

Accounts and Actions thereon. Escapes of Convicts. Debts to the Crown by Judgement, &c. Issues forfeited, Fines offered, &c. to the Amount of 100 Shillings. All other Fines pardoned.

And excepted and forprysed out of this pardon all accomptes, and all accions sutes and impeticions for the same accomptes and arrerages of accomptes and for the said Dettes or any of them hereby excepted and forprised; All Homages and Relyeffes, all wylfull escapes aswell of cōvyctes as other dettes which were due to the most noble Kyng of famous memory Kyng Henry the vij. or to any p.son or psons to his use by any condemnation recognisaunce obligacion or otherwise. All and singuler those Forfetours due to oure So^vaign Lorde Kyng Henry the vij. by any penall statute or statutes which be conv^ted into the nature of Dett by jugement or by agreement of the offenders before the fyrst day of this p^sent parliament; and all forfetours and other penaltes and profytes grown or due by reason of any offence or acte cōmytted or done contrary to any Statute or Statutes or cont^ry to the comon Lawe, wherof any seasure is made or any informacion gyven to the Kynges Eschequer or any sute there cōmensed before the said first day of this parliament, or wherof the Kynges Highnes by his Byll signed or otherwise heretofore hath made any gyft or assignement to any of his s^vavautes: And also excepted all yssues forfeited fynes am^unciamentes afferred taxed set extreted or juged se^vally and peticulerly [extended¹] to the sūme of C s. or above that sūme. And that all and singuler other fynes as well fynes pro licencia concordandi as other, and all other yssues and amerceamentes aswell reall as other, which se^vally or peticulerly extende nat to the said sūme of C s. whyther they be totted or nat totted taken to the charge of the Sheryf or nat taken to his charge extreted or nat extreted, whether they be torned into dett or nat dett and nat beyng levyed nor receyved by any Sheryfes or Sheryf Baylyf Mynysters or other Officers shall be fully clere and playnly pardoned and discharged agaynst the Kyng oure Sovereigne Lorde his Heires and Successours for ever.

VIII. Sheriffs discharged of Fines hereby pardoned, upon their own Oaths.

AND it is further enacted by the auctorite aforesaid, that in case yt be objected to any Sheryf or Sheryfs or other Accomptautes in the Kynges Court of Eschequer or in any other his Courtes, that any Sheryf or Sheryfes or other Officers Accomptaunt hath receyved or taken any suche fynes yssues or am^unciamentes before pardoned released and acquyted, that then every suche Sheryf & Sheryfs and other Accomptautes shalbe discharged released pardoned and acquyted therof by his or their othe without any further tryall in that behalf.

CHAPTER II.

AN ACTE concūginge suche as shall take Seyntwary for Fellonye or Murder.

All Felons and Murderers taking Sanctuary shall make their Abjuracion, &c. at the Time appointed by the Coroner; and be marked in the Hand with the Letter A. or in Default shall lose all Benefit of such Sanctuary.

BE it enacted by the Kyng our So^vaigne Lorde and the Lordes Spirituall and Temporall and the Comons in this p^sent parliament assembled and by auctorite of the same, That if any Parson take Seyntwary in any Church Churchyarde or other Holy Place for Felonye or Murder, where he ought by the Lawes and Customes of this Realme to have his abjuracyon for the same, that than the same Felon or Murderer shall take his abjuracion and passage out of the same Church Churchyarde or other Holy Place at such a day and tyme as shalbe lymyted to hym by the Coroner of the Shyre or Place wherin he taketh suche Sentwary; and that the Coroner immediatly after his confession and before his abjuracion shall cause every such Felon or Murderer to be marked with an hote yron upon the brawne of the thombe of the right hande with the Signe of an A. to the entent he may the better be knowne amonge the Kynges Subjectes that he was abjured: And than to gyve hym his abjuracion, and to be used in all other thinges as hath ben accustomed: And that all Mayres, Baillyfs and Constables shalbe attendaunt at the Cōmaundement of the Coroner for the due Execucion therof as they wyl answere at their pannels to the Kyng^e Highnes for the same. And yf any Felon or Murdrer that ought to have any suche Abjuracion refuse to take his passage out of the said Seyntwary at such tyme as shalbe lymyted to hym by the said Coroner, that than the said Felon and Murderer so refusing shall lose the benefyte of the same Seyntwarye and be taken out of the same and cōmytted to pryson; And further to be ordred for his offence after his merytes without any restitucion to Seyntwarye for the same.

