

able to the payment of such sums of money as shall be due of and for the said tenth that shall happen to be behind unpaid in the time or life of his predeceffor, there every such successor may lawfully distrain such goods and chattels of his predeceffor as shall happen to be and remain in and upon the dignity, benefice 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 executors or administrators, or such other to whom his goods or chattels 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, administrators, 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 unpaid 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-said, 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.

shall have, who is compelled to pay the tenth for his predeceffor.

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. notwithstanding the same statutes. EXP.

CAP. X.

An act concerning uses and wills.

WHERE 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; (3) yet nevertheless divers and sundry imaginations, subtile inventions and practices have been used, whereby the hereditaments of this realm have been conveyed from one to another by fraudulent feoffments, fines, A 2 4

1 Co. 123.
1 Leon. 14.
2 Leon. 16.
Lane 93.
How by the common law lands ought to be transferred from one person to another.

3 Bulstr. 185,
252.
Godbolt 299.
pl. 416.

Several incon-
veniencies en-
suing by con-
veyance of
lands to uses,
and by the de-
vising them by
wills.

1 Roll 260, 327,
385.
2 Roll 170, 335,
336.
Poph. 21, 70.
Lloyd v. Spil-
lit in Chan.
Hill. 1740.

The possession
of lands shall
be in him or
them that
have the use.

1 Leon. 258.
2 Leon. 6, 15.
3 Cr. 903.
1 Co. 162.
8 Co. 94.
11 Co. 24.
Cro. El. 46.
pl. 2.
Cro. Jac. 6.
401, 453.
Cro. Car. 44.
218.
1 Anderf. 337.
Bro. feoffm. al
uses 55, 56, 58.
Plowd. 111,
346.
Moor 859,
pl. 1180.

recoveries and other assurances craftily made to secret uses, intents and trusts; (4) and also by wills and testaments, sometime made by nude parolx and words, sometime by signs and tokens, and sometime by writing, and for the most part made by such persons as be visited with sickness, in their extreme agonies and pains, or at such time as they have scanty had any good memory or remembrance; (5) at which times they being provoked by greedy and covetous persons lying in wait about them, do many times dispose indiscreetly and unadvisedly their lands and inheritances; (6) by reason whereof, and by occasion of which fraudulent feoffments, fines, recoveries and other like assurances to uses, confidences and trusts, divers and many heirs have been unjustly at sundry times disherited, the lords have lost their wards, marriages, reliefs, harriots, escheats, aids pur fair fits chivalier, & pur file marrier, (7) and scanty any person can be certainly assured of any lands by them purchased, nor know surely against whom they shall use their actions or executions for their rights, titles and duties; (8) also men married have lost their tenancies by the curtesy, (9) women their dowers, (10) manifest perjuries by trial of such secret wills and uses have been committed; (11) the King's highness hath lost the profits and advantages of the lands of persons attainted, (12) and of the lands craftily put in feoffments to the uses of aliens born, (13) and also the profits of waste for a year and a day of lands of felons attainted, (14) and the lords their escheats thereof; (15) and many other inconveniencies have happened, and daily do encrease among the King's subjects, to their great trouble and inquietness, and to the utter subversion of the ancient common laws of this realm; (16) for the extirping and extinguishment of all such subtle practised feoffments, fines, recoveries, abuses and errors heretofore used and accustomed in this realm, to the subversion of the good and ancient laws of the same, and to the intent that the King's highness, or any other his subjects of this realm, shall not in any wise hereafter by any means or inventions be deceived, damaged or hurt, by reason of such trusts, uses or confidences: (17) it may please the King's most royal majesty, That it may be enacted by his Highness, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, in manner and form following; that is to say, That where any person or persons stand or be seized, or at any time hereafter shall happen to be seized, of and in any honours, castles, manors, lands, tenements, rents, services, reversions, remainders or other hereditaments, to the use, confidence or trust of any other person or persons, or of any body politick, by reason of any bargain, sale, feoffment, fine, recovery, covenant, contract, agreement, will or otherwise, by any manner means whatsoever it be; that in every such case, all and every such person and persons, and bodies politick, that have or hereafter shall have any such use, confidence or trust, in fee-simple, fee-tail, for term of life or for years, or otherwise, or any use, confidence or trust, in remainder or reverter, shall from henceforth stand and be seized, deemed and adjudged in lawful seisin, estate and possession of and in the same honours, castles, manors, lands, tenements,
rents,

rents, services, reversions, remainders and hereditaments, with their appurtenances, to all intents, constructions and purposes in the law, of and in such like estates as they had or shall have in use, trust or confidence of or in the same; (19) and that the estate, title, right and possession that was in such person or persons that were, or hereafter shall be seized of any lands, tenements or hereditaments, to the use, confidence or trust of any such person or persons, or of any body politick, be from henceforth clearly deemed and adjudged to be in him or them that have, or hereafter shall have, such use, confidence or trust, after such quality, manner, form and condition as they had before, in or to the use, confidence or trust that was in them.

