

The penalty
of them which
refuse to take
the oath,

Marriage with
carnal know-
ledge,

shall swear a like corporal oath, that they and every of them without fraud or guile, to their cunning, wit, and uttermost of their powers, shall truly, firmly and constantly observe, fulfil, maintain, defend and keep the effects and contents contained and specified in this act, or in any part thereof; (3) and that they, nor any of them, shall hereafter have any liveries, *ouster le mains*, or restitution out of your hands, nor out of the hands of your heirs, till they have made the said corporal oath in form above rehearsed: and if any person or persons, being commanded by authority of this act to make the said oath afore limited, obstinately refuse that to do, in contempt of this act, that then every such person so doing, to be taken and accepted for offender in misprision of high treason; and that every such refusal shall be deemed and adjudged misprision of high treason; and the offender therein to suffer such pains and imprisonment, losses and forfeitures, and also lose privileges of sanctuaries, in like manner and form as is above mentioned for the misprisions of treasons afore limited by this act.

XIV. Provided always, That the article in this act contained concerning prohibitions of marriages within the degrees aforementioned in this act, shall always be taken, interpreted and expounded of such marriages, where marriages were solemnized and carnal knowledge was had,

Statutes made at *Westminster*, Anno 26 HEN. VIII.
and *Anno Dom.* 1534.

ACTS made in the session of this present parliament, holden upon prorogation at *Westminster* the third day of November in the six and twentieth year of the reign of our most dread sovereign lord King Henry the Eighth, and there continued and kept till the eighteenth day of December next ensuing, to the honour of God, and for the common weal and profit of this his realm.

CAP. I.

The King's grace to be authorized supreme head.

The King
shall be re-
puted supreme
head of the
the church of
England, and
correct all he-
resies and of-
fences.

ALBEIT the King's majesty justly and rightfully is and ought to be the supreme head of the church of England, and so is recognized by the clergy of this realm in their convocations, yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same: be it enacted by authority of this present parliament, That the King our sovereign lord, his heirs and successors, Kings of this realm, shall be taken accepted and reputed the only supreme head in earth of the church of *England*, called *Anglicana Ecclesia*; (2) and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and stile thereof, as all honours, dignities, preheminences, jurisdictions,

jurisdictions, privileges, authorities, immunities, profits and commodities to the said dignity of supreme head of the same church belonging and appertaining; (3) and that our said sovereign lord, his heirs and successors, Kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain and amend all such errors, heresies, abuses, offences, contempts and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity and tranquility of this realm; any usage, custom, foreign laws, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

Repealed by
1 & 2 Ph. & M.
c. 8. and re-
vived by
1 Eliz. c. 1.
5 Eliz. c. 1.

CAP. II.

The oath of obedience to the King and the heirs of his body begotten of Queen *Anne*. Any former oath made to be reputed vain and annihilate. The exposition of the oath, and who have and shall be bound to take it. Certificate shall be made into the King's bench of the refusers of the oath.

25 H. 8. c. 12.
28 H. 8. c. 7.
1 & 2 Ph. & M.
c. 8.
1 Eliz. c. 1.

CAP. III.

The bill for the first-fruits, with the yearly pensions to the King.

FOrasmuch as it is, and of very duty ought to be, the natural inclination of all good people, like most faithful loving and obedient subjects, sincerely and willingly to desire to provide, not only for the publick weal of their native country, but also for the supportation, maintenance and defence of the royal estate of their most dread benign and gracious sovereign lord, upon whom, and in whom dependeth all their joy and wealth, in whom also is united and knit so princely a heart and courage, mixed with mercy, wisdom and justice, and also a natural affection joined to the same, as by the great, inestimable and benevolent arguments thereof, being most bountifully, largely, and many times shewed, ministered and approved towards his loving and obedient subjects, hath well appeared, which requireth a like correspondence of gratitude to be considered, according to their most bounden duties; (2) wherefore his said humble and obedient subjects, as well the lords spiritual and temporal, as the commons, in this present parliament assembled, calling to their remembrance not only the manifold and innumerable benefits daily administered by his Highness to them all, and to the residue of all other his subjects of this realm; but also how long time his Majesty hath most victoriously, by his high wisdom and policy, protected, defended and governed this his realm, and maintained his people and subjects of the same in tranquillity, peace, unity, quietness and wealth; (3) and also considering what great, excessive and inestimable charges his Highness hath heretofore been at, and sustained by the space of five and twenty whole years, and also daily sustaineth, for the maintenance, tuition and defence of this his realm, and his loving subjects of the same, which cannot be sustained and born without some honour-
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First-fruits of
all dignities
spiritual shall
be paid to the
King, &c.
12 Co. 45.
Rep. 2 & 3 Ph.
& M. c. 4. and
revived by
1 Eliz. c. 4.
2 Ann. c. 11.

