much consider'd by the Nation, and so well able to defend their cause, that the Ecclesiastical Commissioners (who were the support of the *Dispensing Power*) had no mind to meddle with them. Besides, they had their hands full of other business at that time. They were quarrelling the two Universities upon the same point. And the next Spring, they fell upon the Clergy, for not reading the King's Declaration about Liberty of Conscience. The Archbishop, and six Bishops more were sent to the Tower, by Warrant from the Privy-Council: and afterwards formally Try'd at the *King's-Bench* Barr. These things had put the Nation into a great ferment and uneasiness, so that it was necessary to allow some time for things to settle and grow calm again, before they enter'd upon any more angry business. But towards the latter end of the Summer, when they should have begun their Prosecutions a fresh, They see the Heavens grow cloudy, and a storm a coming from abroad. Then the *Court* began to think of new measures, how to please the Nation, and put all things to rights again. So that it was no more time to call to account the disobedient Governors of *Charter-House*; who, by the necessity of affairs, had been conniv'd at thus long. But in this interval, we had several threatnings, That a *Quo Warranto* (which was the battering Engine of those days) should be brought against the Corporation. And that the Master, particularly, should be Summon'd before the Ecclesiastical Commissioners. But all this came to no effect; Neither could they ever get any *Popish* Governor, or *Popish* Pensioner, admitted into that Society.





Anno Regni
G E O R G I I I I.
 R E G I S

Magnæ Britanniae, Franciæ, & Hiberniæ,
 DECIMO SEXTO.

At the Parliament begun and holden at *Westminster*,
 the First Day of *December*, Anno Dom. 1741, in
 the Fifteenth Year of the Reign of our Sovereign
 Lord *GEORGE* the Second, by the Grace of
 God, of *Great Britain, France, and Ireland*
 King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Sixteenth
 Day of *November*, 1742, being the Second Session of this present
 Parliament.



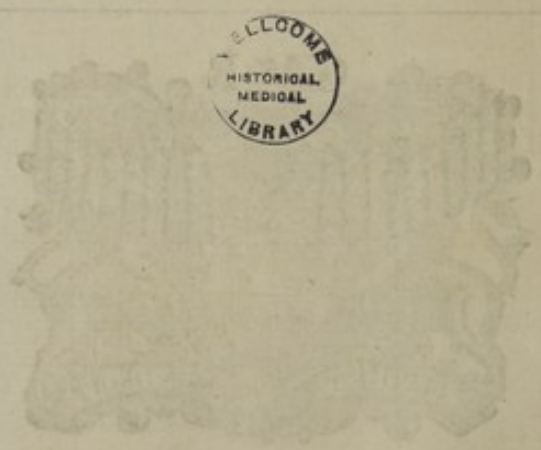
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Anno Regni
GEORGI II
REGIS
Magne Britannie, Francie, & Hibernie,
DECIMO SEXTO.

At the Parliament begun and holden at Westminster,
the first Day of December, Anno Domini 1727, in
the fifth Year of the said King's Majesty, by the Grace of
God, of Great Britain, France, and Ireland,
King, Defender of the Faith, &c.

And for those causes by which the said King's Majesty
is bound, that the said Act should be made, he doth hereby
enact, that the said Act should be made.



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Printers to the King's most Excellent Majesty.

Anno decimo sexto

Georgii II. Regis.

An Act to enable the present and future Proprietors and Inhabitants of the Houses in *Charterhouse Square*, in the County of *Middlesex*, to make a Rate for raising Money effectually to inclose, pave, watch, clean, and improve the said Square, and to continue the same in Repair.



