

# The Charitable Uses Act, 1601: 43 Elizabeth I c. 4

*An Acte to redresse the Misemployment of Landes Goodes and Stockes of Money  
heretofore given to Charitable Uses*

Whereas Landes Tenementes Rentes Annuities Profittes Hereditamentes, Goodes Chattells Money and Stockes of Money, have bene heretofore given limitedd appointed and assigned, as well by the Queenes most excellent Majestie and her moste noble Progenitors, as by sondrie other well disposed persons, some for Releife of aged impotent and poore people, some for Maintenance of sicke and maymed Souldiers and Marriners, Schooles of Learninge, Free Schooles and Schollers in Universities, some for Repaire of Bridges Portes Havens Causwaies Churches Seabankes and Highwaies, some for Educacion and prefermente of Orphans, some for or towards Reliefe Stocke or Maintenance of Howdes of Correccion, some for Mariages of poore Maides, some for Supportacion Ayde and Helpe of younge tradesmen Handicraftesmen and persons decayed, and others for reliefe or redemption of Prisoners or Captives, and for aide or ease of any poore Inhabitates concerninge paymente of Fifteenes, setting out of Souldiers and other Taxes; Whiche Landes Tenementes Rents Annuities Profitts Hereditaments Goodes Chattells Money and Stockes of Money nevertheles have not byn employed accordinge to the charitable intente of the givers and founders thereof, by reason of Fraudes breaches of Truste and Negligence in those that shoulde pay delyver and employ the same: For Redresse and Remedie whereof, Be it enacted by Auctoritie of this presente Parliament, That it shall and may be lawfull to and for the Lorde Chauncellor or Keeper of the Greate Seale of Englande for the tyme beinge, and for the Chauncellor of the Dutchie of Lancaster for the tyme beinge for Landes within the Countie Palatine of Lancaster, from tyme to tyme to award Commissions under the Greate Seale of Englande, or the Seale of the Countie Palatine as the case shall require, into all or any parte or partes of this Realme respectivelie, according to their severall Jurisdictions as aforesaide, to the Bishoppe of everie severall Diocesse and his Chancellor, in case there shalbe any Bishoppe of that Diocesse at the tyme of awardinge of the same Commissions, and to other persons of good and sounde behaviour, authorisinge them therebie, or any fower or more of them, to inquire, as well by the Oathes of Twelve lawfull Men or more of the Countie, whereunto the saide parties interessed shall as by all other good and lawfull

waies and menes, of all and singular such Giftes Limitacions Assignements and Appoyntments aforesaide, and of the Abuses Breaches of Trustes Negligences Mysimplymentes, not imployinge concealinge defraudinge misconvertinge or misgovernmente, of any Landes Tenementes Rentes Annuities Profits Hereditaments Goods Chattels Money and Stockes of Money heretofore given limitedd appointed or assigned, or whiche hereafter shalbe given limitedd appointed or assigned, to or for any the charitable and godlie uses before rehearsed: And after the saide Commissioners or any fower or more of them, upon callinge the parties interested in any suche Landes Tenementes Rentes Annuities Profits Hereditaments Goodes Chattels Money and Stockes of Money, shall make inquirie by the Oathes of twelue men or more of the saide Countie, whereunto the saide parties interested shall and maye have and take their lawfull challenge and challenges; and upon suche inquiry hearinge and examinynge thereof set downe suche Orders Judgments and Decrees, as the saide Landes Tenementes Rents Annuities Profits Goods Chattels Money and Stockes of Money may be duelie and faithfullie imployed, to and for suche of the charitable uses and intents before rehearsed respectivelie, for whiche they were given limitedd assigned or appointed by the Donors and Founders thereof: whiche Orders Judgements and Decrees, not being contrarie or repugnant to the Orders Statutes or Decrees of the Donors or Founders, shall by the Authoritie of this presente Parliamente stand firme and good accordinge to the tenor and purporte thereof, and shalbe executed accordinglie, untill the same shalbe undon or altered by the Lorde Chauncellor of Englande or Lorde Keeper or the Greate Seale of Englande, or the Chauncellor of the Countie Palatine of Lancaster, respectivelie within their severall Jurisdictions, upon complainte by any partie grieved, to be made to them.

Provided alwaies, That neither this Acte, nor any thinge therein contained, shall in any wise extende to any Landes Tenements Rents Annuities Profits Goods Chattels Money or Stockes of Money, given limitedd appointed or assigned, or whiche shalbe given limitedd appointed or assigned, to any Colledge Hall or Howse of Learninge within the Universities of Oxforde or Cambridge, or to the Colledges of Westminster Eaton or Winchester, or any of them, or to any Cathedrall or Collegiate Church within this Realme.

And provided alsoe, That neither this Acte nor any thinge therein shall extende to any Citie or Towne Corporate, or to any the Landes Tenements given the uses aforesaide within any such Citie or Towne Corporate, where there is a speciall Governor or Governors, appointed to governe or directe suche Landes Tenements or Things disposed to any the uses aforesaide; neither to any Colledge Hospitall or Free Schoole

whiche have speciall Visitors or Governours or Overseers appointed them by their founders.