able provision and remedy may be made, found, provided and ordained for maintenance thereof; do therefore desire, and most humbly pray, that for the more surety of continuance and augmentation of his Highness royal estate, being not only now recognized (as he always indeed hath heretofore been) the only supreme head in earth, next, and immediately under God, of the church of England, but also their most assured and and undoubted natural sovereign liege lord and King, having the whole governance, tuition, defence and maintenance of this his realm, and most loving and obedient subjects of the same: it may therefore be ordained and enacted by his Highness, and the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, in manner and form following:

The first-fruits and profits for one year of every spiritual living is granted to the King. By 27 H. 8. c. 8. s. 1. a deduction is to be made of the tenth part of the whole out of the first-fruits for the first year.

Every spiritual person shall be bound for his first-fruits before his actual possession of his benefice.

See 28 H. 8. c. 11. s. 3.

Commissioners to search for the value of benefices, and to compound for the first-fruits.

II. That is to say, That the King's highness, his heirs and successors, Kings of this realm, shall have and enjoy from time to time, to endure for ever, of every such person and persons which at any time after the first day of *January* next coming shall be nominated, elected, preferred, presented, collated, or by any other means appointed, to have any archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the King's dominions, of what name, nature or quality soever they be, or to whose foundation, patronage or gifts soever they belong, the first-fruits, revenues and profits for one year of every such archbishoprick, bishoprick, abbey, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel or other dignity, benefice, office or promotion spiritual afore named, whereunto any such person or persons shall after the said first day of *January* be nominated, elected, preferred, presented, collated, or by any other means appointed; (2) and that every such person and persons, before any actual or real possession, or meddling with the profits of any such archbishoprick, bishoprick, abbacy, monastery, college, hospital, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, priory or other dignity, benefice, office or promotion spiritual, shall satisfy, content and pay, or compound or agree to pay to the King's use, at reasonable days, upon good sureties, the said first-fruits and profits for one year.

III. And be it also enacted by authority afore said, That the chancellor of *England* and master of the rolls for the time being, jointly and severally, or such other person and persons as shall please the King's highness, his heirs or successors, from time to time, at his or their pleasure, to name and depute, by commission or commissions under the great seal, shall have power and authority, as well to examine and search for the just and true value of the said first-fruits and profits, by all ways and means that they can, as to compound and agree for the rate of the said first-fruits and profits, and to stall and limit reasonable days for payment thereof upon good and sufficient

cient surety or sureties by writings obligatory by their discretions; (2) and if composition or agreement be had or made for the said first-fruits before the said lord chancellor or master of the rolls, that then the writings obligatory, or money taken for the same, shall rest, remain and abide in the hanaper of the King's chancery, there safely to be kept to the King's use, and the money to be due of such writings obligatory, or to be received in hand by reason of any such composition, shall be paid in the said hanaper to the clerk of the hanaper for the time being, and that the said clerk of the hanaper shall make a true and just account thereof, like as he is bound to do of the money received of the profits of the King's great seal; (3) and if composition or agreement be had or made for the said first-fruits, afore any other person or persons to be deputed by the King's highness, his heirs or successors, by commission under his great seal, that then the writings obligatory, and money taken for the same, shall be delivered to the treasurer of the King's most honourable chamber for the time being, or elsewhere to whom it shall please the King's highness, his heirs or successors, to give authority by commission under the great seal to receive the same.

IV. And it is also ordained and enacted by authority aforesaid, That every writing of acquittance subscribed with the hand and name of the clerk of the hanaper, and treasurer of the chamber, or other commissioners aforesaid, or any of them, witnessing the receipt of the said first-fruits or any part thereof, shall be as good and effectual against the King's highness, his heirs and successors, to every person and persons having the same, for so much money as shall be mentioned to be received and contained in every such acquittance, as if such acquittance were or had been lawfully had and obtained in the King's name, under the King's great seal, and so shall be admitted, accepted, allowed and taken in every of the King's courts; (2) and that all writings obligatory to be taken for payment of the said first-fruits, by and afore the said lord chancellor, or master of the rolls, or by and afore any other person or persons to be deputed to compound and agree for the said first-fruits as is aforesaid, shall be of the same strength, force, virtue, quality and effect, to all intents and purposes, as writings obligatory heretofore made by any lay person by authority of the statute of the staple been; (3) and that upon certificate hereafter to be made into the King's chancery, of any such writings obligatory to be taken for payment of such first-fruits, like process and execution shall be thereupon made and had against any person spiritual and temporal, as hath been accustomed to be made against any lay person, upon certificate of writings obligatory of the said statute of the staple; (4) and that no person shall be compelled to pay for any writing obligatory to be made for the said payment of the said first-fruits, above viii. d. nor for any acquittance to be made for receipt of such first-fruits, above iv. d. (5) and that such person and persons as shall be deputed by the King's highness by commission under the great seal, to compound and agree for the said first-fruits, shall, at the end

The money taken for first-fruits shall be delivered to the treasurer of the chamber,

Whose acquittance shall be sufficient discharge for the first-fruits.