Whereas great Part of the Area ^{Preamble.} of the Square called Charterhouse Square, in the Parishes of Saint Sepulchre, and Saint Botolph Aldersgate, in the County of Middlesex, was in or about the Year One thousand seven hundred and seventeen, inclosed with Pales or a Palisade of Wood, in order to preserve the same in a decent Manner : And whereas such Palisade, although supported at a very great Expence by the Inhabitants, is now decayed ; and if such Palisade should be permitted to be destroyed, the Square will become a Receptacle for Rubbish, Dirt, and Dunghills, and will be liable to be frequented by common Beggars, Vagabonds, and other disorderly Persons, for the Exercise of their idle Diversions, and other unwarrantable Purposes, so as to be unfit for the Habitation of Persons of Character and Condition : And whereas the cleaning, watching, and paving the said Square, and the Courts thereto adjoining, has been greatly neglected, to the Annoyance and

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Anno Regni decimo sexto Georgii II. Regis.

Danger of the Inhabitants; to prevent all which Mischiefs, and to the end the said Square, and the Courts thereto adjoining may be kept clean, decent, and in good Order, the Owners, Proprietors, and Inhabitants of the Houses and Buildings in, fronting, or making Part of the said Square, and the two Courts thereunto adjoining, one within the Precincts of and adjoining to the Charterhouse, in the Possession of John Clarke, Esquire, and others, and the other called Rutland Court, are desirous that the Area of the said Square, or some Part thereof, may be inclosed in a more lasting and effectual Manner, or otherwise made commodious; and that the said Square, and the Courts thereunto adjoining may be paved, cleaned, watched and improved, and kept in good Repair for the future, and are willing that an adequate Contribution may for that Purpose be raised by and amongst themselves: Wherefore the said Proprietors and Inhabitants most humbly beseech Your most Excellent Majesty that it may be enacted; and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Proprietors and Inhabitants of the several Houses within, fronting, or making Part of the said Square, and of the said Courts, to meet together upon the twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, at the Charterhouse, in a Room commonly called Brook-hall, between the Hours of nine and ten in the Forenoon of the same Day, and then and there, by the Majority of the said Proprietors and Inhabitants present, to elect and choose Ten of the said Proprietors and Inhabitants, who, with the then Master, Register, and Receiver of the Charterhouse, making together thirteen Persons, are hereby declared to be Trustees for putting this Act, and the several Powers and Authorities hereby given, in Execution; which said Trustees, or any Seven or more of them, shall have by virtue of this Act, sufficient Power and Authority from time to time, in Writing under their Hands, to direct how and in what Manner the said Square and Courts shall be inclosed, or otherwise made commodious, paved, watched, cleaned, and improved, and from time to time kept in Repair, and preserved from Annoyances, and to make Provision for the carrying away the Dirt from the respective Houses in, fronting, or making Part of the said Square, and in the said Courts, and to do all other lawful Acts and Things for the Purposes aforesaid,

The Inhabitants and Landlords to meet and choose ten Trustees.

Master, Register and Receiver of the Charterhouse to be three more.

said, so as the doing and finishing thereof, and the continuing the same in Repair when finished, do not exceed such Rate or Rates as are for that Purpose herein after limited or appointed.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to dig, cart, or carry away, or cause to be dug, carted, or carried away, such Soil or Earth, Rails or Fences, in the Area of the said Square, and to dispose of the same by Sale or otherwise, (the Materials of such Fences, or the Produce of the same, and every Part thereof, being employed for the Purposes in this Act mentioned) and to bring in such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, and Carters, and such Collectors, Supervisors, Receivers and others, and to receive and issue such Money on those Accounts as the said Trustees, or any Seven or more of them, shall judge necessary or conducive to the accomplishing the End and Design aforesaid; and that it shall and may be lawful to and for the said Trustees, or any Seven or more of them, not only to remove, but also to prevent, all and all Manner of Annoyances by Filth, Dung, Ashes, Rubbish, or otherwise, laid or cast, or to be laid or cast, in or upon the said Square, or at or over-against the Houses or Buildings in or making Part of the said Square, or in the said Courts, or on any other Ground, or Soil which the Owners or Inhabitants of the said Square, or the said Houses therein, or making Part thereof, or in the said Courts, are obliged or ought to pave, cleanse, or repair; and also to pull down, remove and abate all and every the Encroachment and Encroachments that now are, or hereafter shall be made on the same; and for that Purpose, to issue one or more Precept or Precepts to the Sheriffs of the said County of Middlesex for that Purpose, who are hereby required and impowered to execute the same; and if any Person or Persons shall from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, in any wise annoy the said Square or Courts, Houses, Buildings, Ground or Soil, or any Part thereof, by Filth, Dung, Ashes or Rubbish; then, and in every such Case, it shall and may be lawful to and for the said Trustees, their Servants or Agents, and every of them, and also to and for the said Proprietors, Owners, and Inhabitants of the said Houses, Buildings, Ground, and Soil, or of any Part thereof, their Servants or Agents, and every of them, to take

