

[STATUTES OF ENGLAND, 1671] [1]

Annis 22° & 23° CAROLI, II. A. D. 1670 & 1671.

CHAPTER XVI.

AN ACT for the discovery of such as have defrauded the Poore of the Citty of London, of the Moneys given for their Releife at the times of the late Plague and Fire, and for recovery of the Arreares thereof.

Rot. Parl. 22 & 23 C. II, p. 2. nu. 4. [1]

IN most humble manner shew unto your most Excellent Majestie the Lord Maior, Aldermen and Com^mons of the Citty of London in Common Councell assembled

Recital of Contributions

That in the late dreadfull Calamities of the Plague and Fire happening in your Majestyes Citty of London and Libertyes thereof and other parts of this Kingdome diverse well disposed persons aswell within your Majestyes Dominions as in other parts beyond the Seas were pleased to contribute their Charity towards the Releife of the Poore visited and Sufferers thereby and

under Proclamations

most were excited by your Majestyes gracious Proclamations to doe the same,

6th July, 17 C. II.

[2] the one beareing Date the sixth day of July in the seaventeenth yeare of your Majestyes Raigne,

13th Sept. 18 C. II.

another beareing Date the thirteenth day of September in the eighteenth yeare of your Majestyes Raigne,

and 26th Sept. 1668,

The other beareing Date the twenty sixth day of September One thousand six hundred sixty eight. [2]]

and that a great Part of the Money so contributed had been mis-employed.

But a great part thereof hath beene misemployed, concealed, or in an unchristianlike manner detained, or at leastwise never came to the uses intended,

by meanes whereof many thousands of the said Poore for want of that Releife, remaine in great extremity and are likely to perish.

For remedy and recovery thereof may it please your Majesty that it may be enacted, And be it

enacted by the Kings most excellent Majesty by and with the advice and consent of the Lords Spirituall and Temporall and the Commons in this present Parlyament assembled and by the authoritie thereof

That all and every person and persons who have received any of the Moneys collected for the uses, intents or purposes aforesaid or any of them, or in pursuance of any of the said Proclamations for those purposes made, and have not hitherto paid the same according to the directions of the said Proclamations respectively, that then such person or persons in case they are now liveing, and in case they are dead, then the Executors or Administrators of such persons haveing Assets wherewith to pay the same shall pay the same before the first day of November which shall be in the yeare of our Lord God one thousand six hundred seaventy one to the Chamberlaine of the Citty of London for the time being at his Office in the Guildhall London, or to such person or persons as he shall depute or give authority unto for the receipte thereof within the severall Countyes wherein any Money is behinde and unpaid, upon paine of forfeiture and payment of twenty shillings for every twenty shillings soe unpaid or detained, and soe proportionably for a greater or lesser Summe besides the Money soe unpaid or detained.

[I.] All Monies received upon Charity for the Poor of London to be paid into the Chamber before 1st Nov, 1671. If the Receivers are dead, their Executors or Administrators to pay it.

Penalty.

AND for the better discovery of the Offenders in detaining the said Moneyes all Arch-bishops, Bishops, Arch Deacons, Deanes and Officialls in their Visitations shall give it in charge to all Ministers Churchwardens and Sidesmen that they present the Names of all such persons as they know or beleive doe detaine any of the said Moneyes and the Summes soe detained by them,

II. All Bishops, &c. in Visitations to give it in charge to Churchwardens, &c. to present the Names of Persons detaining Money.

[1] *Statutes of the Realm*, vol. 5, pp. 728-9. Title only in Ruffhead, vol. 3, p. 364; Pickering, vol. 8, p. 361.

[2] annexed to the Original Act in a separate Schedule.

And further that upon request made unto them by the said Chamberlaine of the City of London, or his Attourneys or Agents or any of them, by causing search to be made into their Registries and other Offices, and by other expedient meanes they shall contribute their assistance to the discovery of such persons and Offenders as may justly be suspected to have or detain any such Moneys.

III. So Justices of Assize, &c. to Grand Juries.

AND likewise that all Judges and Justices of Assizes and Generall Goale delivery, and all Justices of Peace in their Quarter Sessions shall in open Court give in charge to [3] the Grand Juryes to enquire of, and present such Offenders.

IV. Justices of Peace may grant Warrants for taking Parties;

AND that upon complaint made to any Justice of Peace in any County City or Towne Corporate by the Chamberlaine of the City of London or his Attourneys, Sollicitors, Receivers Agents or any of them, made or appointed by him, by any Writing under his Hand and Seale for prosecuting the Recovery or for recovering the said Moneys or any of them against any person or persons for their unjust detaining of any Moneys collected for the uses aforesaid or any of them, that then such Justice of Peace shall grant his Warrant against such persons soe complained of for the bringing of them before him,

and upon their Appearance may bind them to appear at the next Quarter Sessions,

and upon their appearance before him if it shall seeme probable to the said Justice upon examining of the matter, and evidence given by any witness upon Oath, which the said Justice may administer, or other evidence, that the person complained of doth unjustly detain any Moneys collected, or appointed for the uses aforesaid or any of them, then such Justice shall by sufficient Recognizance binde him to appeare at the next Generall Quarter Sessions to answer the matter complained of, and to observe and abide such Order touching the same as the Justices shall then make, and upon his refusall soe to be bound to commit to the Goale, there to remaine without Baile or Mainprize untill he shall become bound by such Recognizance,

or may commit them on refusal to be bound.

Quarter Sessions may proceed summarily.

