

Anno XII Caroli II Regis : An Act for confirmation of leases and grants from colleges and hospitals.

Contributors

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GREAT BRITAIN Statute (95)

Anno XII.

CAROLI II. Regis.

An Act for Confirmation of Leases and Grants from Col- ledges and Hospitals.



Whereas since the be-
ginning of the late
Troubles, divers
Masters, Probofts,
Presidents, War-
dens, Governours,
Rectors, Princi-
pals, and other
heads, Fellows,
and Scholars of
Colledges, Halls, or Houses of Learning,
in either of the Universties of Oxford and
Cambridge, and the Dean, Canons and Pre-
bends of the Cathedral or Collegiat Church or
Colledge of Christ-Church in the Universtie
of Oxford, and Proboft, Warden, or other
heads

Printed 1660

Head-Officer, and Fellows or Scholars of the Colledges of Eaton and Winchester, and Masters and Governours, Brethren, Brothers and Sisters of divers Hospitals have been amoved ejected or sequestred by the Lords and Commons assembled in Parliament, or by certain Visitors by them appointed, or by some Conventions sitting at Westminster under the name or stile of a Parliament, or by some Authority or pretence of Authority derived from them or the late pretended and usurped powers, stiled Keepers of the Liberty of England by Authority of Parliament, or Protectours of the Common-wealth of England Scotland, and Ireland, and the Dominion or Dominions and Territories thereunto belonging. And whereas also after these Amovitions, Ejections or Sequestrations, several other persons have been either by election of the said Colledges, Halls, Houses of Learning, Church or Hospitals, or by some of the powers or pretended powers abode mentioned placed and substituted in these Masterships, Headships, Fellowships Deanary, Canories, Prebendaries, Governourships and other places aforesaid, who have actually exercised the same places and been de facto Masters, Provoests, Presidents, Wardens, Governours, Rectors, Principals and other heads, Fellows, Scholars, Brethren, Brothers and Sisters, Dean Canons or Prebends of such respective Colledges, Halls, Houses of Learning, Hospitals, Cathedrall Church or places, and have made divers Grants by Coppy of Court Roll and Leases and Licences to let or assign Grants and Presentations to, and Elections of divers persons

persons, Re-entries for non-payment of Rent or breach of Conditions, whereupon divers Questions may in time to come arise. For prevention whereof, It is Enacted by the Kings most Excellent Majesty, with the Advice and assent of the Lords and Commons in Parliament assembled, and by Authority of the same, That all Grants by Copy of Court-Roll, and Leases and Licences of setting and Assigning Grants and Presentations; And all Elections of Heads, Masters, Fellows, Scholars, Students and Officers of the said Colledges, Halls, Church, & Houses of Learning and Hospitals aforesaid, into dead or other places then or since Vacant, Receipts and Acquittances of Rents incurred, Entries for forfeitures or Conditions broken, had made or given since the five and Twentieth day of March in the year of our Lord One Thousand six hundred forty two, and before the five and Twentieth day of July in the year of our Lord One Thousand six hundred and Sixty, by any such Masters, Probsts, Presidents, Wardens, Governours, Rectors, Principalls and other Heads de facto of the said Colledges, Halls and Houses of Learning, and Fellows, and Scholars de facto of the same respectibely in either of the said Universties, or Dean and Canons or Prebends de facto of Christ Church aforesaid, or Master, Probst or Warden and Fellows de facto of the Colledges of Eaton or Winchester, or by such Master, Warden or Governours de facto, or Master, Warden or Governours, Brethren Brothers or Sisters de facto of any Hospital, by whatsoever particular name or stile of Foundation the said Colledges,