Penalty on
Persons laying
Dirt or Rub-
bish.

How to levy
the same.

Offender hav-
ing no Goods,
to be sent to
the House of
Correction.

Penalty or Pu-
nishment of
disorderly Per-
sons, &c.

and carry, or cause to be taken and carried, every such Offender before one or more Justice or Justices of the Peace for the said County of Middlesex; and every such Offender, being convicted of any such Offence, upon Oath before such Justice or Justices of the Peace, (who is and are hereby impowered and required to administer such Oath) shall for every such Offence forfeit and pay to the said Trustees, any Sum not exceeding Twenty Shillings, over and above all Costs, Charges, Damages and Expences in the Prosecution of such Offender, to be ascertained by such Justice or Justices before whom such Offender shall be convicted; the same to be levied by Distress and Sale of the said Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals of the said Justice or Justices, the Overplus (if any) to be rendered to the Owner upon Demand; and in Default of Payment, or if no sufficient Distress can be found, shall be sent to the House of Correction, by Warrant or Warrants of such Justice or Justices, there to be kept to hard Labour, for any time, not exceeding the Space of One Month; and moreover it shall and may be lawful to and for such Justice or Justices, and he or they are hereby required to commit, and send away, all and every such Offender or Offenders to any House of Correction, or other Gaol or Place of Confinement within the said County, there to remain until he, she or they, shall cause or procure to be taken away such Filth, Dung, Ashes or Rubbish so put, laid or placed contrary to the Meaning hereof: And if any loose, idle or disorderly Person or Persons shall, from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, use or exercise any Sport, Game or Diversion within the said Square, or the said Courts, to the Annoyance or Disturbance of the Inhabitants thereof; or if any Person or Persons, not being an Inhabitant of the said Square or Courts, or their Servants or Agents, shall ride or air any Horse or Horses in the said Square, or shall drive any great Cattle, Sheep, or Pigs, into or through the said Square, or shall remove, or cause to be removed, break through, or get over, all or any Part of any Fence or Inclosure, whereby the said Square, or any Part thereof, shall be inclosed by virtue of this Act, or shall make use of any Key, or other Instrument, to get into the said Inclosure, (such Key not belonging to a Proprietor or Inhabitant of the said Square or Courts) every such Offender or Offenders, being thereof convicted in Manner aforesaid, shall forfeit and pay to the said Trustees any Sum of Money not exceeding Forty Shillings,

Shillings, to be ascertained and ordered by the Justice or Justices before whom he, she, or they, shall be convicted; and in Default of such Payment, shall be sent to the House of Correction, by Warrant or Warrants of such Justice or Justices, there to be kept to hard Labour, for any time not exceeding the Space of one Month.