CHAPTER III.

AN ACTE concūginge Delays in Assises.

Plaintiffs in Assise may sever and abridge their Plaints.

FOR AS MUCHE as Assyses which have ben [though¹] the most spedy remedy be now by occasion of pledyng of many barres to moytes and parties of the Landes put in vewe and playnt [greatly²] delayed for difficulties and dyvysion of pledyng, And one cause therof is because the [Plaintifes in the Assise in such Pleees to Moieties and Parties, cannot by the Law abrydge theyre Playntes: For Remedy wherof be it enacted That the³] Playntyf in every Assyse from hensforth may at his pleasure sever and abridge his playnt of any part or partes wherunto any barre is pledyd [by moyte, in like maner as he⁴] myght doo in case the plees in barre had be made and dyvyded to any cōteyntie or nombre of Acres in the playnt; [and that the Plaint⁵] for the resydue of the parte or parties of the Landes nat abrydged shalbe and stande good and effectuall in the Lawe.

¹ extending Printed Copies.

² thought Printed Copies.

³ greatly Printed Copies.

⁴ } These Words omitted in the Roll are supplied from the oldest Printed Copies.

⁵ { in suche lyke maner as he or they Old Printed Copies.
by Moiety in like manner as he or they Modern Printed Copies.

CHAPTER IV.

AN ACTE CONCERNING Executors of laste Willes and Testament^e.

WHERE dyvers sondry psons before this tyme, havynge other psons seased to their uses of and in Landes and other Hereditamentes, to and for the declaration of their Wylls, have by ther last wylls and testaments willed and declared suche their said Landes Tenementes or other Hereditamentes to be solde by their Executours, as well to and for the paymentes of their dettes pformance of their legacies, necessary and convenyent fyndyng of their Wyves, vertuous bryngyng up and avauncement of their chyldren to maryage, as also for other charitable dedes to be done and executed by their Executours for the helth of their soules; and notwithstanding such truste and confidence so by them put in their said Executo's it hath oftentimes ben sene, where such last wylls and testaments of such Landes Tenementes and other Hereditamentes hath ben declared, and in the same dy^vs Executours named and made, that after the decease of such Testatours some of the same Executours wylling to accomplysse the truste and confidence that they ware put in by the said Testatour, have [excepted¹] and taken upon them the charge of the said Testament, and have ben redy to fulfill and pforme all thynges conteyned in the same; and the resydue of the same Executours uncharytably, contrary to the truste that they were put in, have refused to intermedle in anywyse with the execution of the said wyll and testament or with the sale of such Landes so wylled to be solde by the Testatour: And Forasmoch as a bargayn and sale of such Landes Tenementes or other Hereditamentes so wylled by any pa^rson to be solde by his Executours after his decease, after the oppynyon of dy^vs psons can in no wyse be good or effectually in the lawe onles the same bargayne and sale be made by the hole nombre of the executours named to and for the same, by reason wherof aswell the dettes of such Testatours hath rested unpaid and unsatisfied to the greate daunger and parell of the soules of such Testatours, and to the greate hynderance and many tymes to the utter undoyng of their creditours, as also the legacies (*) bequestes made by the Testatour to his wif chyldren and for other charitable dedes to be done for the welth of the soule of the same testatour that made the same testament hath ben also unperformed, aswell unto the extreme mysery [by¹] the wif and chyldren of the said testatour, as also unto the lett of pformance of other cherytable dedes for the welth of the soule of the said testatour, to the displeasure of Almighty God: For the Remedy wherof be it enacted ordeyned and establisshed by the auctorite of this p^sent parlyament, that where parte of the Executours named in any such testament of any such parson so makynge or declaryng any such wyll of any Landes Tenementes or other Hereditamentes to be solde by his Executours after the deth of any such testatour, do refuse to take upon hym or them the admystracion and charge of the same testament and last wyll wherin they be so named to be Executours, and the resydue of the same Executours do accepte and take upon them the cure and charge of the same testament and last wyll, that than all bargayns and sales of such Landes Tenementes or other Hereditamentes so wylled to be solde by the Executours of any such Testatour, as well heretofore made as hereafter to be made, by hym or them only of the said Executours that so dothe accept or that heretofore hath accepted and taken upon him or them any such cure or charge of Administracion of any such will or testament, shall be as good and as effectually in the Lawe as yf all the resydue of the same Executours, named in the said testament, so refusing the Administracion of the same testament, had joynd with hym or them in the makynge of the bargayne and sale of such Landes Tenementes or other Hereditamentes so wylled to be solde by their Executours of any such Testatour, which here tofore hath made or declared or that hereafter shall make or declare any such wyll of any such Landes Tenementes or other Hereditamentes after his decease to be solde by his Executours.