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Church,

Church, Hospitals, Masters, Governours, Fellowes, Deans and Canons, or Prebends are stiled, founded, known or incorporated, and all Leases granted by the Master, Warden, Brethren, Brothers or Sisters of any Hospitals of the Patronage of any Bishop, Dean, or Dean and Chapter, and all surrenders to them made to inable such Leases, Grants and presentations, shall stand and be of the same and no other force and effect, as if the said Masters, Probosts, Presidents, Wardens, Governours, Rectors, Principals, Heads, Fellowes, Scholars, Dean, Canons, Prebends, Brethren, Brothers or Sisters had been such de jure, and duly and de jure Intituled in and to the said Colledges, Halls, Houses of Learning, Church, Hospitals, Offices or places respectively, And as if such Leases granted by the Master & Brethren of any Hospital of the patronage of any Bishop, Dean or Chapter had been confirmed by the said Bishop, Dean or Chapter, And that notwithstanding such defect in the said Lessors or Grantors, & notwithstanding the restitution of any of the persons so ejected, the Rents, Covenants and Conditions contained in such Leases and Grants shall go in succession, as if such Lessors or Grantors had been de jure Masters, Probosts, Presidents, Wardens, Governours, Rectors, Principals, Heads, Fellowes, Scholars, Dean, Canons, Prebends, Brethren, Brothers and Sisters of such Colledges, Halls, Houses of Learning, Church, Hospitals and places respectively; Any former Law, Custome or Statute to the contrary notwithstanding.

Provided alwayes and be it Enacted, That

nothing in this Act contained do or shall extend to the confirming or making good of any Lease or Leases of any parcel or parcels of Lands, Tenements, Pastures, Houses, Orchards, Gardens or Barns, or any of the possessions of or belonging to the Hospitall of Saint John Baptist and the Evangelist in the Town of Northampton, made between the first day of September in the Year of our Lord One Thousand six hundred fifty & five, and the five and Twentieth day of July in the year of our Lord One Thousand six hundred fifty and eight, by the pretended Master George Goodman and his Co-brethren of the aforesaid Hospital, by colour of any pretended Grant or patent whatsoever, or notwithstanding the Seal of the said Hospital or Corporation was to them or any of them set or affixed.

Provided alwayes, That this Act or any thing therein contained, shall not extend to make good in Law or equity any Lease or Leases made by Simon Moore Clerk, late Master or pretended Master of the Hospitall of Saint Oswald in the County of Worcester, of any the Lands, Tenements and Hereditaments of or belonging to the said Hospital, to Richard Moore son of the said Simon Moore, or to any of the children or grand children of the said Simon Moore, or to any other person or persons in trust or for the use or uses of the said Simon Moore, or his wife, children or grand children, or any or either of them.

Provided alwayes, that no person or persons shall be confirmed in any Mastership, Probostship, Headship, Fellowship, or Chaplains place
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in any Colledge or Hall in either of the Universities of Oxford or Cambridge, or in the Colledges of Eaton and Winchester, that is not ordained Minister by Bishops or Presbyters (or being ordained, hath since renounced his Ordination) where by the local Statutes of the said respective Colledges or Halls Ordination is required.

Provided alwayes, and be it Enacted, That this Act shall not extend to confirm any Lease or Leases of the Rectories and Parsonages of Randall and Littlecoates in the county of Lincoln, which have long since been in the tenure or occupation of John Lord Culpeper, as by several Leases under the Seal of the Master and Fellows of the Colledge of the holy and undivided Trinity within the Town and University of Cambridge of King Henry the Eighths Foundation may appear, and are now Leased over the head of the said John Lord Culpeper the antient Tenant, to one John West, though according to usage he claimed to renew his Lease three years before the expiration thereof at the usual Fines or more. But that the said John Lord Culpeper, his Executors or Administrators, reimbursing the said new Tenant or Lessee so much money as hath been really paid to the said Colledge for the Fine for such Lease, they shall be admitted to renew the said Lease for the said Fine.

