



Simony Act 1588

1588 CHAPTER 6 31 Eliz 1

E+W

An Acte against Abuses in Election of Scollers and presentacions to Benefices.

^{X1}Elections of Fellows, Scholars, &c. in Colleges, &c. made corruptly;

Whereas by the intent of the Founders of Colledges, Churches Collegiat, Churches Cathedrall, Scoles Hospitalls Halles and other like Societies within this Realme, and by the Statutes and good Orders of the same, the Eleccions presentacions and Nominacions of Fellowes Schollers Officers and other persons to have roome or place in the same, are to be had and made of the fittest & moste meete persons beinge capable of the same Eleccions presentacions and Nominacions, freelye without anye Rewarde Guyfte or Thinge given or taken for the same; And for true performaunce whereof, some Ellectors Presentors and Nomynators in the same have or shoulde take a Corporall Oathe to make their Eleccions presenacions and Nominacions accordinglye; Yet notwithstandinge it is sene and founde by experience that the saide Eleccions Presentacions and Nominacions be manye tymes wrought and brought to passe with Monye Guyfts & Rewards, whereby the fytttest persons to be presented elected or nominated wantinge Money or Friends are sildome or not at all preferred, contrarie to the good meaninge of the saide Founders, and the saide good Statutes and Ordynaunces of the saide Colledges Churches Scholes Halles Hospitalls & Socyeties, and to the great prejudice of Learning and the Common Wealth and Estate of the Realme:

Editorial Information

X1 Abbreviations or contractions in the original form of this Act have been expanded into modern lettering in the text set out above and below.

Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Simony Act 1588. (See end of Document for details)

I Where Election of Fellows, Officers, &c. of Colleges, Hospitals, &c. shall be produced by Bribery, the Election declared void. E+W

For Remedye whereof, Yf any person or persons Bodyes Pollitick or Corporate, whiche have Eleccion presentacion or Nominacion, or Voyce or Assent in the Choyses Eleccion presentacion or Nominacion, of anye Fellowe Scholler or any other person, to have roome or place in anye the saide Churches Colledges Scholes Hospitalls Halles or Societies, shall have receyve or take anye Monye Fee Rewarde or any other Profytt, directly or indirectlie, or shall take any Promyse Agreement Conveniente Bonde or other Assuraunce, to receyve or have any Monye Fee Rewarde or any other Profytt, directlye or indirectlye, either to him or themselves or to any other of their or anye of their Freindes, for his or their Voice or Voices Assent or Assents or Consents, in electinge chosinge presentinge or nominatinge anye Officer Fellowe Scholler or other person, to have any roome or place in any the saide Churches Colledges Halles Scholes Hospitalls or Societies, that then and from thenceforthe the Place Roome or Office, whiche suche person soe offendinge shall then have in anye the saide Churches Colledges Scholles Halles Hospitalls or Societies, shalbe voyde; And that then aswell the Quenes Majestie her Heires and Successors, and everie other person and persons their Heires and Successors, to whom the presentacion Donacion Guyfte Eleccion or Disposicion shall of right belonge or apperteyne of anye suche of the saide Roomes or Places of the saide person offendinge as aforesaide, shall or maye at their pleasure elect present nominate place or appoynte any other person or persons in the Roome Office or Place of suche person or persons so offendinge, as yf the saide person or persons so offendinge then were naturallie deade.

II Penalty on Resignation of any Fellowship, Office, &c. for Money, &c.; Double the Amount on the Resigner, and Incapacity in the Giver. E+W

And yf any Fellowe Officer or Scholler of anye the saide Churches Colledges Scholes Halles Hospitalls or Societies, or other persons havinge Roome or Place in anye of the same, shall at anye tyme hereafter directly or indirectlie take or receive, or by any waye devise or meanes contract or agree to have or receyve, any Monye Rewarde or Profytt whatsoever, for the levinge or resignyng upp of the same his Roome or Place for any other to be placed in the same, That then everie person soe takinge or contractinge or agreinge to take or have any thinge for the same, shall forfeyte and loose double the somme of Money or value of the thinge so receyved and taken or agreed to be receyved or taken; And everie person, by whom or for whom anye Monye Guyfte or Rewarde as aforesaide shalbe given or agreed to be payde, shalbe uncapeable of that Place or Roome for that tyme or turne, and shall not be nor had nor taken to be a lafull Fellowe Scholler or Officer of any the Churches Colledges Halles Hospitalls Scholles or Societies, or to have suche Roome or Place there; but that they to whom it shall apperteyne, at any tyme thereafter, shall and maye elect chose present and nominate any other person, fitt to be elected presented or nominated, into the saide Roome or Fellowshipe, as yf the saide person, by or for whome anye suche Money Guyfte or Rewarde shalbe given or agreed to be payde, were dead or had resigned and leafte the same.

