

The Fire of London Disputes Act 1666 (18 & 19 C. II. c.7.)

An Act for erecting a Judicature for Determination of Differences touching Houses burned or demolished by reason of the late Fire which happened in London.

Whereas the greatest part of the Houses in the City of London and some in the Suburbs thereof have been burnt by the dreadful and dismal Fire which happened in September last, Many of the Tenants, Under-tenants or late Occupiers whereof are liable unto Suites and Actions to compel them to repair and rebuild the same, and to pay their Rents as if the same had not been burned and are not receivable therein in any ordinary course of Law, and great Differences are likely to arise concerning the said Repairs, and new Building of the said Houses, and payment of Rents, which, if they should not be determined with all speed, and without charge, would much obstruct the rebuilding of the said City. And for that it is just that every one concerned should bear a proportional share of the loss, according to their several Interests, wherein in respect of the multitude of cases varying in their circumstances no certain general rule can be prescribed. Be it therefore enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authoritie of the same.

I. That the Justices of the Courts of Kings Bench, and Common Pleas, and the Barons of the Court of the Exchequer, for the time being, or any three or more of them, sitting at the same time and place, and not otherwise, shall be and are hereby authorized, from time to time, to hear and to determine all Differences and Demands whatsoever which have arisen or may any-way arise between Landlords, Proprietors, Tenants, Lessees, Under-Tenants, or late Occupiers of any the said Houses or Buildings with their appurtenances or the Courts or Yards, Grounds and Wharfs, or any person or persons having or claiming any Estate, Right, Title, Interest in Law or Equity, or Trust, Charge or Incumbrance, of or in the same or their or any of their Heirs, Executors, Administrators, Successors or Assigns, or any other persons for touching or concerning the repairing building or rebuilding of the said Houses or Buildings, Yards, Courts, Grounds and Wharfs, or any other Grounds lying within that part of the City and Suburbs thereof lately burnt, pulled down or otherwise demolished, defaced, or otherwise ruined by reason of the said Fire ,or for or concerning the payment defalcation, apportioning or abatement of any Rent or Rents other then Arrears of Rent only due before the First day of September One thousand six hundred sixty and six, or for or touching any Covenant, Condition or Penalty relating thereunto, or for touching or concerning the prefixing or limiting of any time for such Repairs or new Building, Rebuilding or any Rate or Contribution to be borne or paid thereunto by any person or persons, Bodies politic or corporate, interested in the Premises, and all Incidents relating thereunto, And that they or any three or more of them from time to time, and at such place or places as they or any three or more of them shall think fit from time to time with or without any Adjournment summarily and sine forma et figura judicij, and without the formalities of proceedings in Courts of Law or Equity, shall and may upon the verdict or inquisition of Jurors, testimony of witnesses upon oath, Examination of parties interested, or by all or any of the said ways or otherwise according to their Discretions, proceed to the hearing and determining of the Demands or Differences between the said Parties concerning the premises, and that the definitive Order of the said Justices and Barons, or any three or more of them as aforesaid, shall be final as between the said parties, their Heirs, Executors, Administrators, Successors and Assigns, and all claiming by from or under them as touching the matters contained in such Orders from which there shall be no Appeal or Review otherwise then as is hereafter mentioned, Nor shall any Writ of Error or Certiorari lie for the removal or reversal of the same.

II. Judges general Power as to ordering Surrenders, increasing or diminishing Charges on Estates, new Leases, &c.

And be it further enacted by the Authority aforesaid: That the said Justices and Barons or any