Provided alwayes, That whereas Doctor Owen late reputed Dean, and the Chapter of the Cathedral Church of Christ in Oxon of the Foundation of King Henry the Eighth, by their Indenture dated the seventh day of August, in the year of our Lord One thousand six hundred

hundred fifty seven, did Lease and demise unto John Arthur Clerk, Thomas Bromefield of London Esquire, and Laurence Marsh of Darking in the County of Surry Esquire, certain Tyths and Lands parcel of the Mannor and Parsonage of Kirkham in the County of Lancast. r, And by severall other Indentures did Lease and demise unto severall other persons many other parts and portions of the said Parsonage of Kirkham (which had long been in the tenure or occupation of Thomas Clifton Esquire and his Ancestors, by severall successive Leases under the Abbot and Covent of Vale Royal, and the Colledge of Christ Church aforesaid respectively) for severall termes of years yet unexpired:

Be it Enacted and ordained, That Thomas Clifton now of Litham in the County of Lancaster Esquire, his Executors and Administrators, (paying the severall and respective Rents reserved unto the said Colledge, and securing unto the said John Arthur, Thomas Bromefield, and Laurence Marsh, or the Survivors or Survivor of them, or the Executors or Executor of the Survivor of them, for the uses in the said Lease expressed and not otherwise, out of the Premises, the yearly summe of Four hundred pounds, to be paid half yearly by equall portions, for the terme of Eleven years next ensuing, And reimbursing unto the said severall other Lessees respectively or their respective Assigns so much money as was by them respectively and truly paid for their respective Fines,) shall have and enjoy the said severall demised premises for the residue of the said severall termes of years yet to come,

as if the said several Leases made unto them the said John Arthur, Thomas Bromfeild, and Laurence Marsh, and unto the said severall other persons as aforesaid, had been legally made unto the said Thomas Clifton by a lawfull Deane and Chapter, This Act or any other thing to the contrary notwithstanding.

Provided alwayes, That this Act or any thing therein contained, shall not extend to confirm the Election of any Head, Fellow, Scholar or Chaplain of any Colledge or Hall in either of the Universties, that upon any other ground besides the want of Episcopall Ordination, is or was not capable of being elected into such place or places by the Statutes of the said Colledge or Hall, into which he or they were chosen.

Provided also, That this Act or any thing therein contained, shall not extend to prejudice the Title of any person or persons, who by Letters Patents under the Great Seal since the first day of May, and before the twentieth of August One thousand six hundred and sixty, have obtained from his Majesty any Grant of any Deanery, Headship of any House, Rectorship of any Colledge, Canons place, Prebendary, Fellowship or Scholarship within either of the Universties, or the Colledges of Eaton, Westminster, or Winchester; But that all and every the said Grants and Letters Patents shall be of such, and no other force and effect, as the same should have been if this Act had not been made, Any thing in this Act contained to the contrary notwithstanding.

Provided also, That this Act or any thing therein contained, shall not extend to confirm any Lease or Estate made by John Tombes Clerk, of any Lands, Tenements, or Hereditaments, belonging to the Hospital of Saint Katharines in Ledbury in the County of Hereford, to any of the children of him the said John Tombs, or to any other person or persons in Trust for him or them, or any of them.

Provided alwayes, and be it Enacted by the Authority aforesaid, That neither this Act, nor any thing therein contained, shall in any wise extend to confirm, or make good, any Lease or Leases made by William Lenthal, pretended Warden of the House of Converts, belonging to the Master of the Rolls, since the thirtieth day of January, One thousand six hundred forty and two, of any Houses or Tenements thereto belonging, to the prejudice of John Lord Culpeper, his Successors, Lessees, or Assigns, the said Lord Culpeper paying or reimbursing unto the said Lessee or Lessees of such Houses or Tenements, such monies as they or any of them have paid, with Interest for the same, he or they discounting for the mean profits thereof.

Provided alwayes, That neither this Act, nor any thing therein contained, shall extend to confirm William Hook in the Mastership of the Kings Majesties Hospital of the Savoy, nor to confirm or make good any Lease of any Lands or Tenements belonging to the said Hospital, made between the thirtieth day of January, in the year of our Lord One thousand six hundred forty eight, and the first day of June, One thousand six hundred and sixty;

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The Master of the said Hospital for the time being, allowing and reimbursing to all such Lessees all such summe or summes of money, as they or any of them paid to the then Master of the said Hospitall by way of Fine, at the time of such Lease making, and Interest for the same, And the said Lessees and every of them discounting for the mean profits of the same.

