

CORPORATION ACT

May 1661

Whereas questions are likely to arise concerning the validity of elections of magistrates, and other officers and members in corporations, as well in respect of removing some, as placing others, during the late troubles, contrary to the true intent and meaning of their charters and liberties; and to the end that the succession in such corporations may be most probably perpetuated in the hands of persons well affected to His Majesty and the established government, it being too well known that, notwithstanding all His Majesty's endeavors and unparalleled indulgence in pardoning all that is past, nevertheless many evil spirits are still working:

Wherefore for prevention of the like mischief for the time to come, and for preservation of the public peace both in Church and state, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, assembled in Parliament, and by the authority of the same, that commissions shall before 20 February next be issued forth under the Great Seal of England unto such persons as His Majesty shall appoint for the executing of the powers and authorities hereinafter expressed; and that all and every the persons to be named commissioners in the said commissions respectively shall by virtue of this Act be commissioners respectively for and within the several cities, corporations, and boroughs, and Cinque Ports and their members, and other port-towns within the Kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed, for which they shall be respectively nominated and appointed.

And be it further enacted by the authority aforesaid that no charter of any corporation, cities, towns, boroughs, Cinque Ports and their members, and other port-towns in England and Wales, or town of Berwick-upon-Tweed shall at any time hereafter be avoided, for or by reason of any act or thing done, or omitted to be done, before the first day of this present Parliament.

And be it further enacted by the authority aforesaid that all persons who upon 24 December 1661, shall be mayors, aldermen, recorders, bailiffs, town-clerks, common council-men, and other persons then bearing any office or offices of magistracy, or places, or trust, or other employment relating to or concerning the government of the said respective cities, corporations, and boroughs, and Cinque Ports and their members, and other port-towns shall at any time before 25 March 1663, when they shall be thereunto required by the said respective commissioners or any three or more of them, take the oaths of allegiance and supremacy, and this oath following:

I, *A.B.*, do declare and believe that it is not lawful, upon any pretence whatsoever, to take arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him. So help me God.

And also at the same time shall publicly subscribe, before the said commissioners or any three of them, this following declaration:

I, *A.B.*, do declare that I hold that there lies no obligation upon me or any other person from the oath commonly called the Solemn League and Covenant; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of the Kingdom.

And that all such of the said mayors and other the persons aforesaid by whom the said oaths are to be taken and declaration subscribed as aforesaid who shall refuse to take and subscribe the same within the time and in manner aforesaid, shall, from and immediately after such refusal, be by authority of this Act (*ipso facto*) removed and displaced of and from the said offices and places respectively; and the said offices and places, from and immediately after such refusal, shall be and are hereby declared and adjudged to be void to all intents and purposes, as if the said respective persons so refusing were naturally dead.

And nevertheless, be it further enacted by the authority aforesaid that the said commissioners, or any five or more of them, shall have full power by virtue of this Act by order and warrant under their hands and seals, to displace or remove any of the persons aforesaid from the said respective offices and places or trusts aforesaid, if

the said commissioners, or the major part of them then present, shall deem it expedient for the public safety, although such persons shall have taken and subscribed, or be willing to take and subscribe, the said oaths and declaration.

And be it also enacted that the said respective commissioners, or any five or more of them as aforesaid, shall have power to restore such person or persons as have been illegally or unduly removed into the places out of which he or they were removed; and also to put and place into the offices and places which by any of the ways aforesaid shall be void respectively some other person or persons then being or which have been members or inhabitants of the said respective cities, corporations, and boroughs, and Cinque Ports and their members, and other port-towns, who shall before the said respective commissioners, or any three or more of them, take the said oath and subscribe the declaration hereinbefore particularly mentioned; and that the said persons from and after the taking of the said oaths and subscribing the said declaration shall hold and enjoy, and be vested in, the said places and offices as if they had been duly elected and chosen according to the charters and former usages of the said respective cities, corporations, and boroughs, Cinque Ports and their members, and other port-towns.