And that the said Trustees may be enabled to inclose, or otherwise make commodious, pave, watch, clean, repair and improve the said Square, or any Part thereof, and the said Courts adjoining, and to continue the same in Repair, and to defray the necessary Charges thereof, and of them the said Trustees, in the Execution of the Powers and Trusts hereby in them reposed, and also the Expences of passing this Act, it is further enacted by the Authority aforesaid, That from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, there shall at all times hereafter be raised, levied, collected, and paid to the said Trustees, and the Survivors of them, and to such other Trustees as shall or may be elected or chosen in any or either of their Stead by virtue of the Authority hereby given for that Purpose, or by or to such Person or Persons as shall be by them the said Trustees, or any Seven of them, thereunto appointed, proportionable yearly Rates and Duties to be assessed on the said Proprietors and Inhabitants of the said Houses or Buildings, in fronting, or making Part of the said Square, and the said Courts adjoining, according to their respective Estates and Interests therein, at the Discretion of the said Trustees, or any Seven or more of them, provided the Number of Trustees present at the making such Rates or Assessments be Nine at the least, and so as the whole Rate or Assessment does not in any one Year exceed One Shilling and Eight Pence in the Pound, according to the Amount of the Assessment for the Land-tax for the Year One thousand seven hundred and forty two, and so as the Governours of the Charterhouse, in respect of the Mansion-house, commonly called the Charterhouse, exclusive of their Property in the several Houses in the Square, be not assessed or rated more than One seventh Part of the whole Sum to be raised as aforesaid; which Rates or Assessments the said Trustees may make yearly, if they think proper, and which said Rates or Assessments for the Purposes in this Act specified are to be subject and chargeable with such Sum or Sums of Money as shall be advanced, borrowed, raised, or received, as herein after mentioned or appointed; which Rates or Assessments shall be paid by the respective Proprietors

Trustees to
make Assess-
ments.

Manner of
assessing.

Assessments
how to be
applied.

Landlords to
pay for empty
Houses.

Tenant to
pay the Rates,
and deduct the
Landlords
Parts out of
their Rent.

rietors and Inhabitants of the said Houses or Buildings for the time being, to the said Trustees, or any Seven or more of them, or to such Person or Persons as shall be by them thereunto appointed, in the following Manner and Proportions; that is to say, the Tenants or Occupiers of such Houses shall bear and pay Seven Tenth Parts thereof, and the Landlords or Owners of such Houses for the time being, Three Tenth Parts thereof, which said Payments shall be made by even and equal Quarterly Payments, the first Payment thereof to be made on the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and forty three; which Payments or Sums of Money, when collected and received, shall be applied and applicable to the inclosing, or otherwise making commodious, paving, watching, cleaning, repairing, and improving the said Square, and the said Courts thereto belonging, and other Places within the separate Ward herein after described and set out, and continuing the same in good Repair, and to the other several Uses and Purposes herein mentioned, as well as to the defraying the necessary Charges and Expences of passing this Act, and of the said Trustees in the Execution of it, according to the true Intent and Meaning thereof.

And it is hereby enacted, That in case it shall so happen, that the said Houses, or any of them, at any Time from and after the said twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, shall stand and be empty, untenanted or unoccupied, or shall be occupied by any Person or Persons not liable to pay the Rates or Assessments hereby authorized to be made, or any Part of them, then and in such Case, the Rates and Assessments made upon such Houses respectively shall be paid by the respective Landlords or Owners thereof; and in case of Nonpayment, such Houses, and the Ground whereon they stand, shall be, and the same are hereby made a Security for, and chargeable with, the Payment of such Rates, and the Arrears thereof respectively.

And to the end the said Rates may be more effectually collected and received, it is hereby further enacted, That all and every the Tenants and Occupiers of the said Houses be, and shall be liable to pay the whole Rate charged upon their Houses respectively; and also all Arrears that shall be due during the Time that the House or Houses which they shall respectively inhabit was or were empty, if any shall be, such Arrears to be paid as their respective Rents shall become due; and in case of such Payment, such Tenant or Tenants shall be at Liberty to deduct and

retain

Coll. docto-
ter his Receiv-
ings in a Book;

and account
upon Oath, if
required.

The Oath to
be given with-
out Fee or
Stamp.