PROVIDED alway that this acte shall not extende to gyve power or auctorite to any Executour or Executours at any tyme hereafter to bargayn or put to sale any Landes Tenementes or Hereditamentes by vertue and auctorite of any wyll or testament heretofore made, otherwise than they myght do by the course of the comon lawe afore the makynge of this Acte.

Cases of Refusal of Executors to act in the Sale of Lands devised.

Where some of the Executors refuse, and others desire, to act in Execution of a Will, Bargains and Sales of Lands, devised to be sold, shall be good if made by the acting Executors only.

II.
Act shall not extend to Wills heretofore made.

CHAPTER V.

AN ACTE CONCERNING Fynes & sōmes of Moneye to be taken by the Ministers of Busshops and other Ordinaries of Holye Churche for the p^bate of Testam^e'^t.

WHERE in the parliament holden at Westmynstre in the xxxj yere of the raigne of the Noble Kyng of famous memory Edward the Thred, upon the cōplaynt of his people for the outrageous and grevous fynes and sōmes of of Money taken by the Mynistres of Bysshops and of other Ordinaries of Holy Churche for the p^bate of Testamentes, and for the acquitaunces by the said Ordinaries to be made concōnyng the same, the said Noble Kyng in the same parliament openly charged and cōmaunded the Archbissho^p of Caunterbury and the other Bysshops for the tyme beyng that amendement therof shuld be had; And yf none amendement were therof had yt was by the auctorite of the same parliament accorded, that the Kyng therof shulde make enquiry by his Justices of such opp^session and extorcions, and that the same Justices shulde here and determyne them as well at the sute of the Kyng as of the p^tie as (*) olde tyme hath ben used, as by the same Estatute playnly appereth: And where at the Parliament holden at Westmst in the thred yere of the Raigne of Kyng Henry the fyveth yt was resyted, that the Cōmons of the Realme had often

Stat. 31 Edw. III. st. 1. chapter 4. and Stat. 5 Henry V. chap. 8. respecting Fees on Probates, &c.

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² and Printed Copies.

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⁴ of Printed Copies.