three or more of them as aforesaid shall have Authority and are hereby empowered where they shall think it convenient to order the surrendering; increasing, abridging, ceasing, determining or charging of any Estates in the Premises, or to order new or longer Leases or Estates not exceeding Forty years, to be made of any of the premises by the Proprietors or Owners thereof, or other persons interested therein, to any Tenant or Sub-Tenant, or late Occupiers of the same their Executors, Administrators, Successors or Assigns, at such Rents and Fines, or without any Rent or Fine, as they shall think fit unless in such Cases where the Laws of this Realm do forbid the Diminishing of ancient and accustomed Rents, All which Orders according to the Tenors thereof shall be obeyed by all persons concerned therein respectively, and shall conclude and bind them, their Heirs, Successors, Executors, Administrators and Assignes respectively, notwithstanding any Disability in respect of Coverture, Infancy, Non-Sanity of Memory, Estate Tail, or in Right of the Church, or otherwise, And that Infants, Femes, Covert Idiots, Persons of Non-Sane Memory, or beyond the Seas, Tenants in Tail, Bishops, Deans and Chapters, and other Ecclesiastical persons and their Successors, Corporations and all other person or persons Bodies Natural and Politick, their Heirs and Successors, and their respective Interests shall be bound and concluded by such respective Order or Orders, according to the Tenor or Purport thereof, Any Law Statute or Custom or other matter or thing to the contrary notwithstanding.

III. Court may issue Summons to appear.

And for the better enabling the said Justices and Barons to proceed with effect in the said Causes, Bee it also enacted, by the Authority aforesaid, That the said Justices and Barons, or any three or more of them as aforesaid, upon the complaint or request of any person or persons concerned in any of the said Houses or Buildings, and other the premisses, shall issue out Notes or Warrants under their hands, or the hands of any such three of them, thereby warning the person or persons, Bodies Politic and Corporate therein named and concerned in the said late Houses or Buildings, and other the premisses in such Complaint mentioned to appear before them, at such time and place as in such Note or Notes shall in that behalf be specified, And upon appearance of the said person or persons summoned, or upon default of appearance, and oath made of due notice given to him or them (which oath and all other oaths necessary to the Execution of the Powers given by this Act the said Justices and Barons or any three of them are hereby enabled to administer) The said Justices and Barons or any three of them may proceed to make such final and definitive Orders as aforesaid, and that such Service of the said Note or Notes as is usually allowed to be a good service in cases of Subpoena shall be accounted to be a good service in the cases aforesaid.

IV. The said Court to be a Court of Record.

And be it enacted by the authority aforesaid, That the said Justices and Barons or any three of them for the matters and according to the powers herein before mentioned shall be, and shall be taken to be a Court of Record, and that the Judgements and Determinations which shall be made betwixt party and party by authority of this Act shall be recorded in a Book or Books of Parchment to be provided for that purpose, and that every such Judgement and Determination shall be signed by three or more of the said Justices or Barons Which said Book or Books of Record shall be placed and in-trusted in the custody of the Lord Mayor and Aldermen of the City of London, for the time being, to be kept with the Records of the said City, and to remain as a perpetual standing Record, unto which all persons concerned or which shall be concerned shall or may repair to view the same, and thereout to take Copies of all such Judgements and Determinations as shall relate to him her and them And that none of the said Justices and Barons shall take any Fee or Reward whatsoever directly or indirectly for any thing to be done by them by virtue or colour of this present Act.

V. Officers Fees.

And be it enacted by the Authority aforesaid That for a reward of the Officers to be employed herein, the said Justices and Barons or any three or more of them as aforesaid, are hereby enabled

to order and direct a Table of such reasonable Fees to be made as may carry on and effect the purport and intent of this Act This Act to continue till the last day of December which shall be in the year of our Lord One thousand six hundred sixty and eight and no longer.

VI. Appeal on Exceptions being tendered within Seven Days.

Provided always and be it enacted by the Authority aforesaid, That where any such Order or Decree as is aforesaid shall be made by a lesser number of Justices and Barons then Seven, it shall be lawful for any person aggrieved by such Order or Decree to present his Exceptions to the same in writing, within seven days next after such Order or Decree made, to the Chief Justices and Chief Baron for the time being, or any two of them, who shall forthwith communicate the same to the rest of the said Justices and Barons who are hereby required to hear the Parties and examine and consider the said Exceptions, And if any Seven or more of them shall subscribe thereunto that they find probable cause of complaint, Then it shall and may be lawful to and for any Seven or more of the said Justices and Barons, within Twenty days next following such Exceptions delivered, to review the said former Order or Decree, And thereupon to reverse, confirm, enlarge, diminish or otherwise alter any such Order or Decree as in their wisdoms they shall think fit, Any thing herein contained notwithstanding.