

[GOVERNMENT OF ENGLAND, 1605]

By the King.

A Proclamation

to redresse the mis-employment of Lands, Goods,
and other things given for Charitable uses.

[1] **W**hereas Lands, Tenements, Hereditaments, goods, Chattels, Money, and other things have bene heretofore given, limited, appointed and assigned, aswell by his Majesties most noble Progenitors, as by sundry other well disposed persons; Some for reliefe of aged, impotent, and poore people, some for maintenance of sicke and maymed Souldiers and Mariners, Schooles of learning, free Schooles, and Schollers in Universities; Some for repaire of Bridges, Ports, Havens, Cause-ways, Churches, Seabanks, and High-ways; Some for education and preferment of Orphanes; Some for or towards reliefe, stock, or maintenance for houses of Correction; Some for marriages of poore Maydes; Some for supportation, ayde, and helpe of yong Tradesmen, Handicrafts men, and persons decayed; And others for reliefe, or redemption of Prisoners, or Captives, and for ayde or ease of any poore Inhabitants, concerning payment of Fifteenes, setting out of Souldiers, and other Taxes:

which Lands, Tenements, Hereditaments, Goods, Chattels, Money, and other things neverthelesse have not bene employed according to the charitable intent of the Givers and Founders thereof, by reason of frauds, breaches of trust, and negligences in those, that should pay, deliver, and employ the same.

For redresse and reformation whereof, remedy and reliefe have bene provided, in and by one Act of Parliament, made in the three and fourtieth yeere of the reigne of the late Queene of famous memory, *Elizabeth* late Queene of England. [2]

By the due execution of which Act, in divers and many parts of this Realme, much good hath ensued, by the diligence and travaile of divers of our charitable and well affected Subjects, by restoring, and true employing of divers and many of the said Gifts and Endowments, according to the true Institution, Ordinance, and Intention of the Founders and Donors in that behalfe:

And much more good his Majestie dayly expecteth should be done in so Religious a case, acceptable to God and all good men.

And whereas such as have the care, charge and government of the Colledges, Halles, and houses of learning within either of the Universities of Cambridge or Oxford, or of the Colleges of Westminster, Eaton, or Winchester, or of any Cathedral or Collegiate Church, were presumed by the makers of the said Act, in respect of their Professions and Offices (which ought to put them in continuall memorie of their duties) to neede no Law to enforce them to the performance of so just and charitable a worke, And therefore did by speciall Proviso except and exempt them out of the said Acte:

His most excellent Majestie, in his godly meditations, calling to his blessed remembrance, how good and necessarie it is, That the devout, godly, and charitable intents of the said Founders and Givers should be exactly and duely performed, And nothing doubting, but that the said persons, bodies Politique and Corporate so excepted, will aswell in discharge of their owne consciences (albeit they be not bound by the said Acte) as for example to all others (that may bee enforced thereby) will speedily, Christianly, and exactly performe their said dutie:

Yet left that any in so great a number should bee found eyther so remisse, as to neglect the speedie employment of the same, or so uncharitable and unconscionable, as in any sort, by fraude or devices to seeke to pervert or overthrow the true insti-

[1] [Source: British Library C. 112.h.1, 55; also *A Booke of Proclamations*, published since the beginning of his Majesties most happy Reigne over England, &c. Untill this present Moneth of Febr. 3. *Anno Dom*, 1609, London, pp 109-111; see also *Stuart Royal Proclamations*, Volume I, *Royal Proclamations of King James I, 1603-1625*, edited by James F. Larkin, c.s.v. and Paul L. Hughes. Oxford: Clarendon Press, 1973. No. 55, pp. 118-121.]

[2] [43 Elizabeth 1 c 4]

tution & meaning of the said Founders or Givers; His most excellent Majestie, in his Princely & Royall care, That the said good and godly uses & intents may be duely & speedily employed, as is above said, And that no person or persons, bodies Politique or Corporate (presuming to passe away with impunity) neglect, or not performe their duties in that behalfe, Doeth (by Advise of his Privie Councill) [3] straitghly charge and commaund aswell all and s'inguler person and persons, bodies Politique, and Corporate within either of the said Universities of Cambridge or Oxford, or within Westminster, Eaton, or Winchester, or any Cathedrall or Collegiate Church aforesaid, as all other person and persons, bodies Politique and Corporate whatsoever having any Lands, Tenements, Hereditaments, Proffits, Goods, Chattels, Summes of money, or other things mentioned to be given, limited, assigned or appointed to or for any of the good and charitable uses above said, That they and every of them doe well and faithfully employ the said Lands, Tenements, Hereditaments, Goods, Chattels, Summes of money or other things, according to the true meaning, ordinance, and institution of the Founders, or Givers of the same, upon paine of his Majesties high displeasure, and of such penalties and punishments, as they shall justly deserve for contemning of his Royall commaundement, in a cause so just and necessary to be performed, and for their demerits in that behalfe. [4]