complained them [of '] dy^vs parlamentes of that, that dy^vs Ordynaries take for the probacion of Testamentes and other thinges therunto belongyng sōmtyme xl. s. somtyme lx. s. and somtyme more agaynst right and justice, where in the tyme of Kyng Edwarde the Thred, men were wont to pay for such causes but two shillynges vj pence or fyve shillynges at the moost, by which unlawfull exaccions the testamentes of the testatours might not be executed accordyng to ther last Wylles ; It was than enacted for the avoydyng of such oppressions that noo Ordynary from thensforth shuld take for the probacion of any testament and inventuary or for other thynges to the same belongyng any more than was accustomed and used in the tyme of the said Noble Kyng Edward the Thyrd, upon payne to yelde to the partie so greved thre tymes as moche as the said Ordynaries dyd so receyve ; which Acte dyd endure but to the next parliament folowyng by reason that the Ordynaries dyd than promyse to reforme and amende the said oppressions and exaccions : And for that, that the said unlawfull exaccions of the said Ordynaries and their Ministres be nothyng reformed nor amended but greatly augmented and increased, agaynst right and justice and to the greate empoverysshement of the Kynges Subjectes ; The Kyng our Sovereigne Lorde by the assent of the Lordes Spūall and Temporall and the Comons in this p̄sent parliament assembled and by auctoritie of the same, hath ordeyned established and enacted that from the fyrst day of Aprell in the yere of our Lorde God M^o VCxxx that nothyng shalbe demaunded receyved nor taken by any Bysshōp Ordynary Archdeaken Chauncellour Cōmyssary officiall, nor any other maner of person or persons whatsoever they be, which nowe have or whyche at any tyme hereafter shall have auctorite or pouer to take or receyve probacyon insynuacion or approbacion of testament or testamentes, by hymself or themself nor by his or their Regesters, Scribes, Praisers, Sommoners Apparatours or by any other of their Ministers, for the pbacion insynuacion and approbacion of any testament or testamentes, or for wrytyng sealyng praisyng regystring fyne makyng of inventuaries gvyng of acquytaunces or for any other maner of cause conēnyng the same, where the goodes of the testatour of the said testament or person so dyeng do nat amount clerely over and above the value of an hundreth shillynges sterlyng, excepte only to the scribe to have for wrytyng of the pbate of the Testament of hym deceased whose goodes shall not be above the same clere value of an hundreth shillynges, vj pence ; and for the Cōmission of mynistracion of the goodes of any man deceasyng intestate not beyng above lyke value of C. s. clere [and '] vi d. And that neverthesse the Bysshōp Ordynarye or other person or persones havyng power or auctorite to take or receyve the probacion or approbacion of the Testamentes, refuse nat to approve any suche testament beyng lafully tended or offred to them to be proved or approved, wherof the goodes of the testatour or person so dyeng amount nat above the value of an hundreth shillynges sterlynges ; so that the said Testament be exhibited to lym or them in wrytyng with waxe therunto affyxed redy to be sealed, and that the same testament be lafully proved before the same Ordynary before the sealyng, to be (¹) trewe hole and last testament of the same testatour in such forme as hath ben comonly accustomed in that behaf : And when the goodes of the testatour doth amount over and above the clere value of an hundreth shillynges and do nat excede the somme of xl. ii. sterlyng, that than no Bisshōp Ordynary nor other maner of person or persons what soo ever he or they be, nowe havyng or whiche here after shall have auctoritie to take pbacion or approbacion of any testament or testamentes as is aforesaid, by them self nor any of their said regysters, scribes prayers sommoners apparatours nor any other ther Mynisters, for the probacion insynuacion and approbacion of any testament or testamentes or for the regystring sealyng wrytyng, praysyng, makyng of inventuaries gvyng of acquitances fynes or any other thing concernyng the same, shall take or cause to be taken of any person or psons but only thre shyllinges vj d. and nat above, wherof to be to the said Bisshōp or Ordynary or to any other person or persons havyng power and auctorite to take the probacion or approbacion of any testament or testamentes for hym and hys Mynisters two shillynges and vj d. and nat above, and xij d. resydewe of the said thre shillynges vj d. to be to the scribe for the regystring of the same : And where the goodes of the testatour or pson or persons so dyeng do amount over and above the clere value of xl. poundes sterlyng, that than the Bysshōp nor Ordynary, nor other pson or persons nowe havynge or which here after shall have auctoritie or power to take the probate of Testamentes as is aforesaid, by hym or them self nor any of hys or their said regystres, scribes, prayers, sōmoners apparatours or any other ther Mynisters for the pbacyon insynuacion and approbacion of any testament or testamentes, or for the regystring sealyng wrytyng praysyng makynge of Inventuaries fynes, gvyng of acquytaunces or any thyng concernyng the same probate or testament, shall from the said fyrst day of Aprell take or cause to be taken of any pson or psons but onely fyve Shilling^c and nat above, wherof to be to the said Bysshōp Ordynary or other person havyng power to take the probacion of suche testament or testamentes for hym and his Ministers two shillynges vj d. and nat above, and two shillinges vj d. resydue of the said fyve shillynges to be to the scribe for regystring of the same, or els the scribe to be at his lybtie to refuse those ij s. and vj d. and to demaunde and have for wrytyng of every x lynes of the same testament wherof e^vy lyne to conteyne in length x ynches, j d. And that e^vy suche Bysshōp or Ordynary, and other person or persons soo havyng or which hereafter shall have auctoritie or power to take or receyve the probacion or approbacion of any testament or testamentes as is above said, their regysters scribes and mynisters shall approve insynuate seale and registre from tyme to tyme the said Testamentes, and delyver the same [seale⁴] with the scale of their Office to the Executour or Executours named in any suche testamentes, for the said sōme or sommes abovesaid, and in maner and fourme as is above rehersed to delyver yt with convenyent spede without any frustratory delay.