Dyer, 155, 235, 274, 309, 340, 349, 362, 369. Co. Lit. 187. b. 237. a. 272. a. 287. a.

II. And be it further enacted by the authority aforesaid, That where divers and many persons be, or hereafter shall happen to be, jointly seized of and in any lands, tenements, rents, reversions, remainders or other hereditaments, to the use, confidence or trust of any of them that be so jointly seized, that in every such case that those person or persons which have or hereafter shall have any such use, confidence or trust in any such lands, tenements, rents, reversions; remainders or hereditaments, shall from henceforth have, and be deemed and adjudged to have only to him or them that have, or hereafter shall have any such use, confidence or trust, such estate, possession and seisin, of and in the same lands, tenements, rents, reversions, remainders and other hereditaments, in like nature, manner, form, condition and course, as he or they had before in the use, confidence or trust of the same lands, tenements or hereditaments; (2) saving and reserving to all and singular persons, and bodies politick, their heirs and successors, other than those person or persons which be seized, or hereafter shall be seized, of any lands, tenements or hereditaments, to any use, confidence or trust, all such right, title, entry, interest, possession, rents and action, as they or any of them had, or might have had before the making of this act.

Assurance made of divers to the use of one or some of them. 13 Co. 55, 56. 2 Roll 246.

Saving of the right of strangers.

III. And also saving to all and singular those persons, and to their heirs, which be, or hereafter shall be seized to any use, all such former right, title, entry, interest, possession, rents, customs, services and action, as they or any of them might have had to his or their own proper use, in or to any manors, lands, tenements, rents or hereditaments, whereof they be, or hereafter shall be seized to any other use, as if this present act had never been had nor made; any thing contained in this act to the contrary notwithstanding.

Saving of the right of the tenants to use. 2 Lev. 126, 127. 1 Salk. 241. 1 Anderf. 84. 2 Roll 105, 245. 7 Co. 39. Dyer, 349. Moor 196. pl. 345. Jones 179.

IV. And where also divers persons stand and be seized of and in any lands, tenements or hereditaments, in fee-simple or otherwise, to the use and intent that some other person or persons shall have and perceive yearly to them, and to his or their heirs, one annual rent of x. li. or more or less, out of the same lands and tenements, and some other person one other annual rent, to him and his assigns for term of life or years, or for some other special time, according to such intent and use as hath been heretofore declared, limited and made thereof:

V. Be

Land aſſured
to the uſe, that
rent ſhould be
paid out
thereof to
ſome other.
1 Anderf. 275,
338.

V. Be it therefore enacted by the authority aforeſaid, That in every ſuch caſe the ſame perſons, their heirs and aſſigns, that have ſuch uſe and intereſt, to have and perceive any ſuch annual rents out of any lands, tenements or hereditaments, that they and every of them, their heirs and aſſigns, be adjudged and deemed to be in poſſeſſion and ſeiſin of the ſame rent, of and in ſuch like eſtate as they had in the title, intereſt or uſe of the ſaid rent or profit, and as if a ſufficient grant, or other lawful conveyance had been made and executed to them, by ſuch as were or ſhall be ſeiſed to the uſe or intent of any ſuch rent to be had, made or paid, according to the very truſt and intent thereof, (2) and that all and every ſuch perſon and perſons as have, or hereafter ſhall have, any title, uſe and intereſt in or to any ſuch rent or profit, ſhall lawfully diſtrain for non-payment of the ſaid rent, and in their own names make avowries, or by their bailiffs or ſervants make conſurances and juſtifications, (3) and have all other ſuits, entries and remedies for ſuch rents, as if the ſame rents had been actually and really granted to them, with ſufficient claules of diſtreſs, re-entry, or otherwiſe, according to ſuch conditions, pains, or other things limited and appointed, upon the truſt and intent for payment or ſurety of ſuch rent.

A woman ſhall
not have both
a jointure and
dower of her
huſband's
lands.

Co. pl. f. 171.
172.
4 Co. 2.