Modifications etc. (not altering text)

C2 Liability to pecuniary penalty amended by [Common Informers Act 1951 \(c. 39, SIF 39:1\)](#), s. 1

Status: Point in time view as at 01/07/2018.
Changes to legislation: There are currently no known outstanding effects for the Simony Act 1588. (See end of Document for details)

III^{F1} **E+W**

Textual Amendments

F1 S. 3 repealed by Statute Law Revision Act 1948 (c. 62), Sch. 1

IV **Simoniacal Presentations to Benefices, &c. declared void: Penalty of Double the yearly Value on the Giver and Taker; and the Giver incapacitated to hold the Benefice.** **E+W**

[^{F2}And for the avoydinge of Symony & Corrupcion, in presentacions Collacions and Donacions of and to Benefices Dignyties Prebends and other Livings and Promociens Eccliaſticall, and in Admiſſions Inſtituciones and Inductions to the ſame; yf any perſon or perſons Bodyes Polliticke or Corporate ſhall or doe, for anye ſomme of Money Rewarde Guyfte Profytt or Benefytt, directlie or indirectlie, or for or by reaſon of any Promyſe Agreement Graunte Bonds Coveniante or other Aſſuraunces of or for any ſomme of Money Rewarde Guyfte Profitt or Benefytt whatſoever, directly or indirectlie, preſent or collate any perſon to anye Benefice withe Cure of Soules, Dignytie Prebend or Lyvinge Eccliaſticall, or give or beſtowe the ſame for or in reſpecte of any ſuche corrupte cauſe or conſideracion, that then everie ſuche preſentacion Collation Guifte and beſtowinge, and everie Admyſſion Inſtitucion Inveſture and Induction thereupon, ſhalbe utterlie voyde fruſtrate and of none Effecte in Lawe: . . . ^{F3}: And that all and every perſon or perſons Bodye Pollitick and Corporate, that from thenceforthe ſhall give or take anye ſuche ſomme of Money Rewarde Guyfte or Benefitt, directlye or indirectlye, or that ſhall take or make anye ſuche Promyſſe Graunte Bonde Coven-nte or other Aſſuraunce, ſhall forfeite and looſe the double value of one yerſe Profitt of everie ſuche Benefice Dignitie Prebend and Livinge Eccliaſticall; and the perſon, ſoe corruptlye takinge Procuringe ſeekinge or accepting any ſuche Benefice Dignitie prebende or Lyvinge, ſhall thereupon and from thenceforth be adjudged a diſabled perſon in Lawe to have or enjoye the ſame Benefice Dignitie Prebend or Lyvinge Eccliaſticall.]

Textual Amendments

F2 S. 4 repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 1; S.I. 2018/718, art. 2

F3 Words repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), Sch. 5

Modifications etc. (not altering text)

C3 Liability to pecuniary penalty amended by Common Informers Act 1951 (c. 39, SIF 39:1), s. 1

V **Penalty on corruptly instituting, &c. to Benefices, &c. Double the yearly Value; Institution void, and Patron, &c. may present.** **E+W**

[^{F4}And That yf anye perſon ſhall for any ſomme of Money Rewarde Guyfte proffitt or Cmoditye whatſoever, directly or indirectly, other then for uſuall and lafull fees, or for or by reaſon of any Promyſe Agreement Graunte Coveniante Bonde or other Aſſuraunce of or for any ſomme of Monye Rewarde Guifte Profitt or Benefitt whatſoever, directlye or indirectly, admytt inſtitute inſtall inducte inveſte or place any perſon, in or to any Benefice withe cure of Soules, Dignitie prebend or other Living