AND in case any pson dye intestate, or that the Executours named in any such testamentes refuse to prove the said testament, Than the said Ordynary, or other person or persons havyng auctoritie to take probate of testamentes as is above said, shall graunt the Administracion of the Goodes of the testatour or person disseased to the Wydowe (¹) or to the next of his kyn or to both, as by the discrecion of the same Ordynary shalbe thought good, taking suerty of hym or

Fees for Probates of Wills where the Effects do not exceed £5.

Administrations of like Value : Ordinaries shall not refuse to prove Wills.

Fees for Probates where the Effects exceed £5, and do not exceed £40.

Where the Effects exceed £40.

Probates shall be delivered without Delay.

II.
To what Persons Administration of Effects of Intestates, &c. shall be granted by Ordinaries.

¹ in Printed Copies.

⁴ sealed Modern Printed Copies.

^{*} Printed Copies omit this word.

¹ of the same person deceased Printed Copies.

^{*} the Printed Copies.

them to whome shalbe made suche Cōmission for trew administracion of the goodes cattels and dettes which he or they shalbe so auctorised to mynster: And in case where dyv^s persons clame the Administracion as next of kyn, which be egall in degree of kynred to the testatour or person deceased, and where any person onely desyreth the Administracion as next of kynne, where in dede dyv^s persons (*) in equalite of kynred as is aforesaid, Than in evy such case the Ordynary to be at [is⁴] eleccion and lītē to accept any one or mo makyng request, where dyv^s do requyre the administracion; Or where but one, or more of them and not all beyng in equalite of degree, [to¹] make request, than the Ordynarye to admitt the Wydowe and hym or them onely makyng request or any one of them at his pleasure, takyng nothyng for the same, onles the goodes of the pson so deceased amount above the value or sōme of an hundreth shillynges; and in case the goodes of the pson so deceased amount above the value of an hundreth shillynges and nat above the value or sōme of xl. li, Than the said Bysshop Ordynary or other person or psons so havyng auctorite to take p̄bate of Testamentes as is aforesaid their Ministers or Officers shall take onely two Shillynges vj d. sterlyng and not above: And that the Executour and Executours named by the testatour or person so deceased or such other person or persons to whom such Admystracion shalbe cōmytted where any pson dyeth intestate or by way of [instate⁴], callynge or takyng to hym or them such pson or psons two at the least to whome the said persons so dyeng was indetted or made any legacye, and upon their refusell or absence twoo other honest psons beyng nexte of kynne to the person so dyeng, and in their defaute or absence two other honest persons, and in their p̄sens and by ther discrecions, shall make or cause to be made a trewe and perfyte Inventory of all the goodes catells wares marchaundyses as well movable as nott movable whatsoever, that were of the said person so deceased, and the same sall cause to be indented, wherof the one part shalbe by the said Executour or Executours Administratour or Administratours, upon his or their othe or othes to be taken before the said Bysshops or Ordynaries their Officials or Cōmyssionaries or other persons havyng power to take probate of testamentes, upon the Holy Evangelyst, (*) to be good and trewe; and the same one parte [entended⁴] shall p̄sent and delyver in to the keppeyng of the said Bysshop Ordynary or Ordynaries or other person havyng power to take probate of Testamentes, and the other parte thereof to remayne with the said Executour or Executours Admystratour or Administratours; and that no Bysshop Ordynary or other what so ever person havyng auctorite to take probate of Testament or Testamentes as is above said upon the payne in this Estatute hereafter conteyned, refuse to take any such inventory or inventories to hym or them p̄sented or tended to be delyvered as is aforesaid.

Exhibiting of Inventories by Executours, &c.

Ordinaries shall receive such Inventories.

PROVYDED always that yf the Person so deceased wyll by his Testament or last wyll any Landes Tenementes or Heredymentes to be solde, that the money therof comyng nor the profytes of the said Landes for any tyme to be taken shall not be accounted as any of the goodes or cattels of the said person so deceased, and that the same Bisshop Ordynary or other person or persons havyng auctorite to take probate of testament or testamentes as is aforesaid upon the delyvere of the seale and signe of the Testatour, do cause the same seale to be defaced and therupon incontynent redelyver the same seale unto the said Executour or Executours withoute clayme or chalenge theirunto to be made. And in case any person or persons at any tyme hereafter requyre a copy or copies of the saide testamentes so proved or of the said Inventory so made, that than the said Ordynary or Ordynaries and the other persons havyng auctorite to take probate of Testamentes, or their Ministers, shall from tyme to tyme with cōvenyent spede withoute any frustratory delay, delyver or cause to be delyvered a trew copy or copies of the same to the said pson or persons so demaundyng them or any of them, takyng for the serche and for the makyng of the copy of eyther of the said testament or inventory but onely such fee as is before rehersed for the regystryng of the said testament, or els the scribe or register to be at his eleccion and lybertie to demaunde have and take for evy x lynes therof beyng of the proporcyon before rehersed j d.

