

[STATUTES OF ENGLAND, 1703] [1]

2° & 3° Annæ, A.D. 1703.

CHAPTER XX.**AN ACT for the making more effectuell Her Majes-
ties Gracious Intencions for the Augmentac'ion of
the Maintenance of the Poor Clergy by enabling Her
Majesty to grant in Perpetuity the Revenues of the
First Fruits and Tenths and also for enabling any
other Persons to make Grants for the same Purpose.**

Rot. Parl.
2 & 3 Anne,
p. 3.
n. 7. [1]

**Recital of
Stat. 26 H.
VIII. c. 3.
§ 18.**

**Reasons
for passing
this Enact-
ment.**

WHEREAS at a Parliament holden in the Six and twentieth Yeare of the Reign of King Henry the Eighth the First Fruits Revenues and Proffitts for One Yeare upon every Nominacion or Appointment to any Dignity Benefice Office or Promotion Spirituall within this Realme or elsewhere within the said Kings Dominions And alsoe a perpetuall yearly Rent or Pension amounting to the Value of the Tenth Part of all the Revenues and Profitts belonging to any Dignity Benefice or Promotion Spirituall whatsoever within any Diocesse of this Realme or in Wales were granted to the said King Henry the Eighth His Heires and Successors and divers other Statutes have since beene made touching the First Fruits and annuall Tenths of the Clergy and the ordering thereof

And whereas a sufficient settled Provision for the Clergy in many Parts of this Realme have never yett been made by reason whereof divers mean and Stipendary [2] Preachers are in many Places entertained to serve the Cures and officiate there whoe depending for their [3] necessary

Maintenance upon the good will and likeing of their Hearers have beene and are thereby under Temptac'ion of too much complying and suiting their Doctrines and Teaching to the Humours rather then the good of their Hearers which hath beene a great Occasion of Faction and Schism and Contempt of the Ministry

And forasmuch as Your Majesty taking into Your princely and serious Considerac'ion the mean and insufficient Maintenance belonging to the Clergy in divers Parts of this Your Kingdome has been most graciously pleased out of Your most religious and tender Concerne for the Church of England (whereof Your Majesty is the onely Supreme Head on Earth) and for the poor Clergy thereof not onely to remitt the Arrears of Your Tenths due from Your Poor Clergy but alsoe to declare unto Your most dutifull and loyall Com-mons Your Royall Pleasure and pious desire that the whole Revenue ariseing from the First Fruits and Tenths of the Clergy might be ssttled for a perpetuall Augmentac'ion of the Maintenance of the said Clergy in Places where the same is not already sufficiently provided for

Wee Your Majesties most dutifull and loyall Subjects the Com-mons of England in Parliament assembled to the end that Your Majesties most gracious Intencions may be made effectuell and that the Church may receive soe great and lasting an Advantage from Your Majesties parting with soe great a Branch of Your Revenue towards the

[1] [*Statutes of the Realm* (1810–25), vol 8 pp 303–304, Chapter XX. “This is Chapter XI. in the Common printed Editions.” Namely, *Statutes at Large*, Ruffhead (1763), vol 4 pp 151-152; Pickering (1764), vol 11 pp 43-46; Raithby (1811), vol 6 pp 443-446. This Act was passed (received royal assent) on 3 April 1704 but came into force on 9 November 1703, the date of commencement of the session. Given the short title *The Queen Anne's Bounty Act, 1703* by the *Statute Law Revision Act, 1948* (11 & 12 G 6 c 62) s 5 Sch 2 p 1504. Parts were repealed by various enactments and the whole act was finally repealed by the *Charities Act, 1960* (8 & 9 Eliz 2 c 58) s 48(2) Sch 7 Pt II A p 61. Note: Abbreviations have been expanded in italics.]

[2] “Stipendary” in the original Act in the Parliament Office but “stipendary” as engrossed in the Parliament Roll.

