



Tithe Act 1536

1536 CHAPTER 11 28 Hen 8

An Acte for restitution of the first Fruytys in the tyme of Vacacion to the next Incumbent.
xi

Editorial Information

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

Modifications etc. (not altering text)

- C1** Short title “The Tithe Act 1536” given by the [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)
- C2** Act modified by [First Fruits and Tenths Measure 1926 \(No. 5\)](#); excluded by [Pastoral Measure 1968 \(No. 1\)](#), ss. 68(4), 70, [Sch. 7 para. 3\(1\)](#)
- C3** Preamble omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#)
- C4** Certain words of enactment repealed by [Statute Law Revision Act 1888 \(c. 3\)](#) and [Statute Law Revision Act 1948 \(c. 62\)](#)

[^{F1X2}**First Fruits shall be due to the King from Time of the Avoidance. Tithes and Profits accruing during the Avoidance shall belong to the next succeeding Incumbent.**

. . . ^{F2} the tithes fruytes oblacions obventions emolumentes commodities advauntages rentes, and all other whatsoever revenewes casualties or profities certayne and uncertayne, afferyng or belongyng to any Archedeaconry Deanery prebende parsonage Vicarage Hospitall Wardeyneshippe Provosteshipe or other spirituall promocion Benefice Dignitie or Office, (Chauntreis oonly excepte), within this Realme or other the Kynges Domynions growyng rysyng or commyng duryng the tyme of vacacion of the same promocion spirituall, shall belong and affere to suche person as shalbe therunto next presented promoted instituted inducted or admytted and to his Executours, . . . ^{F2}; any usage custome libertie privilege or prescripcion to the contrary hadd used or being in any wise notwithstanding.]

Textual Amendments

- F2** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1536 (repealed). (See end of Document for details)

Editorial Information

X2 Marginal note no longer accurate

Textual Amendments

- F1 Ss. 1-3 repealed (so far as they apply to archdeaonries and benefices) by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), ss. 47(4), 48, [Sch. 8](#) (the repealing Measure extending to the Provinces of Canterbury and York)
- F2 Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#)

[^{F3}II] **Penalty on the Ordinary receiving Profits of any Benefice during Vacation, and not paying them to the next Incumbent; Treble Value, &c.**

AND that if any Archebisshoppe Bisshoppe Archedeacon Ordynarye or any other person or persones to their uses and behoofe, . . . ^{F4} at any tyme herafter doo perceyve receyve or take, the fruyties tithes obventions oblacions emolumentes commodities renewes rentes advauntages profites or casualties commyng growyng or belongyng, or which herafter shall come growe affere or belong, to any Archedeaconry Denry Prebende personage Vicarage Hospitall Wardeynshippe Provostshippe or other spirituall promocion Benefice Dignitie or Office, . . . ^{F4} within this Realme or other the Kynges Domynions, duryng the vacacion of such Archedeaconry Deanery Prebende personage Vicarage Hospitall Wardeynshippe Provostshippe or other spirituall promocion benefice dignytie or office, . . . ^{F4} and the same, upon reasonable request from hensforth to be made, doth not rendre restore satisfye contente and pay to the next Incumbent, being lafully instituted inducted or admytted to suche Archedeaconry Denry Prebende personage or Vycarage or other promocion dignytie benefice or office spirituall, . . . ^{F4} or do lett or interrupte the said Incumbent to have the same, that then every Archebisshoppe Bisshoppe Archedeacon Ordynary or other person so doyng shall forfayte and lose the treble value of so moche as he shall then have receyved, of the fruyties of every bend personage Vicarage Hospitall Wardeynshippe Provostshippe or other spirituall promocion, wherof he so shall receyve perceyve or detayne, lett or interrupte the Incumbent to perceyve receyve and have, the fruytes tithes obventions oblacions emoluments commodities revenues rentes advauntages profities or casualties; the moytie of which forfayture shall be to the Kyng our Sovereign Lorde, and the other moytie therof to the Incumbent of the same prebende personage or Vycarage or other spirituall promocion, to be recovered in any of the Kynges Courtes by action bill playnte infourmacion or other wise, . . . ^{F5}]

Textual Amendments

- F3 Ss. 1-3 repealed (so far as they apply to archdeaonries and benefices) by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), ss. 47(4), 48, [Sch. 8](#) (the repealing Measure extending to the Provinces of Canterbury and York)
- F4 Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#)
- F5 Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), s. 4(a)

[^{F6}III] **Ordinary may retain Expences of Cure, and collecting the Profits, &c.**

PROVYDED alway that it shalbe lefull to every Archebisshoppe Bisshop Archedeacon and Ordynary, their Officers and Ministris, to retayne [^{X3}into]] his or their custodie

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so moche, of the tithes fruytes obventions oblacions emolumentes commodities advantages rentes revenues casualties and profyttes, as shall amount to paye unto suche persone [^{X4}and] persones as hath or shall serve or kepe the cure of such Archdeaconry Deanry prebende personage or Vicarage or other spirituall promocion duryng the vacacion, his or their reasonable stipende or salarie, And also for the collection gatheryng and levyng of suche tithes fruytes emolumentes rentes and other profites rysyng and growyng duryng the vacacion aforsaid; any thyng in this Acte conteyned to the contrary in any wise notwithstanding.

