

# THE STATUTES at Large, &c.

Statutes made at *Westminster* Anno 32 HEN. VIII.  
and A. D. 1540.

**I**N the parliament begun at Westminster the eight and twentieth day of April, the one and thirtieth year of the reign of the most excellent, most high, and most mighty prince, Henry the Eighth, by the grace of God King of England and of France, defender of the faith, lord of Ireland, and in earth, under Christ, supreme head of the church of England, our most redoubted sovereign lord, there holden, and afterwards continued by divers prorogations unto the twelfth day of April in the ensuing year: in the last session thereof, begun the same twelfth day of April, and from the same holden unto the eleventh day of May, in the two and thirtieth year of his most prosperous reign, from the which it was by prorogation continued until the five and twentieth of the same month of May, and holden until the four and twentieth day of July, the said two and thirtieth year; at which day the said parliament was by his Grace's authority finished and dissolved: (1) amongst many other, the acts following, by his Highness, with the assent of the lords spiritual and temporal, and the commons, assembled in the said parliament, have been established, ordained and enacted.

## CAP. I.

The act of wills, wards and primer seifins, whereby a man may devise two parts of his land.

**W**HERE the King's most royal majesty in all the time of his most gracious and noble reign hath ever been a merciful, loving, benevolent and most gracious sovereign lord, unto all and singular his loving and obedient subjects, and by many times past hath not only shewed and imparted to them generally by his many, often, and beneficial pardons heretofore by authority of his parliament granted, but also by divers other ways and means many great and ample grants and benignities, in such wise as all his said subjects been most bounden to the uttermost of all their powers and graces by them received of God, to render and give unto his Majesty their most humble reverence and obedient thanks and services, with their daily and continual prayer to Almighty God, for the continual preservation of his most royal estate in most kingly honour and prosperity; (2) yet always his Majesty being repleat

The reasons for making this act.  
2 Roll. 383,  
425, 427.

Dyer 292.  
and 2 Anderf. 106.

and endowed by God with grace, goodness and liberality, most tenderly considering, that his said obedient and loving subjects cannot use or exercise themselves according to their estates, degrees, faculties and qualities, or to bear themselves in such wise, as that they may conveniently keep and maintain their hospitalities and families, nor the good education and bringing up of their lawful generations, which in this realm (laud be to God) is in all parts very great and abundant, but that in manner of necessity, as by daily experience is manifested and known, they shall not be able of their proper goods, chattels and other moveable substance, to discharge their debts, and after their degrees set forth, to advance their children and posterities: (3) wherefore our said sovereign Lord, most virtuously considering the mortality that is to every person at God's will and pleasure most common and uncertain, of his most blessed disposition and liberality, being willing to relieve and help his said subjects in their said necessities and debility, is contented and pleased that it be ordained and enacted by authority of this present parliament, in manner and form as hereafter followeth; that is to say, (4) That all and every person and persons, having, or which hereafter shall have, any manors, lands, tenements or hereditaments, holden in soccage, or of the nature of soccage tenure, and not having any manors, lands, tenements or hereditaments, holden of the King our sovereign lord by knights service, by soccage tenure in chief, or of the nature of soccage tenure in chief, nor of any other person or persons by knights service, from the twentieth day of July in the year of our Lord God M.D.XL. shall have full and free liberty, power and authority to give, dispose, will and devise, as well by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life, all his said manors, lands, tenements or hereditaments, or any of them, at his free will and pleasure; any law, statute or other thing heretofore had, made or used to the contrary notwithstanding.

3 Bulstr. 184.  
Lands holden  
in soccage,  
and none in  
chief, or by  
knights ser-  
vice.

1 Bulst. 165.

1 Roll. 65.

Godbolt 17.

pl. 21.

Moor 254.

pl. 401.

Cro. El. 100.

Dyer, 72,

127.

3 Leon. 5, 276.

Moor 342. pl. 463. Lands devised by will in writing. Explained by 34 & 35 H. 8.  
c. 5. s. 3. 1 Leon. 113, 252, 267. 3 Leon. 28, 79.

Lands holden  
of the King  
in soccage in  
chief, and  
none holden  
by knights ser-  
vice.