Collector re-
fusing to Ac-
count, it shall
be determined
by 2 Justices;

and on conti-
nuing his Re-
fusal, shall be
committed to
Prison without
Bail.

Tenants rel-
fusing to pay the
Aftements, to
ruifer Distrefs,
and Sale after
Five Days.

enter into one or more Book or Books to be kept for that Purpose, all and every Sum and Sums of Money which he shall collect, receive, or pay by virtue of this Act, with the respective Times of his receiving and paying the same; and shall upon Oath, if thereunto required by the said Trustees, or any Three or more of them, before one or more Justice or Justices of the Peace for the said County of Middlesex (which Oath he or they is and are hereby impowered to administer) give a true, exact, and perfect Account in Writing, under his Hand, of all Sums of Money which he shall have received, paid, or disbursed by reason of his said Office, which Oath shall be taken without any Fee or Reward, and without any Stamp thereon; and if such Collector or Receiver shall neglect or refuse to account for any Sum or Sums of Money by him collected or received, or to pay the same, as the said Trustees, or any Seven or more of them, shall under their Hands order and appoint, it shall and may be lawful to and for any Two or more Justices of the Peace, of and for the said County of Middlesex, upon Complaint thereof to them made by the said Trustees, or any Three or more of them, to hear and finally determine the Matter of the said Complaint; and if such Collector or Receiver shall continue to refuse or neglect to account or pay as aforesaid, the said Justices shall commit him to the common Gaol of the said County, there to remain without Bail or Mainprize, until he shall have made a true and perfect Account and Payment as aforesaid, or shall make such Composition and Payment as the said Trustees, or any Seven or more of them, shall think fit.

And be it further enacted, That if any Person or Persons shall neglect or refuse to pay the respective Sum or Sums of Money, upon him, her, or them rated or assessed by virtue of this Act, within Ten Days after Demand thereof, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, under their Hands, to direct and appoint such Collector or Receiver, with the Assistance of a Constable or Headborough, who is hereby required to be aiding and assisting, to enter into the Dwelling-house of such Person so rated, and making Default in Payment as aforesaid, at any Time in the Day, and there to seize and distrain any Part of the Goods and Chattels in such House, and to take and carry away the same, leaving Notice in Writing at such Dwelling-house of the Cause of such Distress; and if the Owner of such Goods and Chattels so distrained, shall not within five Days next after such Distress made, and Notice thereof as aforesaid, replevy the same, according

to the Laws in being for Distresses in Cases of Non-payment of Rent, then, after the Expiration of the said Five Days, such Collector or Receiver shall and may, with the Sheriff or Under-Sheriff of the said County of Middlesex, or any Constable or Headborough of the Parish wherein the same shall happen, cause the Goods and Chattels so distrained to be appraised by Two sworn Appraisers, according to the best of their Understanding (which Appraisers such Sheriff or Under-Sheriff, Constable or Headborough, are hereby impowered to swear) and, after such Appraisement, it shall and may be lawful to and for such Collector and Receiver, to sell the Goods and Chattels so distrained for the best Price that can be got for the same, and out of the Monies arising from such Sale, to keep and retain so much as will satisfy the Money payable according to such Rate or Assessment, and the Charges of such Distress, Appraisement, and Sale, leaving the Overplus (if any shall be) in the Hands of the Sheriff, Under-Sheriff, Constable, or Headborough, for the Owner's Use; and if there shall be Rescue made, or tortious Taking, or forcible Detention of the Goods and Chattels so distrained as aforesaid, the said Trustees, or any Seven or more of them, or the said Collector, shall and may, in a special Action on the Case, recover treble Damages, and Costs of Suit, against the Offender or Offenders in any such Rescue, or tortious Taking away, or forcible Detainer.

Treble Damages for resisting the Officers.