Editorial Information

- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: in *O*. [*O*. refers to a collection in the library of Trinity College, Cambridge]
- X4** Variant reading of the text noted in *The Statutes of the Realm* as follows: or *O*. [*O*. refers to a collection in the library of Trinity College, Cambridge]

Textual Amendments

- F6** Ss. 1-3 repealed (so far as they apply to archdeaonries and benefices) by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), ss. 47(4), 48, [Sch. 8](#) (the repealing Measure extending to the Provinces of Canterbury and York)

IV Incumbents may devise Profits of Corn sown on their Glebe.

PROVYDED also that in case eny of the Incumbentes aforsaid happen to dye, and before his death hath caused eny of his glebe landes to be manured and sowen at his propre costes and charges with any corne or grayne, that then in that case all and every of the same Incumbentes may make and declare their testamentes of all the profites of the corne growyng uppon the same glebe landes so manured and sowen; any thyng conteyned in this present Acte in any wise notwithstanding.

[^{F7}V] Leases by Vicars and other Spiritual Persons becoming void by their Resignation; Such Leases declared valid for Six Years, after Resignation or other Avoidance by Acte of Lessor: Successors may distrain, &c. for the Rent, &c.

AND where also, before this tyme, dyvers and many personnes Vicars and other spirituall persons, being seased for terme of their lyves of and in the said spirituall promocions afore named, as well for great sommes of money to them before hande paid is for other causes & consideracions, have lett in ferme for terme of yeres by sufficient wrytynges their seid personages, Vycarages and other spirituall promocions or parte thereof, unto dyvers and many of the Kynges subjectes, and after suche leases by them so made, the leassours therof have often tymes used to resigne their said benefices or spirituall promocions so dymysed and letten in ferme; by reason of which resignacion and other the Actes of the said leassours, the said benefices and other spirituall promocions have ben voyde, and the title and interestes of the said lessees hath ben therby adnychilate and of none effecte in the lawe, contrary to right and good consciens: For reformation wherof and for a quyetnes the better hereafter to be hadd and contynued betwene the Kynges subjectes, Be it enacted by auctorite of this present parliament, that from the forsaid first day of May laste paste no maner of suche lease by sufficient wrytyng, hertofore made not hereafter to be made by any spirituall person within this Realme of Englonde Wales or the marchies of the same to any lay persone, of any personage Vicarage or other spirituall promocion aforsaid within this Realme, uppon which leasse the rente and services reserved, with other the yerely charges of

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the lease as in serving the cure and otherwise, shall amount within forty shylynges by the yere of as moche as the said personage Vicarage or other spirituall promocion aforsaid so letten is rated and valewed atte uppon the Kynges bokes for paying the first frutes, shall be adjudged voide adnychilate or determyned, by reason of any suche resignacion or other avoydaunce, of the said benefice or spirituall promocion so letten, by the oonly acte of the seid leassour; but that every suche [^{X5}leasse or graunte] of any suche benefices or spirituall promocions aforsaid, their executours or assignes, shall have and may enjoye their termes and enterestes of and in the same, for the terme of six yeres to be accompted nexte and immediatly after the said avoydaunce, if the said leassour doo so long lyve, and the leasse so by hym made before doo so long contynewe and endure; and that after suche avoydaunce the successour or successours of every such lessour shall and may distreyn for the rente and servyces so reserved, and have their actions of dett and all other advantages by way of action entre or other wise agaynst the said lessee his executours or assignes for recovery of the said rente and covenante uppon the said lease reserved, as the leassour therof myght have hadd if noo such voydaunce hadd ben hadd.]

Editorial Information

- X5** Variant readings of the text noted in *The Statutes of the Realm* as follows: lese or graunte *O*. — lessee or grauntee *Printed Copies*. [*O*. refers to a collection in the library of Trinity College, Cambridge]

Textual Amendments

- F7** [S. 5](#) repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) but reproduced for the purpose of construing the remaining provisions of the Act

[^{F8}VI] **Lessees may hold to the End of the Year after the Death of Lessor, paying Rent to the Successor.**

AND farther that if hereafter it happen any suche lessour to decease and die before the ende of the terme by hym so made, and there be oon yere at the leaste to comme of the said terme, that then it shallbe lauffull to the lesse therof his executours or assignes to holde and enjoy their said lease to the ende of the same yere wherin he is so entered at the tyme of his said lessours death, if his said lease doo so long contynue; bearyng and paying unto the successour of every suche lessour all suche rente and servyces, as for the remenaunt of the said yere shall uppon every suche lease be dewe, for the recovery wherof the said successour shall and may have all such wayes and advauntages as before is lymyted and geven to the successour, where his predecessour maketh such lease and resigneth.]

Textual Amendments

- F8** [S. 6](#) repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) but reproduced for the purposes of construing the remaining provisions of the Act

VII **Successor on a Month's Notice shall have the Parsonage and Glebe not sown.**

PROVYDED alway that every successour, after the deth of his predecessour, may and shall have, uppon oon monethes warnyng after the tyme of his induction, the Mansion Howse of every suche parsonage Vicarage or other spirituall promocion aforsaid with the glebe belongyng to the same, not being sowne at the tyme of his said predecessours

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death, for mayntenance of his houshold, deducting therfore in his rente as hertofore hath ben borne for the same, or as yt is reasonable worth; any thing in this said acte conteigned to the contrary notwithstanding.

VIII **F9**

Textual Amendments

F9 S. 8 repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), ss. 47(4), 48, [Sch. 8](#) (the repealing Measure extending to the Provinces of Canterbury and York)

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