II. And that all and every person and persons, having manors, lands, tenements or hereditaments, holden of the King our sovereign lord, his heirs or successors, in soccage, or of the nature of soccage tenure in chief, and having any manors, lands, tenements or hereditaments, holden of any other person or persons in soccage, or of the nature of soccage tenure, and not having any manors, lands, tenements or hereditaments, holden of the King our sovereign lord by knights service, nor of any other lord or person by like service, from the twentieth day of July in the said year of our Lord God M.D.XL. shall have full and free liberty, power and authority to give, will, dispose and devise, as well by his last will or testament in writing, or otherwise by any act or acts lawfully executed in his life, all his said manors, lands, tenements and hereditaments, or any of them, at his free will and pleasure; any law, statute, custom or other thing heretofore had, made or used to the contrary notwithstanding.

III. Saving

III. Saving alway and reserving to the King our sovereign lord, his heirs and successors, all his right, title and interest of *primer seisin* and reliefs, and also all other rights and duties for tenures in soccage, or of the nature of soccage tenure in chief, as heretofore hath been used and accustomed, (2) the same manors, lands, tenements or hereditaments to be taken, had and sued out of and from the hands of his Highness, his heirs and successors, by the person or persons to whom any such manors, lands, tenements or hereditaments shall be disposed, willed or devised, in such and like manner and form, as hath been used by any heir or heirs before the making of this statute; (3) and saving and reserving also fines for alienations of such manors, lands, tenements, or hereditaments holden of the King our sovereign lord in soccage, or of the nature of soccage tenure in chief, whereof there shall be any alteration of freehold or inheritance, made by will or otherwise, as is aforesaid.

A saving of the King's *primer seisin*, and his fines for alienation. Explained by 34 & 35 H. 8. c. 5. f. 9.

IV. And it is further enacted by the authority aforesaid, That all and singular person and persons having any manors, lands, tenements, or hereditaments of estate of inheritance holden of the King's highness in chief by knights service, or of the nature of knights service in chief, from the said twentieth day of July shall have full power and authority, by his last will, by writing, or otherwise by any act or acts lawfully executed in his life, to give, dispose, will or assign two parts of the same manors, lands, tenements, or hereditaments in three parts to be divided, (2) or else as much of the said manors, lands, tenements, or hereditaments, as shall extend or amount to the yearly value of two parts of the same, in three parts to be divided, in certainty and by special divisions, as it may be known in severalty, (3) to and for the advancement of his wife, preferment of his children, and payment of his debts, or otherwise at his will and pleasure; any law, statute, custom, or other thing to the contrary thereof notwithstanding:

Lands holden of the King by knights service in chief. 1 Anderf. 147. Moor 726. pl. 1013. 6 Co. 75. 11 Co. 24. Dyer, 210. Co. Lit. 76. a.

2 Anderf. 207.

V. Saving and reserving to the King our sovereign lord, the custody, wardship and *primer seisin*, or any of them, as the case shall require, of as much of the same manors, lands, tenements or hereditaments, as shall amount and extend to the full and clear yearly value of the third part thereof, without any diminution, dower, fraud, covin, charge or abridgment of any of the same third part, or of the full profits thereof:

Wardship, *primer seisin*, and fines for alienations saved to the King. Dyer, 181, 191, 193, 308, 313, 370. Co. Lit. 78. a.

VI. Saving also and reserving to the King our said sovereign lord, all fines for alienations of all such manors, lands, tenements and hereditaments, holden of the King by knights service in chief, whereof there shall be any alteration of freehold or inheritance made by will or otherwise, as is above said.