And for want of sufficient Distress, and in case no such Distress shall be thought proper to be made, then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, in their own Names, or (if such Trustees, or any Seven or more of them shall think fit) in the Name of the Collector appointed as aforesaid, but for the Use or Uses appointed in this Act, to commence One or more Action or Actions at Law, upon the Case, or in Debt, against any Person or Persons so refusing or neglecting to pay the Money payable by virtue of this Act, and shall and may upon such Action or Actions recover the Money so due and payable: And moreover, if a Verdict or Judgement passes for the Plaintiff, or in case a Replevin be brought upon any such Distress as aforesaid, and a Verdict or Judgement passes, or is rendered against the Person or Persons suing forth or taking out such Replevin, that then, and in each of the Cases aforesaid, the Person or Persons, against whom such Verdict or Judgement shall pass, shall pay full Costs of Suit to the said Trustees, or their Collector, for their Use; and in case any such Action shall be brought in the Name of the Collector, the same shall

Trustees may bring Actions in their own Names, or their Collector's,

and recover, with full Costs.

shall be proceeded upon, and not discontinued, vacated, or discharged, but by and with the Consent of the said Trustees, or the major Part of them.

On wrongful Seizures, or Actions, the injured Party to have his full Costs.

Provided always, and it is hereby enacted, That if any Distress shall be made where no Money shall appear to be due, or if any Action shall be brought against any Proprietor or Inhabitant of any of the said Houses, and the Plaintiff or Plaintiffs therein named shall be nonsuited, or discontinue his or their Action, or a Verdict or Judgement shall pass against him or them, that then, and in every such Case, the Party injured by such Distress or Action shall have and receive his or their full Costs of Suit.

The Square and Courts to be deemed a separate Ward, in relation to paving, watching, and cleaning.

And it is further enacted by the Authority aforesaid, That from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, the said Square, or the Houses in, fronting, or making Part thereof, and in the said Courts, with their Out-houses, Ground, and Appurtenances, shall be, and be deemed to be, a distinct and separate Ward, as to any Rates to be made for the paving, watching, or cleaning thereof; and that the paving, watching, and cleaning thereof shall be only under the Direction of the said Trustees; and that the said Square, Courts, Houses, and Appurtenances, and the Inhabitants thereof, shall be exempted and discharged from paying towards any other Rates or Assessments, for or in respect of such Houses and Premises, to or for the Scavenger or Watch, or paving the Streets of any other Ward, District, or Place whatsoever.

Provido.

Provided always, That the said Parishes of Saint Sepulchre and Saint Botolph Aldersgate shall, from and after the said Twelfth Day of May, in the Year of our Lord One thousand seven hundred and forty three, be discharged and exonerated from watching, cleaning, or paving the said Square, Courts, and Premises, or any Part thereof.

Trustees may borrow Money on Annuities.

And forasmuch as the Monies to be collected yearly by virtue of this Act will not raise such a Stock or Sum of Money as will be sufficient for the speedy carrying on and accomplishing the Purposes aforesaid; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Proprietors and Inhabitants, or any of them, or any other Person or Persons, to advance and pay to the said Trustees any Sum or Sums of Money, not exceeding in the whole the Sum of Eleven hundred Pounds, for the absolute Purchase of any certain Annuity or Annuities, to be paid

paid and payable during the full Term of Thirty two Years, or for the single Life or Lives of such Person or Persons as the said Trustees, or any Seven or more of them shall think fit, provided each Annuity be for the Life of One Person only, to commence respectively from the respective Times such Money shall be advanced and paid, so as the Rate or Rates to be agreed on for such Annuity or Annuities for Thirty two Years do not exceed Six Pounds per Cent. per Ann. and for the Life of any One Person do not exceed Eight Pounds per Cent. per Ann. and the Purchase-money for every such Annuity is hereby appointed to be paid to the said Trustees, at such Times as shall be for that Purpose agreed upon between the Parties; all which Annuities shall be paid and payable to the Purchasers of the same, their Executors, Administrators, and Assigns, by even and equal half-yearly Portions, the first Payment thereof to be due at the End of Six Months, from the Time of the paying such Purchase-money for the same; and the said Sums received for such Annuities as aforesaid shall be applied and disposed of as the Monies to be collected and received from the Proprietors and Inhabitants of the said Houses are directed to be applied and disposed of by virtue of this Act.