Provided also and be it enacted by the Authoritie aforesaide, That neither this Acte nor any thinge therein contained shalbe any way prejudiciall or hurtfull to the Jurisdiction or Power of the Ordinarie; but that he may lawfullie in everie cause execute and performe the same as though this Acte had never bene had or made.

Provided also and be it enacted, That noe person or persons that hathe or shall have any of the saide Landes Tenements Rents Annuities Profits Hereditaments Goods Chattels Money or Stockes of Money in his Hands or Possession, or dothe or shall pretende Title thereunto, shall bee named Commyssioner or a Juror for any the causes aforesaide, or beinge named shall execute or serve in the same.

And provided alsoe, That no person or persons which hathe purchased or obteyned, or shall purchase or obteyne, upon valuable Consideracion of Money or Lande, any Estate or Interest, of in to or out of any Landes Tenements Rents Annuities Hereditaments Goods or Chattels that have bene or shalbe given limited or appointed to any the charitable uses above mencioned, withoute Fraude or Coryn, havyng no Notice of the same Charitable Use, shall not be impeached by any Decrees or Orders of Commissioners above mencioned for or concernynge the same his Estate or Interests.

And yet nevertheless Be it enacted, That the saide Commissioners, or any Fower of more of them, shall an may make Decrees and Orders for recompense to be made by any person or persons whoe, beinge put in Truste or havyng notice of the charitable Uses above mentioned, hathe or shall breake the same Truste, or defraude the same Uses, by any Conveiance Gifte Graunte Lease Demise Release or Conversion whatsoever, and againste the Heires Executors and Administrators of hym them or any of them, havyng Assettes in Law or Equitie, soe farre as the same Assettes will extende.

Provided alwaies, That this Acte shall not extende to give Power or Authority to any Commissioners before mentioned: to make any Orders Judgements or Decrees for or concernynge any Mannors Lands Tenements or other Hereditaments assured conveyed granted or come unto the Queenes Majestie, to the Late Kinge Henrie the Eighte, Kinge Edwarde the Sixte, or Queene Marie, by Acte of Parliament Surrender Exchange Relinquishement Escheate Attainder Conveiance or otherwise.

And yet nevertheless Be it enacted, That if any suche Mannors Landes Tenements or Hereditaments, or any of them, or any Estate Rente or Profittle thereof or oute of the same or any parte thereof, have or hath byn given granted limitedt appointed or assigned to or for any the charitable uses before expressed, at anye tyme sithence the begynnyng of her Majesties Reigne, that then the saide Commissioners or any fower or more of them shall and maye, as concerninge the same Landes Tenements Hereditaments Estate Rente or Profit soe given limitedt appointed or assigned, procede to enquire and to make Orders Judgements and Decrees accordinge to the purporte and meaninge of this Acte as before is mentioned: The saide last Proviso notwithstandinge.

And be it further enacted, That all Orders Judgments and Decrees of the saide Commissioners, or of any fower or more of them, shalbe certified under the Seales of the saide Commissioners or any fower or more of them, either into the Courte of the Chauncerie of Englande, or into the Courte of the Chauncerie within the Countie Palatine of Lancaster, as the case shall require respectivelie accordinge to their severall Jurisdiccions, within suche conveniente tyme as shalbe limitedt in the saide Commissions; And that the saide Lorde Chancellor or Lorde Keeper, and the saide Chauncellor of the Duchie, shall and maye, within their saide severall Jurisdiccions, take suche Order for the due Execucion of all or any of the saide Judgments Decrees and Orders as to either of them shall seeme fit and convenient: And that if after any such certificattes made any person or persons shall fynde themselves grieved withe any of the saide Orders Judgments or Decrees that then it shall and maybe lawfull to and for them or anie of them to complaine in that behalfe unto the saide Lorde Chancellor or Lorde Keeper, or to the Chancellor of the saide Duchie of Lancaster, accordinge to their severall Jurisdiccions, for Redresse therein; And that upon suche Complainte the saide Lorde Chancellor or Lorde Keeper, or the saide Chancellor of the Duchie may, accordinge to their saide severall Jurisdiccions, by suche course as to their wisdomes shall seeme meeteste, the circumstances of the case considered, proceede to the examinacion hearinge and determynynge thereof; and upon hearinge thereof shall and may adnull dymynishe alter or enlarge the saide Orders Judgements and Decrees of the saide Commyssioners, or any fower or more of them, as to either of them, in their saide severall Jurisdiccions, shalbe thoughte to stande withe Equitie and good Conscience, accordinge to the true intente and meaninge of the Donors and Fownders thereof; and shall and may taxe and awarde good Costes of Suite by their discrecions againste such persons as they shall fynde to complaine unto them, without juste and sufficient cause, of the Orders Judgments and Decrees before mencioned.