VII. And be it enacted by authority aforesaid, That all and singular person and persons, having manors, lands, tenements, or hereditaments of estate of inheritance, holden of the King in chief by knights service, and having other manors, lands, tenements or hereditaments holden of the King, or of any other person or persons by knights service, or otherwise, every such

Lands holden of the King by knights service in chief, and other lands holden by knights service or



otherwise.  
Cro. El. 286.  
1 Roll. 67.  
Dyer, 158,  
366.  
6 Co. 17.  
11 Co. 23.  
13 Co. 49, 50.  
Dyer, 286, 313,  
354.

person and persons from the said twentieth day of *July* shall have full power and authority to give, dispose, will or assign by his last will in writing, or otherwise by any act or acts lawfully executed in his life, two parts of the same manors, lands, tenements or hereditaments, in three parts to be divided, or else as much of the same manors, lands, tenements and hereditaments, as shall extend or amount to the yearly value of two parts of the same, in three parts to be divided, in certainty and by special divisions, as it may be known in severalty, to and for the advancement of his wife, preferment of his children, payment of his debts, or otherwise at his will and pleasure; any law, statute, custom, or other thing to the contrary thereof notwithstanding:

Wardship, primer seisin, and fines for alienation, saved to the King.  
Dyer, 366.  
8 Co. 165.  
9 Co. 125, 131, 137.  
Moor 38.  
p. 124.

VIII. Saving alway and reserving to the King our sovereign lord, the custody, wardship and *primer seisin*, or any of them, as the case shall require, of as much of the same manors, lands, tenements, or other hereditaments, as shall amount and extend to the full and clear yearly value of the third part thereof, without any manner diminution, dower, fraud, covin, charge or subtraction of the same third part, or of the full profits thereof:

IX. Saving also and reserving to our said sovereign lord the King, all fines for alienation of any such manors, lands, tenements or hereditaments, holden of the King by knights service in chief, whereof there shall be any alteration of freehold or inheritance made by will or otherwise, as is abovesaid.

Lands holden by knights service of other lords than the King, and other lands holden in socage.

X. Be it further enacted by the authority abovesaid, That if any person or persons hold any manors, lands, tenements or hereditaments, only of any other lord or person, than of the King our said sovereign lord, by knights service, and other lands and tenements in socage, or of the nature of socage tenure, that then every such person shall or may give, dispose or assure, by his last will, or otherwise by any act or acts lawfully executed in his life, two parts of the said manors, lands and tenements holden by knights service, (2) or of as much thereof as shall amount to the full yearly value of two parts, in manner and form as is above declared, and also all the lands and tenements holden by socage, or of the nature of socage tenure, at his will and pleasure, as is above written; (3) saving and reserving to the lord of the lands and tenements holden by knights service, for his custody and wardship, as much of the same lands and tenements as shall extend or amount to the full and clear yearly value of the third part of the same lands and tenements holden by knights service, without any diminution, dower, fraud, covin, charge or subtraction of any portion of that third part, or of the clear yearly value thereof, in manner and form aforesaid.

The lord's wardship, of the third part saved.  
Dyer, 367.  
2 Co. 25.  
Bro. Test. 19.

Lands holden of the King by knights service, and not

XI. And be it further enacted by the authority aforesaid, That if any person or persons hold any manors, lands, tenements or hereditaments, only of the King our sovereign lord by knights service, and not in chief, or hold any manors, lands, te-

tenements or hereditaments of our said sovereign lord by knights service, and not in chief, and also hold other manors, lands, tenements and hereditaments, of any other person or persons by knights service, and also hold other manors, lands, tenements or hereditaments, of any other person or persons in soccage, or of the nature of soccage tenure; that then all and every such person and persons shall and may give, dispose, will, devise and assure, by his last will, or otherwise by any act or acts lawfully done and executed in his life, two parts of the same manors, lands, tenements and hereditaments holden of our said sovereign lord the King by knights service, (2) and two parts of the manors, lands, tenements and hereditaments holden of any person or persons by knights service, (3) or as much of either of them as shall amount to the full yearly value of two parts, in manner and form as is above declared; (4) and also of all his lands and tenements so holden in soccage, or of the nature of soccage tenure, at his free will and pleasure:

XII. Saving and reserving to the King's highness, the custody and wardship of as much of the same manors, lands, tenements or other hereditaments, as shall extend and amount to the full and clear yearly value of the third part of the said manors, lands, tenements and hereditaments so holden of his Highness by knights service, without any diminution, dower, fraud, covin, charge and subtraction of any portion of that third part, or of the full profits thereof; (2) and also saving and reserving to the lords of whom any of the said manors, lands, tenements or other hereditaments been holden by knights service, for the custody and wardship, as much of the same manors, lands, tenements or hereditaments holden of them, or any of them, by knights service, as shall extend and amount to the full and clear yearly value of the third part of the same, without any diminution, charge, fraud, covin or subtraction of any portion of that third part, or of the clear yearly value of the third part thereof, in manner and form above declared.