An obligation for the first-fruits shall be of the same strength that a statute of the staple is.

The penalty of commissioners concealing bonds taken for the payment of first-fruits.

Who so entrench upon his spiritual living before composition shall forfeit double the value of the first-fruits.

All first fruits payable to other persons shall cease, and be paid to the King. See 32 H. 8. c. 47. l. 3.

of every six months next after the date of their commission, and so from six months to six months, deliver or cause to be delivered unto the treasurer of the chamber for the time being, or elsewhere to such commissioners as shall be appointed as is aforesaid, to receive the same, as well all such money, as all such specialties and bonds as they shall have taken for the payment of the said first-fruits, by indenture to be made between them and the said treasurer, or other commissioners as is aforesaid, containing the certainty and number of the sums of money and specialties, and bonds by them taken and received; (6) and if any person or persons to whom any deputation shall be made by commission, to compound and agree for the payment of the said first-fruits, their heirs, executors or administrators, conceal or imbezzle any of the said specialties or bonds taken for the sure payment of the said first-fruits, and do not deliver them according to the tenor of this act, that then every such offender shall forfeit that office of deputation, and over that make fine and ransom at the King's own pleasure and will.

V. And it is also enacted by authority aforesaid, That if any person or persons, which at any time after the said first day of *January* shall be nominated, elected, preferred, presented, collated, or by any other means appointed to any of the dignities, offices, benefices or other promotions spiritual before-mentioned, do enter into the actual and real possessions thereof, or meddle with the profits thereof, before they shall have truly satisfied and paid to the King's use, the first-fruits and profits thereof for one year, or else shall have agreed or compounded for payment of the same at reasonable days upon good sureties, in manner and form as by this act is above specified, that then every such person and persons so doing and offending, and being thereof convicted by presentment, verdict, confession or witness before the said lord chancellor, or such other as shall have authority by commission to compound for the said first-fruits and profits as is aforesaid, shall be accepted and taken an intruder upon the King's possession; (2) and that they, their executors or administrators, shall pay to the use of the King's highness, for every such offence, so much sums of money as shall amount to the double value of the said first-fruits and profits of such dignities, benefices or other spiritual promotions wherein they shall so enter and intrude before the payment of the said first-fruits and profits for one year thereof, or before due agreement made for the same, in manner and form as is above rehearsed.

VI. And be it further enacted by authority aforesaid, That the first-fruits of benefices heretofore accustomed to be paid to the bishop of *Norwich*, within his diocese, and to the archdeacon of *Richmond*, within his archdeaconry, or to any other person or persons within this realm, or any other the King's dominions, shall from the said first day *January* cease, and be extinct, and no longer be paid, but only to the King's highness,

highness, his heirs and successors, in such form as is above mentioned in this act.

VII. Provided always, That archbishops and bishops, and all other having jurisdiction ordinary, may give and deliver letters of institution and induction, as they might do before the making of this act, without any offence of any article contained in this act; any thing in this act contained to the contrary thereof notwithstanding. The bishops may give institution and induction.

VIII. Provided also, That where there be divers cells appertaining to monasteries and priories, and that the priors of such cells be named, and removeable from time to time, at the only wills and pleasures of their masters and sovereigns of the monasteries and priories whereunto such cells belong; that the priors of such cells shall not be compelled to pay any first-fruits by virtue or authority of this act; any thing in this act contained to the contrary thereof notwithstanding; (2) but that the first-fruits and profits of every such cell shall be paid to the King's highness, his heirs and successors, whensoever and as often as any person shall be nominated, elected, perfected or collated to the monastery or priory whereunto such cells belong. Priors removeable shall pay no first-fruits.