III. Produce of Lands devised to be sold shall not be reckoned as Personal Estate. Testator's Seal shall be defaced.

Fees for Copies of Wills, &c.

PROVYDED alway that where any person or persons havyng power or auctorite to take probate of testamentes have used to take lesse sōmes of money than is above said, for the probate of testamentes or Cōmyssions of administracions or other cause concernyng the same, shall take and receyve such sōme or sōmes of money for the probate of testamentes and cōmyssions of the administracions and other causes conchyng the same as they before the makyng of this acte have used to take and nat above.

IV. Custom to take smaller Fees shall continue.

AND it is enacted that evy Bysshop Ordynary Archdeken Chauncellour Cōmyssary offycyal, and other person and persons havyng or the whiche hereafter shall have auctorite to take probate of Testamentes, their registers, scribes, praisers, sōmoners, apparatours, and all other theyr Ministers what soo ever they be, that shall doo or attempt or cause to be done and attempted agaynst this Acte or Ordynance in any thyng, shall forfeyte and lose for every tyme so offendyng to the p̄tye greved in that behalf so moch money as any suche person abovesaid shall take contrarye to this p̄sent acte; And over that, shall lose and forfyte x li. sterlyng, wherof the one moyte shalbe to the Kyng our Sovereigne Lorde and the other moyte to the partie greved in that behalf that wyll sue by accion of dett byll Informacion or otherwise in any of the Kynges Courtes for the recovere of the same, in which accion no esone protecōn nor wager of Lawe shalbe admitted or allowed; And that evy of the same Bysshops & other psons which shall hereafter incurre and fall into the daungers of such penaltie or forfeiture shalbe charged onely [by⁷] hymself and none of them to be chargeable to the penaltie for others Offence.

V. Penalty upon Ordinary, &c. taking undue Fees, the Money taken, and £10.

Recovery, &c. of Penalties.

¹ be Printed Copies.

⁴ intestate Printed Copies.

⁴ indented Printed Copies.

⁴ his Printed Copies.

⁴ The word 'declared' seems wanting here.

⁷ for Printed Copies.

⁷ do Printed Copies.

VI.
Ordinaries may
convent Executors
to prove Wills, &c.

PROVYDED alway that this Acte be nat pjudiciall to any Ordynary, or any other pson which now have or hereafter shall have auctorite for pbate of testaments, but that evy of them shall may convent before them all and evy pson or persons made and named Executour or Executours of any testament, to the intent to prove or refuse the Testament or testaments of ther testatour or testatours, and to brynge in inventuaries, and to do every other thyng conchyng the same, as they myght do before the making of this Acte; so that always any such Ordynary or other person or persons havng such auctoritie by them self their comissaryes scribes regystres or other ministers aforesaid shall nat in any wyse take for the same above the fees lymtyted by this Acte, ne in any wyse attempte any thing contrary to any parte of the same Acte.

CHAPTER VI.

AN ACTE conchyng the takinge of Mortuaries or demaunding receyvinge or claymyng of the same.

Doubts as to
Mortuaries, &c.