Saving to the King and other lords, custody and wardship.  
Dyer, 191,

2 Co. 91.

XIII. Provided alway, and be it further enacted by the authority aforesaid, That if that third part of the manors, lands, tenements or hereditaments of any of the King's subjects, which in any of the cases abovesaid shall hereafter come to the King's highness, his heirs or successors, by virtue of this act, as is abovesaid, be not, or do not amount to the clear yearly value of the full third part of all the said manors, lands, tenements, or other hereditaments, whereof the King's highness is or shall be intituled to have the custody or *primer seisin*, as is abovesaid; that then our said sovereign lord, and his heirs, shall and may, at his or their free liberty and pleasure, take into his or their hands and possession, as much of the other two parts of the said manors, lands, tenements and other hereditaments, as with that of the same manors, lands, tenements or hereditaments holden or remaining in the King's hands, shall make up the clear yearly value of the full third part of the said manors, lands and tenements so to be had to the King's highness.

The King or any other lord may take so much as will amount to his third part if it be not left unto them.

ness in title of wardship and *primer seisin*, or any of them, as the case shall require: (2) and like benefit and advantage to be given to every lord or lords, of whom any such manors, lands, tenements or hereditaments been or shall be holden by knights service, as is abovesaid, concerning only his third part, of or for title of wardship,

Suing of liveries, paying for relief and heriots, for possessions, reversions, remainders, shall be as they have been.

Fines for alienations upon common recoveries.

6 Co. 27.

Bro. alienation 32.

XIV. Provided alway, and be it further enacted by the authority aforesaid, That every person and persons shall sue their liveries for possessions, reversions or remainders, and also pay reliefs and heriots, after such manner and form as they should or ought to have done before the making of this act, and as if this act had never been made.

XV. And that fines for alienations shall be paid in the King's chancery, for and upon writs of entry in the *poss*, to be obtained in the same court of chancery, after the said twentieth day of *July*, for common recoveries to be had or suffered of any manors, lands, tenements or hereditaments holden of the King in chief, in like manner and form as is used upon alienations of such manors, lands, tenements or hereditaments, so holden in chief, by fine or feoffment.

XVI. Provided also, and be it enacted by the authority aforesaid, That in such cases where fines for alienations shall be paid in the King's chancery for writs of entry in the *poss*, as is aforesaid, that then none other fine shall be paid in the same court for any such writs; any usage or custom to the contrary thereof notwithstanding.

Two persons seised of lands holden of the King by knights service, and to the heirs of one of them. Women shall have their dowers of the two parts.

The reversion of the tenant in dower in the King, if the tenant do die during the minority of the King's ward.

9 Co. 126.

Bro. Gard. 100.

2 Leon. 131.

Co. Lit. 111. b.

XVII. And be it further enacted by the authority aforesaid, That where two or more persons now hold, or hereafter shall hold, any manors, lands, tenements or hereditaments, of the King our sovereign lord by knights service, jointly to them, and to the heirs of one of them, and he that hath the inheritance thereof dieth, his heir being within age, that in every such case the King shall have the ward, and marriage of the body of such heir so being within age; the life of the freeholder or freeholders of the said manors, lands, tenements or hereditaments so holden by knights service notwithstanding: (2) saving and reserving to all and every woman and women, all and every such right, title and interest of dower, as they or any of them ought to have, or be or shall be justly intituled to have, claim or demand of any manors, lands, tenements or hereditaments, by the laws of this realm, to be taken or assigned unto them, or any of them, out of the two parts of the said manors, lands, tenements or hereditaments, severed and divided from the third part as is abovesaid, and not otherwise; (3) and saving also to the King our sovereign lord, his heirs and successors, the reversions of all such tenants in jointure and dower, immediately after the death of all such tenants, if they shall happen to die during the minority of the King's wards.

CAP.