IX. And over this be it enacted by the authority aforesaid, That the King's majesty, his heirs and successors, Kings of this realm, for more augmentation and maintenance of the royal estate of his imperial crown and dignity of supreme head of the church of *England*, shall yearly have, take, enjoy and receive, united and knit to his imperial crown for ever, one yearly rent or pension, amounting to the value of the tenth part of all the revenues, rents, farms, tythes, offerings, emoluments, and of all other profits as well called spiritual as temporal, now appertaining or belonging, or that hereafter shall belong to any archbishoprick, bishoprick, abbacy, monastery, priory, archdeaconry, deanry, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chauntry, free chapel, or other benefice or promotion spiritual, of what name, nature or quality soever they be, within any diocese of this realm, or in *Wales*; (2) the said pension or annual rent to be yearly paid for ever to our said sovereign lord, to his heirs and successors, Kings of this realm, at the feast of the nativity of our Lord God, (3) and the first payment thereof to begin at the feast of the nativity of our Lord God, which shall be in the year of our Lord God 1535. (4) And to be paid yearly by such as shall be appointed to have the collection thereof by this act, in such manner and form as shall hereafter be limited by this act, before the first day of *April* yearly next following after the said feast of the nativity of our Lord. A yearly tenth of all spiritual livings given to the King.

X. And it is ordained and enacted by authority aforesaid, That the said yearly rent and pension shall be taxed, rated, levied, perceived and paid to the King's use, his heirs and successors, in manner and form hereafter to be declared by this act; that The tenth must be paid at Christmas.

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value of every
spiritual
living.

Deductions to
be defalked
out of spiritual
livings.

The commis-
sioners shall
be sworn in-
differently to
execute their
commissions.

is to say, that the chancellor of *England* for the time being shall have power and authority to direct into every diocese in this realm, and in *Wales*, several commissions in the King's name, under his great seal, as well to the archbishop or bishop of every such diocese, as to such other person or persons as the King's highness shall name and appoint, commanding and authorising the said commissioners so to be named in every such commission, or three of them at the least, to examine, search and enquire by all the ways and means that they can by their discretions, of and for the true and just whole and entire yearly values of all the manors, lands, tenements, hereditaments, rents, tythes, offerings, emoluments and all other profits, as well spiritual as temporal, appertaining or belonging to any archbishoprick, bishoprick, abbacy, monastery, priory, archdeaconry, deanry, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chauntry, free chapel, or to any other benefice or promotion spiritual within the limits of their commission, (2) with a clause to be contained in every such commission, that the said commissioners, or three of them at the least, shall deduct and allow in the making and rating of the said yearly values of the premisses these deductions following, and none other; that is to say, the rents resolute to the chief lords, and all other annual and perpetual rents and charges, which any spiritual person or persons been bounden yearly to pay to any person or persons, to their heirs and successors for ever, or to give yearly in alms, by reason of any foundation or ordinance, and all fees for stewards, receivers, bailiffs and auditors, and synods and proxies, with another clause to be also contained in every such commission, that the said commissioners or three of them at the least, shall certify under their seals, at such days as shall be limited by the said commissions, as well the whole and intire value, as the deductions aforesaid, of every archbishoprick, bishoprick, abbacy, monastery, priory, archdeaconry, deanry, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chauntry, free chapel, and of all other benefits and promotions spiritual.

XI. And it is ordained and enacted by authority aforesaid, That the said commissioners that shall be so appointed, or three of them at the least, shall have full power and authority to do, accomplish and execute the effects and contents of their said commissions in every behalf; (2) and that every the said commissioners, before they shall execute their said commission; shall receive and take a corporal oath before the lord chancellor, or before such other as shall be appointed by the said chancellor by the King's writ of *Dedimus potestatem*, that they shall diligently and truly, without favour, affection, fraud, covin, meed, dread or corruption, do, fulfil and execute the whole effects and contents expressed in every such commission within the

the limits thereof, to their cunning, wits, and uttermoſt of their powers.

XII. And it is ordained and enacted by authority aforeſaid, That after ſuch certificate made by the ſaid commiſſioners, the ſaid yearly rent and penſion of the tenth part ſhall be ſet, taxed, rated and taken juſtly and truly and indifferently by the treaſurer, chancellor, chamberlain and barons of the King's exchequer, of and out of the clear yearly value of the premiſſes, that ſhall be above the deductions afore-mentioned, and none otherwiſe. (2) And that every archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntry, free chapel, or other benefice or promotion ſpiritual, ſhall be ſeverally and diſtinctly taxed, charged and chargeable, in the proper diocēſe where they been, for the payment of ſuch portion of the ſaid tenth part as ſhall be taxed and ſet upon them by authority of this act; that is to ſay, every of them by and for themſelves ſhall be taxed, charged and chargeable in the proper diocēſe where they been, for the tenth part of the yearly value of their poſſeſſions and profits to them belonging, whereſoever their ſaid poſſeſſions and profits ſhall happen to be or lie in any part of this realm, or elſewhere in any of the King's dominions; (3) and that none of them ſhall be charged or chargeable for the payment of the others charge or portion.

Every ſpiritual perſon ſhall be charged for his tenths in the diocēſe where they be, though their poſſeſſions lie in other diocēſes.