And be it further enacted by the authority aforesaid that the said respective commissioners, or any three or more of them respectively, shall have power, during the continuance of their respective commissions, to administer the oaths aforesaid and tender the said declaration to the said persons hereby required to take and subscribe the same; and from and after the expiration of the said respective commissions, the said three oaths and declaration shall be from time to time administered and tendered to such person and persons who, by the true meaning of this Act or any clause therein contained, are to take the same, by such person or persons respectively, who by the charters or usages of the said respective cities, corporations, and boroughs, and Cinque Ports and their members, and other port-towns, ought to administer the oath for due executing the said places or offices respectively; and in default of such, by two justices of the peace of the said cities, corporations, and boroughs, and Cinque Ports and their members, and other port-towns, for the time being, if any such there be, or otherwise by two justices of the peace for the time being, of the respective counties where the said cities, corporations or boroughs, or Cinque Ports, or their members, or other port-towns are.

And be it likewise enacted by the authority aforesaid, that the said commissioners, justices of the peace, and other persons hereby authorized to administer the said oaths and tender the said declaration respectively shall cause memorandums or entries to be made of all oaths taken before them, and subscriptions made as aforesaid, and deliver the same once in a year to the respective town-clerks or other register or clerk of the said respective cities, corporations, and boroughs, and Cinque Ports and their members, and other port-towns, who shall cause the same to be fairly entered into the books or registers belonging to the said respective cities, corporations, or boroughs, or Cinque Ports and their members, or other port-towns.

Provided also, and be it enacted by the authority aforesaid, that from and after the expiration of the said commissions, no person or persons shall for ever hereafter be placed, elected, or chosen, in or to any the offices or places aforesaid, that shall not have, within one year next before such election or choice, taken the Sacrament of the Lord's Supper, according to the rites of the Church of England; and that every such person and persons so placed, elected, or chosen, shall likewise take the aforesaid three oaths, and subscribe the said declaration, at the same time when the oath for the due execution of the said places and offices respectively shall be administered; and in default hereof, every such placing, election, and choice is hereby enacted and declared to be void.

Provided always, and be it enacted, that every person who shall be placed in any corporation by virtue of this Act shall upon his admission take the oath or oaths usually taken by the members of such corporation.

Provided also, and be it hereby enacted, that the powers granted to the commissioners by virtue of this Act shall continue and be in force until 25 March 1663, and no longer.

Provided that if any action, bill, plaint, or suit shall at any time hereafter happen to be brought or commenced against any person or persons nominated a commissioner as aforesaid for any matter or thing by them or any of them done by virtue or in pursuance of this Act, that then it shall be lawful to and for every such person and persons against whom such action, bill, plaint, or suit shall be brought or commenced to plead the general issue, and to give this Act or any other special matter in evidence. And if the verdict shall pass with the defendant or defendants in any such action, or the plaintiff or plaintiffs become non-suit, or suffer any discontinuance thereof, that in every such case the judge or judges before whom the said matter shall be tried, or be depending, shall by force and virtue of this Act allow unto the defendant or defendants his or their treble costs, which he or they shall have sustained by reason of their wrongful vexation in defense of the said action or suit for which the said defendant or defendants shall have like remedy as in other cases where costs by the laws of this realm are given to the defendants.

Provided always, and it is hereby declared, that this Act, or anything therein contained, shall not extend or be to the prejudice of any person or persons whatsoever that have any reversion or reversions of any of the offices or places belonging to the City of London by force or virtue of any order, grant, designation, or nomination of the Lord Mayor and Court of Aldermen of the said City heretofore respectively made or granted to him or them before the times of the late wars, for or in respect of such grant, designation, or nomination only; anything in this Act to the contrary notwithstanding.

Henry Gee and William John Hardy, eds., *Documents Illustrative of English Church History* (London: MacMillan and Company, 1914):594–600.