VI. And be it further enacted by the authority aforeſaid, That whereas divers perſons have purchaſed, or have eſtate made and conveyed of and in divers lands, tenements and hereditaments unto them and to their wives, and to the heirs of the huſband, or to the huſband and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies begotten, or to the huſband and to the wife for term of their lives, or for term of life of the ſaid wife; (2) or where any ſuch eſtate or purchaſe of any lands, tenements, or hereditaments, hath been or hereafter ſhall be made to any huſband and to his wife, in manner and form expreſſed, or to any other perſon or perſons, and to their heirs and aſſigns, to the uſe and behoof of the ſaid huſband and wife, or to the uſe of the wife, as is before rehearſed, for the jointer of the wife; (3) that then in every ſuch caſe, every woman married, having ſuch jointer made or hereafter to be made, ſhall not claim, nor have title to have any dower of the reſidue of the lands, tenements or hereditaments, that at any time were her ſaid huſband's, by whom ſhe hath any ſuch jointer, nor ſhall demand nor claim her dower of and againſt them that have the lands and inheritances of her ſaid huſband; (4) but if ſhe have no ſuch jointer, then ſhe ſhall be admitted and enabled to purſue, have and demand her dower by writ of dower, after the due courſe and order of the common laws of this realm; this act, or any law or provision made to the contrary thereof notwithstanding.

4 Co. 1, &c.
Dyer, 61, 97,
228, 248, 266,
317, 340.
Co. Lit. 36. b.

A woman ſhall
be endowed,
whole jointure
is recovered.
Moor 717.

VII. Provided alway, That if any ſuch woman be lawfully expulſed or evicted from her ſaid jointer, or from any part thereof, without any fraud or covin, by lawful entry, action, or by diſcontinuance of her huſband, then every ſuch woman ſhall be

be endowed of as much of the residue of her husband's tenements or hereditaments, whereof she was before dowable, as the same lands and tenements so evicted and expelled shall amount or extend unto.

VIII. Provided also, That this act, nor any thing therein contained or expressed, extend or be in any wise hurtful or prejudicial to any woman or women heretofore being married, of, for or concerning such right, title, use, interest or possession, as they or any of them have, claim or pretend to have for her or their jointer or dower, of, in or to any manors, lands, tenements, or other hereditaments of any of their late husbands, being now dead or deceased; any thing contained in this act to the contrary notwithstanding.

Women heretofore married.

IX. Provided also, That if any wife have, or hereafter shall have any manors, lands, tenements or hereditaments unto her given and assured after marriage, for term of her life, or otherwise in jointer, except the same assurance be to her made by act of parliament, and the said wife after that fortune to overlive her said husband, in whose time the said jointer was made or assured unto her, that then the same wife so overliving shall and may at her liberty, after the death of her said husband, refuse to have and take the lands and tenements so to her given, appointed or assured during the coverture, for term of her life, or otherwise in jointer, except the same assurance be to her made by act of parliament, as is aforesaid, (2) and thereupon to have, ask, demand and take her dower by writ of dower or otherwise, according to the common law, of and in all such lands, tenements and hereditaments as her husband was and stood seized of any state of inheritance at any time during the coverture, any thing contained in this act to the contrary thereof notwithstanding.

A jointure made after marriage may be taken or refused by the wife. Moor 721.

X. Provided also, That this present act, or any thing herein contained, extend nor be at any time hereafter interpreted, expounded or taken, to extinct, release, discharge or suspend any statute, recognizances or other bond, by the execution of any estate, of or in any lands, tenements or hereditaments, by the authority of this act, to any person or persons, or bodies politick; any thing contained in this act to the contrary thereof notwithstanding.

This statute shall extinguish no statute or recognizance, &c.

XI. *And forasmuch as great ambiguities and doubts may arise of the validity and invalidity of wills heretofore made of any lands, tenements and hereditaments, to the great trouble of the King's subjects;* (2) the King's most royal majesty minding the tranquillity and rest of his loving subjects, of his most excellent and accustomed goodness is pleased and contented that it be enacted by the authority of this present parliament, That all manner true and just wills and testaments heretofore made by any person or persons deceased, or that shall decease before the first day of May, that shall be in the year of our Lord God 1536. of any lands, tenements or other hereditaments, shall be taken and accepted good and effectual in the law, after such fashion, manner and form

Wills made before the statute, or shortly after, how they shall be taken. Dyer, 143.

as they were commonly taken and used at any time within forty years next afore the making of this act; any thing contained in this act, or in the preamble thereof, or any opinion of the common law to the contrary thereof notwithstanding.

How fines for alienation, reliefs and harriots, shall be paid to the King.
6 Co. 28.

XII. Provided always, That the King's highness shall not have, demand or take any advantage or profit, for, or by occasion of the executing of any estate, only by authority of this act, to any person or persons, or bodiēs politick, which now have, or on this side the said first day of *May*, which shall be in the year of our Lord God 1536. shall have any use or uses, trusts or confidences in any manors, lands, tenements or hereditaments holden of the King's highness, by reason of primer seisin, livery, *ouster le main*, fine for alienation, relief or harriot; (2) but that fines for alienations, reliefs and harriots, shall be paid to the King's highness, and also liveries and *ouster les mains* shall be used for uses, trusts and confidences to be made and executed in possession by authority of this act, after and from the said first day of *May*, of lands and tenements, and other hereditaments holden of the King, in such like manner and form, to all intents, constructions and purposes, as hath heretofore been used or accustomed by the order of the laws of this realm.