XIII. And it is alſo enacted by authority aforeſaid, That after ſuch certificate made into the King's exchequer, and tax ſet of the tenth part, in form above remembered, every archbiſhop and biſhop now being, and that hereafter ſhall be, ſhall be charged and chargeable to levy, collect and receive, within their proper diocēſe, as well in places exempt as not exempt, all ſuch ſums of money wherewith the dignities, benefices and other promotions ſpiritual afore mentioned within their diocēſe, chargeable by this act, ſhall be ſet, taxed and charged towards the payment of the ſaid yearly penſion, (2) and ſhall pay and content the ſaid ſums of money yearly, before the ſaid firſt day of *April*, to the treaſurer of the King's chamber for the time being, or to any other perſon or perſons whom it ſhall pleaſe the King's highneſs to appoint to receive the ſame; (3) and that every of the ſaid archbiſhops, and biſhops, their executors and adminiſtrators, and the poſſeſſions of their dignities and churches, ſhall ſtand charged and chargeable for the ſure and true payment of ſuch ſums of money as they ſhall collect and receive of the ſaid yearly rent and penſion.

Biſhops ſhall be charged to the collection of their tenths in their diocēſes.
12 Co. 45.
32 H. 8. c. 47.
34 H. 8. c. 17.
31 H. 8. c. 13.
27 H. 8. c. 28.
By 3 G. 1. c. 10.
the King is to appoint a collector to receive the tenths.

XIV. And that the treaſurer chancellor, chamberlain and barons of the King's exchequer, ſhall yearly cauſe proceſs to be made by their diſcretions for nonpayment of the ſaid penſion or yearly rent, or any parcel thereof, againſt every archbiſhop and biſhop of this realm; that is to ſay, againſt every archbiſhop and biſhop for ſo much part and portion of the ſaid penſion and yearly rent, wherewith the dignities, benefices and other pro-

Proceſs againſt a biſhop for the payment of all tenths within his diocēſe.

promotions spiritual afore mentioned within his diocese shall be taxed and charged ; (2) so that every of the said archbishops and bishops shall be charged and chargeable for the rate and portion of the said yearly rent and pension set and taxed within his own peculiar diocese, and not otherwise.

By what means the bishop shall levy the tenths of every spiritual promotion.

32 H. 8. c. 22.

XV. And be it also enacted by authority afore said, That every archbishop and bishop shall have power and authority to levy, take and perceive, by authority of the censures of the church, or by distress or otherwise, by their discretion, all such sums of money as shall be rated, taxed and set to go out of the lands, tenements, hereditaments, profits and emoluments of any dignity, office, benefice or other place or promotion spiritual within their diocese, towards the payment of the said yearly rent and pension ; (2) and that no replevin, prohibition nor *superfedeas* upon any excommunication, nor any other writ or impediment shall be sued, allowed or obeyed, for any person or persons making default of payment of such part and portion as they shall be rated and taxed unto by authority of this act, till such time as they have truly satisfied their said part and portion to them allotted of the said yearly rent and pension.

Who shall be collectors in time of vacation of a bishoprick.

XVI. And it is also enacted by authority afore said, That whensoever and as often as any of the archbishopricks or bishopricks happen to be void, that then the dean and chapter of the cathedral church, or the prior and convent, or chapter or convent of the monastery or cathedral church, where the see of such archbishoprick or bishoprick being void shall happen to be, during the time of the vacation thereof, and their executors, administrators and possessions, shall be charged and chargeable to do and cause to be done all and every thing and things for the due execution of this act, within the diocese of such archbishoprick or bishoprick being void, as the same archbishop or bishop of the see, being void, should have done, according as it is limited and appointed by this act, or by any thing therein contained.

The penalty for default of payment of tenths.

1 El. c. 4.
Moor 541. pl. 714.

XVII. And it is ordained and enacted by authority afore said, That if any sum of money being once due by any incumbent of any the dignities, benefices or promotions spiritual afore specified, charged to the payment of the said yearly pension and annual rent, be reasonably demanded and required any time after the said feast of the nativity of our Lord, at their dignities, monasteries, priories, hospitals, colleges, churches, chauntries or houses, by the archbishop or bishop, or such as shall be charged with the collection of any part of the said pension, or by any other their ministers, servants or officers, to pay such portion of the said pension and yearly rent, as they shall be taxed and assessed unto, be not truly contented and paid unto such archbishop or bishop, or their ministers and officers, and to such other person or persons, or their ministers or servants, as shall have the charge of collection thereof every year yearly, at the time of such request and demand thereof, or else within forty days next after every such request at the farthest ; that then

then every incumbent making such default of payment, after such default thereof certified into the King's exchequer in writing under the seals of any archbishop or bishop, or of such as be limited and charged to the collection of the said pension by this act, shall be adjudged deprived *ipso facto* of all such dignities, benefices, pensions and promotions spiritual, as any such incumbent, making such default, shall have at the time of such certificate to be made, or at any time after; (2) so that all such dignities, benefices, pensions and promotions spiritual, which any incumbent, making such default of payment, shall have at the time of any such certificate to be made, or at any time after, shall be clearly void and destitute of incumbent in the law, to all intents and purposes, as if such incumbent, making such default of payment, were dead indeed.