FOR AS MOCHE as questyon ambyguete and doute is chaunced and rysen upon the ordre maner and fourme of demaundyng receyvyng and claymyng of Mortuaries otherwise called Corse presentes, as well for the greatnes and value of the same which as hath ben lately taken is thought over excessyve to the pore people and other persons of this realme, as also for that suche Mortuaries or Corse presentes have been demaunded and levved for such as at the tyme of their deth have had no part in any goodes or cattels, and many tymes for wayfaryng travelyng men in the places where they have fortunated to dye; To the entent that all dout contencion and inctaynte herein may be removed, and as well the generalyte of the Kynges people therin remedyed, as also the Persons Vycars parysshe prestes curates and other havng interest in such Mortuaries and Corse presentes indyfferently provyded for: Be yt therfor enacted ordeyned and established by the Kyng our Sovereigne Lorde the Lordes Spirituall and Temporall and the Comons of this parliament assembled and by auctorite of the same, that from the fyrst day of Aprell in the yere of oure Lorde M VC xxx no Person Vycar, Curate nor Parisse Prest ne any other spual pson nor their Fermours baylyff nor leses shall take receyve or demaunde of any pson or psous within this Realme, for any person or persons dyeng within the same, any maner Mortuary or Corse present ne any some or sommes of money ne any other thing for the same more than is hereafter mencyned: Ne also shall convent or call any person or persons before any Judge Spual for the Recovere of any such Mortuaries or Corse presentes or any other thyng for the same, more than is hereafter mencyned; upon payne to forfeyte for every tyme so demaundyng receyvyng takyng or conventyng or calling any suche person or persons before any spual Judge so moche in value as they shall take above the some lymtyted by this Acte, And over that xl s. to the ptie greved contrary to this acte; for the whiche forfeiture the partie so greved contrary to this Acte shall have [and ']' accion of det by writ byll playnt or informacion in any of the Kynges Courtes wherin no Wager of Lawe Esson nor Proteccyon shalbe allowed.

No Parson, Vicar,
&c. shall take
for a Mortuary
more than is
hereby directed.

Penalty.

II.
No Mortuary
where Effecte are
less than 10 Marke;
nor except where
usual; nor more
than one.

Amount of
Mortuaries; vis.
3 s. 4 d; 6 s. 8 d;
or 10 s. at most.

FIRST it is ordeyned established and enacted that no maner of Mortuary shalbe taken or demaunded of any pson what soo ever he be, which at the tyme of his deth hath in movable goodes under the value of x Marke. Also that no Mortuary shall be gyven asked or demaunded from hensforth of any maner person but only in such place where heretofore Mortuaries have ben used to be payed and gyven, and in those places non otherwise but after the rate and fourme hereafter mencyned; Ne that any person pay Mortuaries in more places than one that is to saye, in the place of their moost dwellyng and habitacion and there but one Mortuary: Nor no Person Vicar Curate Parisse Prest or other shall for any person dyeng or dede and beyng at the tyme of his deth of the value in moveable goodes of x Marke or more clerly above his dettes payed, and under the some of xxx ti. take for a Mortuary above thre shillynges and foure pence in the hole: And for a person dyeng or dede beyng at the tyme of his deth of the value of xxx ti. or above clerly above his dettes payed in movable goodes, and under the value of [xxx ti. ']' ther shall no more be taken or demaunded for a Mortuary than vjs. viij d. in the hole; and for any person dyeng or ded beyng at the tyme of his deth of the value in movable goodes of xl ti. or above to any some what soo ever yt be clerly above his dettes payed, ther shall be no more taken paied or demaunded for a Mortuary than x s. in the hole.

III.
No Mortuaries
for Femmes Covert,
Children, &c.
Mortuaries of
Travellers.

PROVYDED alway that for no Woman beyng covert baron, nor chylde, ne for any person nat kepyng house any maner mortuary be payd; ne that any Person Vycar Curate Parysshe Preest or other aske demaunde or take for any such woman, chylde, or for any person nat kepyng house dyeng or ded, any maner thyng or money by waye of Mortuary; ne also for any wayfaryng man or other that dwelleth nat ne makyth resydence in that place where they shall happen to dey, but that the Mortuary of such wayfaryng persons be answerable, in places where Mortuaries be accustomed to be payed and in maner and fourme and after the rate before mencyned and none other wise, in the place or places where suche wayfaryng persons at the tyme of ther deth had theyr moost habitacyon house & dwellyng places and no where els.

IV.
Legacies to Parsons,
Vicars, &c. valid.

PROVYDED alway that it shalbe lefull to all maner of Persons Vycars Curates Parysshe Preestes and other spual persons to take and receyve any maner some of money or other thyng which by any person dyeng shall fortune to be dysposed gyven or bequethed unto them or any of them, or to the high aluter of the Church; This Acte or any thyng therin mencyned natwithstondyng.

¹ an Printed Copies.

² xl ti. Printed Copies.