[3] “their” in the original Act in the Parliament Office but omitted as engrossed in the Parliament Roll.

better Provision for the Clergy not sufficiently provided for and to the Intent Your Majesties singular Zeal for the Support of the Clergy and the Honour Interest and future Security of the Church as by Law established may be perpetuated to all Ages doe most humbly beseech Your Majestie that it may be enacted and be it enacted by the Queens most Excellent Majestie by and with the Advice and Consent of the Lords Spirituall and Temporall and Com^mons in this present Parliament assembled and by the [4] Authority of the same That it shall and may be lawfull for the Queens most Excellent Majestie by Her Letters Patents under the Great Seal of England to incorporate such Persons as Her Majesty shall therein nominate or appoint to be One Body Politick and Corporate to have a Com^mon Seal and perpetuall Succession And alsoe at Her Majesties Will and Pleasure by the same or any other Letter Patents to grant limitt or settle to or vpon the said Corporacion and their Successors for ever all the Revenue of First Fruits and Yearly perpetuall Tenths of all Dignities Offices Benefices and Promotions Spirituall whatsoever to be applyed and disposed of to and for the Augmentacion of the Maintenance of such Parsons Vicars Curates and Ministers officiateing in any Church or Chapell within the Kingdome of England Dominion of Wales and Towne of Berwick upon Tweed where the Liturgy and Rites of the Church of England as now by Law established are or shall be used and [5] observed with such lawfull Powers Authorities Direccions Limittacions and Appointments and under such Rules and Restriccions and in such Manner and Forme as shall be therein expressed the Statute made in the First Year of Her said Majesties Reign intituled *An Act for the better Support of Her Majesties Household and of the Honour and Dignity of the Crowne* or any other Law to the contrary in any wise notwithstanding

[I.] The Queen by Letters Patent under the Great Seal may erect a Corporation and grant thereto. The Revenue of First Fruits and Tenths to be applied for the Augmentation of Maintenance of poor Parsons, &c.

**Stat. 1
Ann. c. 1.**

PROVIDED allwayes and it is hereby declared That all and every the Statutes and Provisions touching or [6] concerning the ordering levyng and true answering and Payment or Qualificacⁱon of the said First Fruits and Tenths or touching the Charge Discharge or Alteracⁱon of them or any of them or any Matter or Thing relateing thereunto which were in Force at the Time of makeing this Act shall be remaine and continue in their full Force and Effect and be observed and put in due Execucⁱon according to the Tenors and Purports of the same and every of them for such Intents and Purposes neverthesse as shall be contained or directed in or by the said Letters Patents

PROVIDED alsoe That this Act or any thing therein contained shall not extend to avoid or any way to [7] impea[c]h or affect any Grant Exchange Alienacⁱon or Incumbrance at any Time heretofore made of or upon the said Revenues of First Fruites and Tenths or any Part thereof but that the same shall during the Continuance of such Grant Exchange Alienacⁱon or Incumbrance respectively be and remaine of and in such force and virtue and noe other to all Intents and Purposes as if this Act had not been made

AND for the Encouragem^t of such well disposed Persons as shall by Her Majesties Royall Example be moved to contribute to soe pious and charitable a Purpose and that such their Charity may be rightly applied be it enacted by the Authority aforesaid That all and every Person and Persons haveing in his or their owne Right

any Estate or Interest in Possession Revercⁱon or Contingency of or in any Lands Tenements or Hereditaments or

any Property of or in any Goods or Chattells shall have full Power Licence & Authority at his her and their Will and Pleasure

by Deed inrolled in such Manner and within such Time as is directed by the Statute made in the Twenty seventh Yeare of the Reign of King

II. Former Statutes relating to the Payment, &c. of First Fruits and Tenths in force.

III. Proviso for former Grants, &c. upon the said Revenues.

IV. Persons having any Interest in Lands, &c.

may by Deed inrolled under Stat. 27 H. VIII. c. 16. or by Will

[4] “the” as engrossed in the Parliament Roll but omitted in the original Act in the Parliament Office.

[5] “and” in the original Act in the Parliament Office but “or” as engrossed in the Parliament Roll.

[6] “or” in the original Act in the Parliament Office but “and” as engrossed in the Parliament Roll.