Altered by 2
& 3 Ed. 6. c. 20.
f. 3.

XVIII. And it is ordained and enacted by authority aforesaid, That if any archbishop or bishop, or any other, limited and charged by this act to the collection and payment of the said pension and annual rent, do make a certificate unto the King's exchequer before the said first day of *April*, or at any time within four and twenty days next after the said first day of *April*, that they according to this act have reasonably required and demanded any incumbent of any dignity, benefice or promotion spiritual, chargeable by this act, to pay such part or portion of the said pension and annual rent, as they shall happen to be assessed unto, and that such incumbent, so being required, hath not paid his said part and portion according to the form and effect of this act; that then every such archbishop and bishop, and every other person having the charge by this act for collection and payment of the said pension and annual rent, upon every such certificate, shall be discharged and acquitted for ever against the King, his heirs and successors, of and for all such sums of money as any such incumbent, against whom such certificate shall be made, should or ought to have paid by this act; (2) and that then in every such case the treasurer, chancellor, chamberlain and barons of the King's exchequer, shall devise and direct, upon every such certificate, such process out of the King's exchequer against every such incumbent, against whom any such certificate shall be made, and their executors and administrators, or for insufficiency of them, against the successors of every such incumbent, whereby the King's highness, his heirs and successors, shall and may be truly answered, paid and contented of such portion and part as the incumbent against whom any such certificate shall be made, was taxed and assessed for his dignities, benefices or promotion spiritual chargeable by this act.

The bishop making a certificate of any incumbent omitting to pay his tenths, shall be discharged thereof.
7 Ed. 6. c. 4.
Savil 1.

Process shall be awarded against the refusers to pay their tenths.

XIX. And it is also ordained and enacted by authority aforesaid, That all manner of acquittances made by the treasurer of the King's chamber, or by any other such commissioners as shall be appointed as is aforesaid, to receive the said pension, or any part thereof, and subscribed with the name of the said treasurer, or any other such commissioner, for the payment of the

Whose acquittances shall be a discharge for the payment of the tenths.

said pension or annual rent, or any part thereof, to any such person or persons as be limited and charged with the collection thereof, shall be of as good strength, force, virtue and effect to the parties having the same, as if they were made in the King's name, under his great seal, and so shall be allowed, admitted and accepted in all courts of this realm; (2) and that the treasurer, chancellor, chamberlain and barons of the King's exchequer, shall, by virtue and authority of this act, as well admit and allow such acquittances, as all such certificates as shall be made against any incumbent for default of payment, as is above said, upon the account of every archbishop and bishop, and of every other person limited and charged by this act for the collection and payment of the said pension and annual rent, without any writ, bill or warrant, to be sued in or for that behalf.

Nothing shall be taken in the exchequer of a bishop or his collector for his account or *quietus est*. Savil 38.

XX. And that no manner of officer of the King's exchequer shall take of any archbishop or bishop, or of any other person having charge with the collection and payment of the said pension or annual rent, any manner reward or thing for making their account or *quietus est* in the same exchequer, or for any manner of thing appertaining to the same, concerning the said pension and annual rent, upon pain of every officer, doing contrary to this act, to lose and forfeit his office, and make fine to the King at his will and pleasure.

XXI. And forasmuch as every incumbent of the dignities, benefices and promotions spiritual afore mentioned shall be charged by this act to the payment of the tenth part of the value of their dignities, benefices and promotions spiritual, without any deduction or allowance of such pension or pensions, wherewith some of them have been charged to pay to their predecessors during their lives, or to other persons to the use of such their predecessors during their lives: (2) it is therefore ordained and enacted by authority aforesaid, That it shall be lawful to every incumbent charged with any such pension payable to any his predecessors, or to any to his use, to retain and keep in his hand the tenth part of every such pension; (3) and that every such incumbent and his sureties shall from henceforth be acquitted and discharged of the said tenth part of every such pension, by virtue and authority of this present act; any decree, ordinance or assignment of any ordinary, or any collateral writing or security made for such pension to any spiritual person or persons, or to any to their uses for term of their lives, in any wise notwithstanding; (4) and that as well every incumbent, as such persons as stand bound for him for payment of any such pensions, shall plead this act in every of the King's courts, for the clear extinguishment and discharge of the tenth part of every such pension.