Annuities to be paid half yearly.

And to the Intent that the said Annuities may be effectually secured, and duly and regularly paid; be it further enacted, That the said Trustees shall cause proper Books to be kept for registering the Sums of Money which shall be advanced and paid for purchasing of the said Annuities, and shall from time to time cause to be made therein due and regular Entries of the Sums paid, the Time when paid, and the Names of the Persons paying the same; and the said Trustees, or any Seven or more of them, shall by proper Instruments or Deeds, under their Hands and Seals, grant such Annuities issuing out of such yearly Rates for such principal Sums as aforesaid; and the said respective yearly Rates, Sum and Sums of Money hereby enacted to be paid by the Proprietors and Inhabitants of the Houses aforesaid, shall be charged and chargeable in the first Place with and for the Payment of such Annuities, and all Arrears thereof from time to time; and upon Default of Payment of such Annuities to any or either of the said Annuitants, shall be vested in such Annuitants, until the same shall be fully paid and satisfied, together with Interest, and the Costs and Charges occasioned by the Non-payment of the same; and the said Annuitants, in case there shall be any Arrear of the said Annuities, and un-

Books of Register to be kept.

On Default of paying the Annuities, the Rates to be vested in the Annuitants.

Annuities
transferable.

Annuities free
from Taxes.

Trustees may
borrow Money
at Interest, if
they think fit,

at Four per
Cent.

til Payment thereof, together with Interest and Charges as aforesaid, shall have the same Power, Rights, and Privileges of raising, levying, and distraining, for the Sums of Money payable by the said Proprietors and Inhabitants in respect of the said Annuities, as the said Trustees, or their Collector or Receiver, could have had, in case the said Annuities had been regularly and fully paid and satisfied; and the said Annuities shall be deemed Personal Estates, and shall and may be assignable and transferrable, by Indorsement or otherwise, to any Person or Persons, and may be so assigned, transferred, and set over from time to time, as often as Occasion shall require; and the Person or Persons to whom any such Transfer or Assignment is made, from and after the Time that the same is entered in a Book to be kept for that Purpose by the said Trustees (which they are required to enter within Seven Days after Notice of such Transfer) shall be well and sufficiently intitled to such Annuity or Annuities, and to all Money due or to grow due thereon; and all such Annuities shall be free and exempt from all Parliamentary or other Taxes, Rates, and Assessments whatsoever.

Provided nevertheless, and it is hereby further enacted, That if the said Trustees, or the major Part of them, instead of granting such Annuities, as aforesaid, shall judge it more reasonable to borrow Money for the Purposes aforesaid, repayable with Interest at Times to be agreed on, or shall think it proper to grant Annuities in Part, and borrow Money in other Part, for the Purposes aforesaid, then it shall and may be lawful to and for the said Trustees, or the major Part of them, to borrow, take up, and receive any Sum or Sums of Money, as they shall think proper, and to mortgage, charge, convey, or incumber the said Rate or Rates, payable by the said Proprietors and Inhabitants, with and for the Repayment of the Sum or Sums so borrowed, with such Interest, and at such Times, and with such Provisions and Conditions of Redemption, as shall be agreed on, so that the principal Money to be borrowed do not, together with the Money received for the Purchase of any Annuities, exceed in the whole the principal Sum of Eleven hundred Pounds, and so as the Interest for the Monies so borrowed doth not exceed the Rate of Four Pounds per Centum per Annum.