And at the said Quarter Sessions whether he shall there appeare or make default, yet the Justices then shall summarily proceede to the Examination of the matter complained of,

And if upon Oath of one or more Witsesse or Witnesses or any other Evidence the Court shall be satisfyed that he doth unjustly detain any such Moneys, the Court

shall adjudge and order the payment of the same presently, together with the penalty hereby appointed for not paying thereof, and such costs for the prosecution of the same as the Court shall thinke fitt, And

if he shall not presently pay the same accordingly to the said Chamberlaine of London or his Attourneys or Agents or some of them shall committ him to the Goale if he be there present there to remaine without Baile or Mainprize untill he shall observe the said Order of Sessions,

If Money not paid to Chamberlain pursuant to Order; Committal,

And if he shall be absent that then they shall grant their Warrant

for the apprehending and committing of him to the Gaole there to remaine untill he shall pay the Money soe ordered, And

that if he cannot be taken then for the destringing of his Goods or Chattells and sale of the same rendering the Overplus whereby the Moneys soe ordered may be answered and paid,

or Distress.

And that [4] the definitive Order of the said Justices shall be finall, as touching the matters complained of or contained in such Order, from which there shall be noe Appeale or Review, nor shall any Writt of Error or Certiorari lye for the Removall or Reversall of the same, nor shall the same be any wayes impeached.

Order of Sessions to be final.

AND bee it further hereby enacted That the Receivers or Agents for the Chamberlaine of the City of London shall within two Monethes after the Receipt of any such Moneys pay or cause the same to be transmitted and paid to him the said Chamberlaine,

V.

and that distinct Accompts according to the severall Diocesses and Countyes shall be made and kepte by him of all such Moneyes as he shall hereafter receive in reference to the Sufferers by the Fire, and of such as he shall receive in reference to the Plague.

Distinct Accounts to be kept by Chamberlain.

[3] unto, in the Original Act.

[4] interlined on the Roll.

VI. Bishops of Dioceses visited by the Plague in 1665, 1666, 1667, to certify to Bishop and Chamberlain of London what Money hath been expended out of Public Stocks, or borrowed, towards the Support of Persons sick of the Plague within their Dioceses.

How such Monies to be repaid.

To whom to be paid.

How the Surplus to be disposed of.

AND bee it further enacted by the authority aforesaid, That each Bishop of the severall Diocesses which were visited by the Plague in the yeares One thousand six hundred sixty five, One thousand six hundred sixty six or One thousand six hundred sixty seven shall within six Moneths after the end of this Session of Parlyament by Certificate under his Hand and Seale deliver or cause to be delivered unto the Lord Bishop of London and the Chamberlaine of the City of London to be entred in a Register of his Office a particular Accompt of such Summes of Money as have beene lent or taken out of the publique Stocke [5] of any and every Citty, Towne Corporate and places adjacent to them respectively, or borrowed of any person or persons for the Releife of the Poore soe infected with the Plague within any Citty or Towne corporate or the places adjacent to them in his Diocesse, and particularly from whence they were soe taken, and by whome lent,

And that the Moneys soe certified to be taken out of Publique Stockes, or lent as aforesaid shall by Order of the Lord Bishop of London to the said Chamberlaine of London be by him repaid in the first place out of the Moneys which shall hereafter be received in reference to the Plague, in case the Monies soe received out or from such Diocesse which was [6] soe infected shall suffice for repayment thereof without any respect or consideration had to the charge in getting or bringing in the same,

And if there shall not be sufficient for such repayment each Summe soe lent by any person, or taken out of such Publique Stocke shall suffer and abate proportionably,

And that the payment of such Moneys by Order as aforesaid shall be made to the Bishop, or Deputy of the Bishop of every such Diocesse respectively to be forthwith repaid to every Citty, Towne Corporate or person according to the intent of this Act,

And if there shall be any Surplusage left, that then the same, as alsoe all other moneys which shall hereafter be soe received by the said Chamberlaine of London in reference to the said Plague or Fire, the necessary Charges in getting and

bringing in of the same being first deducted and abated shall by the Order and Advice of the Lord Bishop of London and Lord Maior of London be paid by the said Chamberlaine for reimburseing the said City of London all such moneys as were by them disbursed, taken or borrowed out of their Publique Stocke for the Releife of the Sufferers by the said Fire or Plague in London or the Suburbs thereof, the residue (if any be) to goe for and towards the releife of the Poore of the said Citty Sufferers by the said Fire.

PROVIDED, and bee it enacted by the authority aforesaid That nothing in this Act contained shall be any way prejudiciall or hurtfull to the Jurisdiction or Power of the Ordinary or any other Jurisdiction whatsoever,

and that this Act as to the recovery of any moneys herein mentioned or intended shall continue and be in force untill the first day of November which shall be in the yeare One thousand six hundred seaventy fower and noe longer.

AND lastly it is hereby enacted That if any Action or Suite shall be brought against any person for any matter or thing done or executed by vertue of this Act, that then and in every such case the Defendant or Defendants may pleade the generall Issue, Not guilty, and give this Act and the speciall matter in Evidence at any Tryall thereupon to be had,

and if a Verdict shall passe for the Defendant, or the Plaintiffe shall be Non suite, or discontinue his Action after the Defendant hath appeared, the Defendant shall recover double Costs to be awarded for his or their wrongfull vexation in that behalfe.

VII. Proviso for Ordinaries Jurisdiction.

Continuance of Act as to Recovery of Monies.

VIII. In Actions for executing Act, General Issue.

Double Costs.

[5] Stocks, in the Original Act.

[6] interlined on the Roll.