They which pay pensions to others out of their spiritual living may retain the tenth part thereof.

No pension shall be reserved upon the resignation of a benefice, above the value

XXII. And be it also ordained and enacted by authority aforesaid, That no pension shall hereafter be assigned by the ordinary, or by any other manner of agreement, by collateral surety, or otherwise, upon any resignation of any dignity, benefice or promotion spiritual, above the value of the third part of the dig-

dignity, benefice or promotion spiritual resigned: (2) and if any of the third pension amounting above the value of the third part of the dignity, benefice or promotion spiritual heretofore resigned, be already limited and made sure to any spiritual person or persons, by decree of the ordinary, or otherwise by any collateral surety, or hereafter shall happen to be assigned and made sure to any person or persons spiritual, or to any other to their use, by decree of the ordinary, or by any other collateral surety, upon any resignation thereof; yet nevertheless the incumbent charged with such pension, nor his sureties collateral, shall not be compelled to pay any more pension than the value of the third part of his dignity, benefice or promotion spiritual so resigned shall amount unto; (3) but shall by authority of this act be clearly acquitted and discharged of so much of the said pension as shall amount above the value of the third part of the dignity or benefice resigned; any decree or assignment of the ordinary, or any collateral writings or sureties heretofore made, or hereafter to be had or made for the same, to the contrary thereof notwithstanding.

XXIII. *And forasmuch as divers abbots and priors been charged to pay great pensions to sundry their predecessors yet living, to the great decay of their hospitalities and housekeeping; be it enacted by authority aforesaid, That every such predecessors of such abbots or priors, having any pension made sure unto them, or to any to their use, during their lives, amounting above the yearly value of xl. li. shall from henceforth be defalked and abated of the moiety and half-deal of every such pension; (2) and that every abbot, and all other persons charged for the payment of such pension above the said yearly value of xl. li. shall be clearly acquitted and discharged by authority of this act of the moiety and half-deal thereof for ever; any decree or assignment thereof by the ordinary, or any writing or surety collateral had or made for the surety thereof notwithstanding.*

XXIV. *And forasmuch as the lord prior of Saint John's of Jerusalem in England, and his brethren, be not specially named and expressed in this act, whereby ambiguity might arise, whether they should be comprised within the limits of this act; it is therefore for plain declaration thereof enacted by authority aforesaid, That every person and persons which after the said first day of January shall happen to be nominated, elected, collated, or by any other means appointed, to the dignity of the said prior of Saint John's of Jerusalem in England, or to any commandry appertaining unto the same, shall before their actual and real entry into the same dignity or commandry, or meddling with the profits thereof, satisfy and pay to the use of the King's highness, his heirs and successors, the first-fruits and profits thereof for one whole year, or agree or compound for the same at reasonable days, in like manner and form, and upon like pain in every behalf, as archbishops and bishops and other spiritual persons be bound to do by virtue and authority of this act: (2) and that also the prior of St. John's now being, and his successors, and every of his brethren having any commandry, and*

Abbots or priors paying pensions to their predecessors.

The prior of St. John's of Jerusalem shall pay first-fruits and tenths.

their fucceffors, fhall contribute and pay yearly to the King's highnefs, his heirs and fucceffors, one yearly rent and penfion amounting to the tenth part of all their poffeffions and profits, as well fpiritual as temporal, and fhall be charged, rated, taxed and fet to the contribution and payment of the faid tenth part ; (3) and that alfo the faid tenth part fhall be levied, collected and paid, in fuch like manner and form, to all intents and purpofes, as the tenth part of other dignities and benefices fpiritual fhall be charged, taxed, fet, levied, collected and paid by authority of this act.

They which in one corporation have feveral poffeffions belonging to their dignities, fhall pay for their own poffeffions, and not for others.

XXV. *And forasmuch as in sundry and many cathedral churches colleges and hospitals of this realm, there is, and time out of mind hath been, certain ordinances instituted and made, whereby the dean, provost, master, or other chief governor of fuch churches, colleges and hospitals, hath a certain part and portion of the poffeffions and profits belonging to fuch churches, colleges and hospitals, all-only limited and belonging to their offices and dignities ; (2) and every prebendary, brother, vicar, fellow, petit canon, and other minifters fpiritual, in fuch churches, colleges and hospitals, hath another portion, all only and diftinctly limited, appertaining and belonging to their dignities and offices in fuch churches, hospitals and colleges : (3) it is therefore provided and ordained by authority aforefaid, That fuch perfon and perfons which at any time after the faid firft day of January fhall be nominated, elected, prefented, perfected, collated, or by other means appointed to be dean, provost, master, or other chief governor of fuch cathedral churches, colleges or hospitals, fhall be rated, compound and pay, for their firft-fruits, but only after the rate of the yearly value of the poffeffions and profits limited and belonging to their office and dignity.*