And it is further enacted, That if any Trustee who shall be chosen pursuant to this Act, being a Proprietor of any House or Houses, in, fronting, or making Part of the said Square, or in the said Courts, shall aliene,

convey away, or assign his Property, Right Title, and Interest in and to all and every such his House and Houses, or being an Inhabitant, shall quit his House, and remove out of the said Square and Courts to some other Habitation, then every such Person shall, from and after the Time of such his Alienation, Conveyance, Assignment, or Removal, cease to be a Trustee for putting this Act in Execution, to all Intents and Purposes; and it shall be lawful to and for the said other or remaining Trustees, or the major Part of them, to elect another Trustee in his Room, in such Manner as herein after directed, who, when elected, shall have, use, and exercise the same Trusts, Powers, Authorities and Privileges, as any other Trustee hath or can use or exercise by virtue of this Act.

None to be Trustees longer than they are Proprietors or Inhabitants.

And it is further enacted, That for the continuing a Number of fit and able Persons to be Trustees for putting this Act in Execution, in case any of them shall die or refuse to act, or shall aliene, assign, or remove, as aforesaid, it shall and may be lawful to and for the said remaining Trustees, together with the Proprietors and Inhabitants of the Houses, in, fronting, or making Part of the said Square, and in the said Courts, to meet together on the first Tuesday in the Month of March in every Year, at Brook-hall in the Charterhouse, or at such other proper Place as the Trustees, or the major Part of them shall appoint, between the Hours of Nine and Ten of the Clock in the Forenoon, for electing a new Trustee or Trustees, at which Time and Place it shall and may be lawful to and for the major Part of the Trustees, Proprietors, and Inhabitants then present, to elect, nominate, and appoint in the Room of such Trustee or Trustees so dying, or refusing to act, aliening, assigning, or removing, as aforesaid, so many more Proprietors or Inhabitants of any of the Houses in, fronting, or making Part of the said Square, or in the said Courts, to make up the Number of Thirteen Trustees, to be joined with the surviving or remaining Trustees, in the Execution of all the Powers and Trusts in them reposed by virtue and in pursuance of this Act; which Trustee and Trustees so elected or appointed is and are hereby impowered and authorized to act accordingly.

Trustees disqualify'd, others to be chosen.

Provided always, and it is hereby declared, That the Master, Register, and Receiver of the Charterhouse for the time being, by Virtue of and during their Continuance in their respective Offices of Master, Register, and Receiver of the Charterhouse, shall always be and continue to be Three of the said Thirteen Trustees, without

The Master, Register, and Receiver of the Charterhouse, always to be three of the thirteen Trustees.

without any Election or Choice whatsoever; and that the aforesaid Clause relating to the Election of new Trustees, shall only extend, and be construed to extend, to the Elections of the remaining Ten Trustees.

Application of
the Penalties.

And it is further enacted, That all Penalties and Sums of Money made payable by this Act shall be paid to the said Trustees, or to such Person or Persons as they, or any Seven or more of them shall appoint, and shall be applied to and for the several Uses and Purposes in this Act mentioned.

Limitation of
Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing that shall be done in pursuance of this Act, or in relation to the Premises, then and in such Case the Action or Suit shall be brought or commenced within Three Calendar Months after the Fact committed, and not afterwards; and shall be brought or laid in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Suit

General Issue.

shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Actions, Suit or Suits, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full Costs, and have the like Remedy for Recovery thereof, as any other Defendant or Defendants hath or have in any other Case by Law.

Full Costs.

This Act not
to affect the
Governors of
the Charter-
house.

Provided always nevertheless, That nothing herein contained shall extend, or be construed to extend to affect or prejudice the Right, Property, and Interest of the Governours of the Charterhouse, of, in, and to the Ground or Soil of all the said Square, or the Trees therein; but that such Right, Property, and Interest shall continue and be, to all Intents and Purposes, as before the making of this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Publick Act.

And it is hereby enacted and declared, That this Act shall be deemed and taken to be a publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

F I N I S.

