

had and made in the said action of detinue in the next shire adjoinant, against every forester, ruler, walker, farmer or their assigns, so offending contrary to the tenor of this act, as in an action of trespass at the common law of this realm is used.

### C A P. VIII.

*An act that the King's spiritual subjects shall pay no tenths of their spiritual promotions for that first year for which they paid their first-fruits.*

**W**HERE by a late act made in this parliament, for and concerning the grant made to the King's highness of the tenth of the yearly value of all spiritual possessions of this realm and of the first-fruits thereof, there appeareth by the words of the said act, that prelates and all other incumbents be charged to the payment of the tenth that shall be due to the King's highness in and for the first year that they shall be elected, preferred, presented, collated or admitted to any dignities, benefices, or other promotion spiritual, (2) and for the same first year shall also pay the whole first-fruits of their said dignities, benefices and promotions, which is a double charge: (3) **No spiritual persons shall pay any tenth the same year they pay their first-fruits.** for reformation whereof, the King's highness, for the entire and hearty love that his Grace beareth to the prelates and other incumbents, chargeable to the payment of the said tenth and first-fruits, of his excellent goodness is pleased and contented that it be enacted by authority of this present parliament, That whensoever any person or persons, from the first day of May, which shall be in the year of our Lord God one thousand five hundred thirty and six, shall be named, 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 or promotion spiritual, by virtue whereof they shall be charged or chargeable, as well for the payment of the tenth of every the said archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, or other dignity, benefice or promotion spiritual, as with the payment of the first-fruits of the same, and every of the same, shall at his or their composition, agreement, or entry into specialty or specialties for the payment of the said first-fruits, have allowance and deduction of the said tenth part of the whole out of the sum to be paid for the said first-fruits for the year wherein he or they shall be first nominated, preferred, presented, collated, or by any other means appointed to have any of the said dignities, benefices, offices, or other promotions spiritual, according to the just rate, taxation and sessment of the tenth of every of the said archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel or other dignity, benefice,

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 gift soever they belong, now being inrolled, or that hereafter shall be inrolled in the King's exchequer, or in any other the King's courts of record.

Every person authorized to compound for first-fruits, may deduct the tenth part out of the first-fruits.

II. And be it further enacted, That every commissioner or commissioners, or other the King's officers or ministers, or any other person or persons, which either by authority of any act of parliament, or by commission or commissions under the King's great seal, or otherwise by his Grace's commandment, or by the commandment of such as by his Highness shall be authorized for that purpose, be appointed, assigned or deputed, or that hereafter shall be appointed, authorized, assigned or deputed to compound, agree and receive bonds and specialties to his Majesty's use, for payment of the said first-fruits of every of the said dignities, benefices, offices or other promotions spiritual, shall and may by force of this act, from the said first day of *May* for ever forward, have authority to deduct and allow unto every such person or persons as from the aforesaid first day of *May* shall be nominated, preferred, presented, collated, or by any other means appointed to have any of the said archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntery, free chapel, or other dignity, benefice, office, or promotion spiritual, the tenth part of the whole, as is aforesaid, out of the same first-fruits for the year wherein he or they shall be first nominated, preferred, presented, collated, or by any other means appointed unto every of the same, as is aforesaid, without any further suit to be made to the King's highness, and without imposition, exaction or other charge to be in any wise demanded or exacted of the person or persons so preferred, for the allowance unto them of the said tenth, for the said first year, in form above expressed; any thing or things in the said act of the grant of the said tenth and first-fruits to the contrary notwithstanding.

He that hath his tenth deducted out of the first-fruits, shall pay it to the King.  
Lane 20.

III. And it is also enacted by the authority aforesaid, That all and every person and persons, that upon his or their composition and agreement for the first-fruits shall be defalked and allowed the tenth part of the whole sum of his or their dignities, benefices, offices or promotions spiritual, for the year wherein he or they shall be first nominated, preferred, presented, collated, or by any other means appointed unto any of the same as is abovesaid, shall yield and pay the said tenth part unto the King's majesty, his heirs and successors, the said first year, in like manner and form, and at such day as is limited in the said act of the grant of the said tenth and first-fruits; any thing contained in this act to the contrary notwithstanding.

What remedy the successor

IV. Be it further enacted by the authority aforesaid, That in such cases where the successor of any incumbent shall be chargeable

able to the payment of such sums of money as shall be due of shall have, who  
 and for the said tenth that shall happen to be behind unpaid in is compelled to  
 the time or life of his predeceffor, there every such successor may pay the tenth  
 lawfully distrain such goods and chattels of his predeceffor as for his prede-  
 shall happen to be and remain in and upon the dignity, bene-  
 fice or promotion spiritual, of the which the same tenth was  
 behind and unpaid in the life or time of his predeceffor, (2) and  
 to retain the same goods and chattels till such time as the said  
 predeceffor, if he be alive, and if he be dead, then his execu-  
 tors or administrators, or such other to whom his goods or chat-  
 tels should appertain, have fully satisfied and paid such sums  
 of money as shall happen to be behind and unpaid of the said  
 tenth; (3) and in case the said predeceffor, his executors, ad-  
 ministrators, or such other to whom his goods or chattels should  
 appertain, within twelve days next after the distress thereof, do  
 not satisfy the said sums of money, being behind of the said  
 tenth as is aforefaid, that then for such default of payment, it  
 shall be lawful to every such successor to cause the said goods and  
 chattels so distrained, to be praised by two or three indifferent  
 persons to be sworn for the same; (4) and according to the same  
 appraising, to sell so much thereof as shall amount as well to the  
 full satisfaction of the said sums of money being behind and un-  
 paid of the said tenth in the life or time of his predeceffor, as  
 for the reasonable costs that shall be spent by the occasion of  
 distraining and appraising of the same goods and chattels; (5)  
 and in case no sufficient goods and chattels may be found in or  
 upon such dignities, benefices or promotions spiritual, for the  
 satisfaction of the said tenth, being behind unpaid, as is above-  
 faid, that then the predeceffor by whom such tenth was due to  
 be paid, if he be alive, and if he be dead, then his executors,  
 administrators, and other to whom his goods and chattels shall  
 appertain or belong, shall be compelled to the payment of the  
 said tenth being behind and unpaid, as is aforefaid, by bill to  
 be pursued in the King's chancery by the successor, that shall be  
 chargeable for the same, or else by action or plaint of debt to be  
 taken or commenced by such successor, by order of the common  
 laws.

Rep. 2 & 3 Ph.  
 & M. c. 4. and  
 revived by El.  
 c. 4.

## CAP. IX.

Butchers may sell flesh during two years, as they did before the  
 making of the statute of 24 H. 8. c. 3. and 25 H. 8. c. 1. not- EXP.  
 withstanding the same statutes.

## CAP. X.

*An act concerning uses and wills.*

**W**HERE by the common laws of this realm, lands tenements and  
 hereditaments be not devisable by testament, (2) nor ought to be  
 transferred from one to another, but by solemn livery and seisin, matter  
 of record, writing sufficient made bona fide, without covin or fraud; How by the  
 (3) yet nevertheless divers and sundry imaginations, subtile inventions common law  
 and practices have been used, whereby the hereditaments of this realm lands ought to  
 have been conveyed from one to another by fraudulent feoffments, fines, be transferred  
 from one per-  
 son to another.

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