[7] “to” as engrossed in the Parliament Roll but omitted in the original Act in the Parliament Office.

Henry the Eighth for Inrollment of Bargaines and Sales [8] or

by his her or their last Will or Testament in Writing duely executed according to Law

grant such Estate, &c. to such Corporation in Manner herein mentioned.

to give and grant to and vest in the said Corporation and their Successors all such his her or their Estate Interest or Property in such Lands Tenements and Hereditaments Goods and Chattells or any Part or Parts thereof for and towards the Augmentacion of the Maintenance of such Ministers as aforesaid officiateing in such Church or Chappell where the Litturgy and Rites of the said Church are or shall be soe used or observed as aforesaid and haveing noe settled competent Provision belonging to the same and to be for that Purpose applied

according to the Will of the said Benefactor in and by such Deed inrolled or by such Will or Testament executed as aforesaid expressed And in default of such Direccion Limittacion or Appointment in such Manner as by Her Majesties Letters Patents shall be directed or appointed as aforesaid

V. Corporation may purchase, &c. Lands, &c.

AND such Corporacion and their Successors shall have full Capacity & Ability to purchase receive take hold and enjoy for the Purposes aforesaid aswell from such Persons as shall be soe charitably disposed to give the same as from all other Persons as shall be willing to sell or alien to the said Corporacion any Mannors Lands Tenements Goods or Chattells without any Licence or Writt of *Ad quod damnum* [9] the *Statute of Mortmain* [10] or any other Statute or Law to the contrary notwithstanding

VI. Infants, &c. not enabled.

PROVIDED allwayes That this Act or any thing therein contained shall not extend to enable any Person or Persons being within Age or of Non sane Memory or Women Covert without their Husbands to make any such Gift Grant or Alienacion Any thing in this Act contained to the contrary in any wise notwithstanding

AND whereas Four Bonds for Four Halfe yearly Payments of the First Fruits as the same are rated and alsoe a Fifth Bond for a further Value or Payment in respect of the same First Fruits have been required and taken from the Clergy to their great and unnecessary Burden and Greivance

For Remedy thereof be it enacted and declared by the Authority aforesaid That from and after the Twenty fifth Day of March in the Yeare of our Lord One thousand seven hundred & four One Bond onely shall in such Case be given or required for the Four Payments of the said First Fruits

which said First Fruits aswell as the Tenths payable by the Clergy shall hereafter be answered and paid by them according to such Rates & Proporcions onely as the same have heretofore been usually rated and paid

And noe such Fifth Bond already given shall from and after the said Twenty fifth Day of March in the Yeare One thousand seven hundred and four be sued or recovered.

VII. One Bond only for Payment of First Fruits to be given, and Payment made as herein mentioned.

Explanatory note: The writ *ad quod damnum* [Latin, to what damage] was issued by the Court of Chancery before a licence was given by the Crown to alienate lands in mortmain. It directed the local sheriff to inquire of jurors under oath what damage a grant would be to persons if the Crown were to make the grant. The mortmain licence would not be issued unless a return *ad damnum nullis* was made so as to show that no man would be injured.

—*Ordinance of Purchasing Liberties* (1299), 27 Edward 1, c 1 (*Statutes of the Realm* vol 1 p 131)

—*Osborn's Concise Law Dictionary*, 6th ed. by John Burke (1976) p 13

—*Mozley and Whiteley's Law Dictionary*, 10th ed. by E. R. Hardy Ivamy (1988) p 12

—*Black's Law Dictionary*, 7th ed., Bryan A. Garner, Editor in Chief (1999) pp 50–51

[8] [*An Act concernynge enrolmentes of bargaines & contractes of Landes & Tenementes*, (1535), UK 27 Henry 8 c 16.]

[9] [See explanatory note at end.]

[10] [Probably the 1391 statute 15 Richard 2 c 5 (*Statutes of the Realm* vol 2 pp 79–80), under which the Acts controlling mortmain in regards to religious corporations were extended to civil corporations.]