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Eccliaſticall, that then everie ſuche perſon ſoe offendinge ſhall forfeyte and looſe the dooble value of one yerſe Profytt of everie ſuche Benefice Dignitie prebend and Living Eccliaſticall; And that therupon, ymediatlie from and after the Inveſtinge Installacion or Induccion thereof had, the ſame Benefice Dignitie Prebend and Living Eccliaſticall ſhalbe eftſones merely voyd; . . .]^{F5}

Textual Amendments

- F4** S. 5 repealed in part (E.) (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\)](#), s. 2(3), [Sch. Pt. 1](#); [S.I. 2018/718](#), art. 2
- F5** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

Modifications etc. (not altering text)

- C4** Liability to pecuniary penalty amended by [Common Informers Act 1951 \(c. 39, SIF 39:1\)](#), s. 1

VI^{F6} **E+W**

Textual Amendments

- F6** S. 6 repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

VII **Penalty on corrupt Resignation of Benefices; Double the Sum given, by Giver and Taker: Application of Penalties.** **E+W**

And yf any Incumbent of any Benefice withe Cure of Soules, doe or ſhall corruptlie reſigne or exchange the ſame, or corruptlye take for or in reſpecte of the reſignynge or exchanginge of the ſame, directlie or indirectlie, any Pencion ſomme of Money or Benefitt whatſoever, that then aſwell the Giver as the Taker of any ſuche Pencion ſomme of Money or other Benefitt corruptlie, ſhall looſe double the value of the ſome ſoe given taken or had; thone moytie, aſwell thereof as of the Forfeytur of double value of one yerſe Profytt before mencioned, to be to the Quenes Majestie her heires and ſucceſſors, and thother moytie to him or them that will ſue for the ſame by Accion of Debte Bill or Informacion, in any of her Majesties Courts of Recorde, . . .^{F7}

Textual Amendments

- F7** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

VIII **Penalties under Spiritual Laws shall remain in force.** **E+W**

Provided alwaies, That this Acte or any Thing herein conteyned, ſhall not in anye wiſe extende to take awaye or reſtrayne any Punyſhment Payne or Penaltie lymitted preſcribed or instituted by the Lawes Eccliaſticall for any the Offences before in this Acte mencioned, but that the ſame ſhall remayne in force, and may be putt in due execucon as it might be before the makinge of this Acte; This Acte or anythinge therein conteyned to the contrarye thereof in anye wiſe notwithstandinge.

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Simony Act 1588. (See end of Document for details)

IX Penalty on corrupt Ordination, &c. of Ministers; On the Receiver, £40; and on the Minister, £10, and 7 Years Incapacity to hold any Benefice. E+W

^{X2}Provided further and, That yf any person or persons whatsoever shall or doe, receyve or take anye Money Fee Rewarde or anye other Profytt, directlye or indirectlye, or shall take anye Promyse Agreement Covenante Bonde or other Assuraunce, to receive or have any Money Fee Rewarde or any other Profytt, directly or indirectly, either to him or themselves or to anye other of their or any of their freindes, all ordinary and lafull fees onlye excepted, for or to procure the ordeyninge or makinge of any Minister or Ministers, or gyvinge of any Orders or Licence or Licences to preache, That then everye person and persons so offendinge shall for everye suche Offence forfeyt and loose the somme of Fortie Poundes of lafull Money of England, and the partie soe corruptlie ordeyned or made Minister or taking Orders, shall forfeyt and loose the somme of Tenne Poundes: And if, at anye tyme within seaven yeres next after such corrupte entringe into the Minystery or receyvinge of Orders, he shall accepte or take any Benefice Livinge or Promocion Eccliastringall, That then imediatlye from and after the Induction Investing or Installacion thereof or there into had, the same Benefice Lyvinge and Promocion Eccliastringall shalbe eftsones merelye voyde; . . . ^{F8}; Thone moytie of all whiche forfeitures shalbe to our Soveraigne Ladye the Quene her heires and successors, and the other moytie to him or them that will sue for the same by Accion of Debte Bill Playnte or Informacion, in any of her Majesties Courts of Recorde, . . . ^{F9}

Editorial Information

X2 This Proviso is annexed to the Original Act in separate Schedule.

Textual Amendments

F8 Words repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), **Sch. 5**

F9 Words repealed by Statute Law Revision Act 1948 (c. 62), **Sch. 1**

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