Other lords fines, reliefs and harriots.

XIII. Provided also, That no other person or persons, or bodies politick, of whom any lands, tenements or hereditaments be or hereafter shall be holden mediate or immediate, shall in any wise demand or take any fine, relief or harriot, for or by occasion of the executing of any estate by the authority of this act, to any person or persons, or bodies politick, before the said first day of *May*, which shall be in the year of our Lord God 1536.

Cestuy que use may take all such advantages as his fees might have had,

XIV. And be it enacted by authority aforesaid, That all and singular person and persons, and bodies politick, which at any time on this side the said first day of *May*, which shall be in the year of our Lord God 1536. shall have any estate unto them executed of and in any lands, tenements or hereditaments, by the authority of this act, shall and may have and take the same or like advantage, benefit, voucher, aid prayer, remedy, commodity and profit by action, entry, condition or otherwise, to all intents, constructions and purposes, as the person or persons seised to their use of or in any such lands, tenements or hereditaments so executed, had, should, might or ought to have had at the time of the execution of the estate thereof, by the authority of this act, against any other person or persons, of or for any waste, disseisin, trespass, condition broken, or any other offence, cause or thing concerning or touching the said lands or tenements so executed by the authority of this act.

Actions now depending.

XV. Provided also, and be it enacted by the authority aforesaid, That actions now depending against any person or persons seised of or in any lands, tenements or hereditaments, to any use, trust or confidence, shall not abate ne be discharged for or by reason of executing of any estate thereof by authority of this act,

act, before the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1536. any thing contained in this act to the contrary notwithstanding.

XVI. Provided alſo, That this act, nor any thing therein contained, ſhall not be prejudicial to the King's highneſs for wardſhips of heirs now being within age, nor for liveries, or for *ouſter le mains*, to be ſued by any perſon or perſons now being within age, or of full age, of any lands or tenements unto the ſame heir or heirs now already deſcended; any thing in this act contained to the contrary notwithstanding.

Wardſhips, liveries, or *ouſter le main*, of any now being within age, or of full age.

XVII. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular recognizances heretofore known, taken or made to the King's uſe, for or concerning any recoveries of any lands, tenements or hereditaments heretofore ſued or had, by writ or writs of entry upon diſſeiſin *in le poſt*, ſhall from henceforth be utterly void and of none effect, to all intents, conſtructions and purpoſes.

Recognizances taken to the King's uſe concerning recoveries.

XVIII. Provided alſo, That this act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any perſon or perſons born in *Wales* or the marches of the ſame, which ſhall have any eſtate to them executed by authority of this act, in any lands, tenements or other hereditaments within this realm, whereof any other perſon or perſons now ſtand or be ſeized to the uſe of any ſuch perſon or perſons born in *Wales* or the marches of the ſame; but that the ſame perſon or perſons born in *Wales*, or the marches of the ſame, ſhall or may lawfully have, retain and keep the ſame lands, tenements or other hereditaments, whereof eſtate ſhall be ſo unto them executed by the authority of this act, according to the tenor of the ſame; any thing in this act contained, or any other act or provision heretofore had or made to the contrary notwithstanding.

Eſtates of lands executed to perſons born in *Wales*.

CAP. XI.

For clerks of the ſignet.

WHEREAS the King's clerks of his Grace's ſignet and privy ſeal, giving their daily attendance for the paſſing and writing of his Maſteſty's great and weighty affairs, and the cauſes of this his realm, having for their entertainment, and their clerks, no fees nor wages certain for thoſe offices, other than ſuch fees as cometh and groweth of the ſaid ſignet and privy ſeal; (2) to the intent that from henceforth they ſhould not by any manner of means be defeated of any part or portion of the ſame their fees: be it therefore ordained, eſtabliſhed and enacted, by the conſent and aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That all and every gift, grant and other writing, which ſhall be made or given in writing by the King's highneſs, or any his moſt noble poſterity, to any perſon or perſons, ſigned with his Grace's ſign, or the ſign or ſigns manual of any of them, to be paſſed under any his Grace's great ſeals of *England*, *Ireland*, duchy of *Lancaſter*, or any of his Highneſs counties palatines, or principality of *Wales*,
or

The courſe of ſuing forth gifts and grants made under the King's ſign manual, and the clerk of the ſignet's fees.