XXVI. *And that every other perfon and perfons, that after the faid firft day of January fhall be nominated, elected, prefented, perfected, collated, or by any other means appointed to have any prebend, brotherfhip, fellowfhip, or to be any vicar or petit canon, or to have any other dignity or office fpiritual in any fuch cathedral churches, colleges or hospitals, fhall be rated, compound and pay, for their firft-fruits, after the rate of the yearly value of the poffeffions and profits limited and belonging to their dignities and offices, in fuch churches, colleges and hospitals, and none otherwife ; any thing in this act to the contrary hereof in any wife notwithstanding.*

No firft-fruits fhall be paid for a benefice being not above the yearly value of eight marks. Altered by 1 El. c. 4. l. 29.

XXVII. *Provided always, That fuch perfon or perfons, that after the faid firft day of January fhall be prefented or collated to any parfonage or vicarage, whereof the yearly value fhall not exceed viij. marks, fhall not be compelled to pay any firft-fruits for any fuch parfonage or vicarage whereunto they fhall be prefented or collated, not being above the faid yearly value of viij. marks ; except that the incumbent prefented or collated to fuch parfonage or vicarage, whereof the yearly value fhall not exceed viij. marks, do live three years next and immediately following after his institution, induction or collation to fuch parfonage or vicarage ; (2) and if fuch incumbent do live after the faid*

said three years, then he or his executors or administrators, shall pay, at days to be limited after the said three years, upon sureties (as is aforesaid) the first-fruits of every such parsonage or vicarage: (3) and that in every obligation to be made by any incumbent of such parsonage or vicarage, and his sureties, for payment of the first-fruits of such parsonage or vicarage, there shall be contained a proviso, That if the said incumbent die within three years next after the date of the institution, induction or collation of the said parsonage or vicarage, that then the obligation shall be void and of none effect, any thing in this act to the contrary hereof notwithstanding.

A proviso in the obligation, if the incumbent die within three years.

XXVIII. And over this where the clergy of the province of Canterbury, in their convocation, have granted unto the King's highness one hundred thousand pounds, and the clergy of the province of York eighteen thousand eight hundred forty pounds ten pence, to be paid by even portions in five years, and that which could not be levied thereof in the same five years, to be paid in the sixth year, as by the tenor of their several grants thereof made in their several convocations more plainly appeareth: (2) it may please the King's majesty of his excellent goodness, in consideration that the said yearly pension and annual rent shall be yearly from henceforth duly paid and satisfied to his Highness and to his heirs and successors, according to the tenor, form, purport and effect of this present act, that it may be enacted by authority of this present parliament, That the clergy of the said province of Canterbury, and every of them, shall be discharged and acquitted against our said sovereign lord, his heirs and successors, of and for the twenty thousand pound, parcel of the said hundred thousand pound, which should be paid in the fifth year of payment limited by their grant: (3) and that the clergy of the said province of York shall likewise be discharged and acquitted of and for all such sums of money, parcel of the said eighteen thousand eight hundred forty pounds and ten pence, which should be paid in the fifth year of payment limited by their grant; any thing in their said several grants thereof made in any wise notwithstanding.

How much the clergy of the two provinces of Canterbury and York shall be yearly discharged of, and wherefore.

XXIX. Provided always, That all the residue of sums of money, which be yet to be paid, and not released nor discharged by this act, shall be truly paid and satisfied to our said sovereign lord, his heirs and successors, according to the tenor, form and effect of their said several grants.

XXX. Provided also, That all such fees, which any archbishop, bishop, abbot, prior or other prelate of the church is bounden yearly to pay to any chancellor, master of the rolls, justices, sheriffs or other officers or ministers of record, for temporal justice to be done or ministered within their diocese or jurisdictions, shall be allowed and deducted by the commissioners aforesaid, in and upon the valuation of the dignities, monasteries, priories or churches chargeable with such fees; any thing in this act to the contrary hereof notwithstanding.

Fees which any prelate is bound to pay for temporal justice.

26 H. 8. c. 17.

27 H. 8. c. 8.

32 H. 8. c. 22.

2 & 3 Ed. 6.

c. 20.

7 E. 6. c. 4.

1 Eliz. c. 4.

Y 3

C A P.

Ann. c. 11. 5 Ann. c. 24. 6 Ann. c. 27. 1 Geo. 1. c. 10. 3 Geo. 1. c. 10.