Provided alwayes, and be it enacted by the Authority aforesaid, That this Act, or any thing herein contained, shall not extend to confirm or make good any Lease or Grants made, or mentioned to be made to any person or persons by John Owen late Dean, and others, Canons, or pretended Dean and Canons of the Colledge of Christ Church in the Univerlity of Oxford, or by any of them, of any the Rectories, Tythes, or Gleab Lands of Hampton, Wickentord, Badsey, Aldington, Uffenham, South-Littleton, North Littleton, and Middle Littleton, in the County of Worcester, heretofore the possessions of Henry late Marquess of Worcester, and Dame Anne his Wife, or either of them, and whereto the said Henry was dispossessed for his Allegiance and Loyalty to his late Majesty of Blessed Memory; But that the Executor or Administrator of the said Henry, shall and may be admitted to renew the Leases of the said Tythes, for such terme or termes, as the said Dean and Chapter of Christ Church are by Law enabled to grant the same, the said Executors or Administrators satisfying and reimbursing to such person or persons, all such summe or summes of money, as he or they have payd
for

the severall and respective sums of money by them severally and respectively paid to the said Colledge and Hall, for or in the name of any Fine or Fines, for the making or granting such new Lease or Leases, with Interest, discounting such Rents and Profits as by them respectively have been taken or received out of the premises) shall be restored to his said ancient Possessions. And the said Colledge and Hall respectively shall be enabled to Lease the said severall Rectories and Parsonages, with their respective Appurtenances, unto the said Thomas Chicheley; This Act, or any thing herein contained to the contrary thereof in any wise notwithstanding.

Provided alwayes, That neither this Act, nor any thing therein contained, shall extend to restore any person or persons to any Headship, Fellowship, or Scholarship of any Colledge or Hall, or to any Chaplains or Clerks-place, in any Colledge or Hall, in either of the Universities, or to any Lecture or Readers place, that is or shall be before the first day of January, One thousand six hundred and sixty, ejected out of their respective Headship, Fellowship, Scholarship, Chaplain or Clerks-place, or out of any Lecture in the said Universities, by his Majesties Commissioners under the Great Seal, for not having been legally and according to the severall Statutes of the said respective severall places nominated, elected or admitted in or to the same. Any thing in this Act contained to the contrary notwithstanding.

for the said Lease or Leases, by way of Fine, with Interest for the same, the said person or persons discounting to the said Executors or Administrators, for the mean Profits received thereupon.

Provided also, That this Act, or any thing therein contained, shall not extend to confirm or make good any Lease, Leases, or Estate made by any pretended Dean and Chapter, Master or Head of any Colledge or Hall in either of the Universities, or of any pretended Master or Governours of any Hospital, which said Lease, Leases or Estate had not been good or effectual in Law, had they been made by a lawful Dean & Chapter, Master, Head or Governour of any Colledge, Hall or Hospital aforesaid: This Act, or any thing herein contained to the contrary notwithstanding.

Provided also that this Act, or any thing therein contained, shall not extend to confirm or make good any Lease or Leases of the Rectory or Parsonage of Arrington in the County of Cambridge, which hath long been in the tenure and occupation of Thomas Chicheley Esq; and his Ancestors, by several successive Leases from the Master and Fellows of Trinity Colledge in Cambridge; Nor shall confirm or make good any Lease or Leases of the Rectory or Parsonage of Soham in the said County of Cambridge, which hath likewise been, and still is in the occupation and possession of the said Thomas Chicheley, by Lease from the Master and Fellows of Pembroke Hall in Cambridge, but that the said Thomas Chicheley (paying and reimbursing the several and respective Tenants or Lessees,

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