And albeit his Majestie knoweth, that for and concerning such person and persons, bodies politique and Corporate as be exempted out of the said Act, such sufficient remedie and reformation by visitations, and other lawfull meanes may be had in the cases above said:

Yet forasmuch as these proceedings will require time, and draw the parties exempted out of the said Act, from their studies, and exercises of learning, and put them to no small charge; His most excellent Majestie, hath for their ease and profit taken this more speedy course, by these presents in manner and forme above said; Giving all and s'inguler the person and persons, bodies Politique and Corporate above said assuredly to know, That whosoever shall violate, or not performe his Majesties Royall commaundement hereby published, that he, or they, or any of them shall not hope to passe away with impunity, but shall undergoe such paines, penalties, and punishments, as by the severity of the Lawes of this Realme, may be inflicted and imposed upon so grievous and uncharitable offenders.

Given at his Majesties Castle of Rockingham the xi. of August 1605. in the third yeere of his Majesties Reigne of Great Britaine, France and Ireland.

God save the King.

Imprinted at London by Robert Barker, Printer to the Kings most Excellent Majestie. ANNO DOM. 1605.

[Notes from Larkin and Hughes, *op. cit.*, pp. 118–119:

- Chancery Warrants for the Great Seal, C 82/1720/24: sign manual; date of schedule as *Short-Title Catalogue of Books printed in England, Scotland, and Ireland, and of English Books printed abroad, 1475–1640*, ed. A. W. Pollard, G. R. Redgrave, *et al.* (1926) [STC]; subscribed 'Edw. Coke'.
- Declared Accounts (Hanaper Accounts), Pipe Office, Exchequer E 351/1639/4d: Great Seal issue, 17 Aug.
- Patent Rolls, Class C 66/1665/4d: date of schedule as STC.
- Corporation of London, Journals of the Common Council 1603-25, Records Office, Guildhall. 26/364: manuscript copy for London; date of writ to mayor and sheriffs of London, Westminster, 17 Aug.; proclaimed 19 Aug.
- STC 8375: schedule as [above].
- Another edition: Barker, R., King's Printer to James I, ed., *A Booke of Proclamations . . . 1609; 1612*. 109.
- Local records: Borough of Leicester, Hall Papers 2/261, 3s. 4d. paid on 27 Oct. for delivery of this *inter alia*; Borough of Rye, Land Chamberlains Rough Accounts 61/12/39, entered 23 Aug.
- Stow, J., *Annales, or a Generall Chronicle of England . . . to 1631*, continued by E. Howes, 870: date, 10 Aug.
- Steele, R. R., *A Bibliography of Royal Proclamations of the Tudor and Stuart Sovereigns, and of Others published under Authority, 1485–1714*, in *Bibliotheca Lindesiana*, v (Oxford, 1910), 1016.
- Text: STC 8375; British Museum Library C. 112.h.1, 55.]

[3] Earlier in the year, in a memorandum of business with his Council, James included 'the abuse of hospitals and alms houses' (State Paper Office, Public Record Office. Domestic Series 14/14/51). [Larkin and Hughes, *op. cit.*, p. 120.]

[4] The proceedings of the commissioners for charitable uses, by counties, are in the Public Record Office of Great Britain, London [now the UK National Archives], under the class-headings C 90, C 91, C 92, and C 93: sad stories of foundations for the aged and poor being wrested to the profit of individual occupants or lessors. The administration of this proclamation touched a number of livery companies of London, which were prevailed upon to compound, in some cases more than once, for continuing possession of land originally willed to charitable uses (see Dietz, F. C., *English Public Finance, 1558–1641* (New York, 1932) 179). [Larkin and Hughes, *op. cit.*, p. 120.]