The popes themselves were notorious offenders. In the canto just cited Pope Nicholas III. is made by the poet the mouthpiece of the simoniacs. He is supposed to mistake the poet for Boniface VIII., whose simoniacal practices, as well as those of Clement V., are again alluded to in Par. xxx. 147. At a later period there was an open and con­tinuous sale of spiritual offices by the Roman curia which contemporary writers attacked in the spirit of Dante. A pasquinade against Alexander VI. begins with the lines—

“ Vendit Alexander claves, altaria, Christum.

Emerat ille prius ; vendere jure potest.”

Machiavelli calls luxury, simony, and cruelty the three dear friends and handmaids of the same pope.@@1 The colloquy of Erasmus *De Sacerdotiis Captandis* bears wit­ness to the same state of things. And, best proof of all, numerous decisions as to what is or is not simony are to be found in the reported decisions of the Roman rota.@@2 That part of the papal revenue which consisted of first­fruits *(primitiæ* or *annates)* and tenths *(decimæ)* must have been theoretically simoniacal in its origin. In England this revenue was annexed to the crown by Henry VIII. and restored to the church by Queen Anne (see Queen Anne’s Bounty).

For the purposes of English law simony is defined by Blackstone as the corrupt presentation of any person to an ecclesiastical benefice for money, gift, or reward. The offence is one of purely ecclesiastical cognizance, and not punishable by the criminal law. The penalty is forfeiture by the offender of any advantage from the simoniacal transaction, of his patronage by the patron, of his benefice by the presentee. An innocent clerk is under no dis­ability, as he might be by the canon law. Simony may be com­mitted in three ways,—in promotion to orders, in presentation to a benefice, and in resignation of a benefice. The common law (with which the canon law is incorporated, as far as it is not contrary to the common or statute law or the prerogative of the crown) has been considerably modified by statute. Where no statute applies to the case, the doctrines of the canon law may still be of author­ity. Both Edward VI. and Elizabeth promulgated advertisements against simony. The Act of 31 Eliz. c. 6 was intended to reach the corrupt patron as well as the corrupt clerk, the ecclesiastical censures apart from the statute not extending to the case of a patron. The first part of the Act deals with the penalties for election or resignation of officers of churches, colleges, schools, hospitals, halls, and societies for reward. The second part of the Act provides that if any person or persons, bodies politic and corporate, for any sum of money, reward, gift, profit, or benefit, directly or indirectly, or for or by reason of any promise, agree­ment, grant, bond, covenant, or other assurances, of or for any sum of money, &c., directly or indirectly present or collate any person to any benefice with cure of souls, dignity, prebend, or living ecclesiastical, or give or bestow the same for or in respect of any such corrupt cause or consideration, every such presentation, collation, gift, and bestowing, and every admission, institution, investiture, and induction shall be void, frustrate, and of none effect in law ; and it shall be lawful for the queen to present, collate unto, or give and bestow every such benefice, dignity, prebend, and living ecclesiastical for that one time or turn only ; and all and every person or persons, bodies politic and corporate, that shall give or take any such sum of money, &c., directly or indirectly, or that shall take or make any such promise, &c., shall forfeit and lose the double value of one year’s profit of every such benefice, &c., and the person so corruptly taking, procuring, seeking, or accepting any such benefice, &c., shall be adjudged a disabled person in law to have or enjoy the same benefice, &c. Admission, institution, installation, or induction of any person to a benefice, &c., for any sum of money, &c., renders the offender liable to the penalty already mentioned. But in this case the presentation reverts to the patron and not to the crown. The penalty for corrupt resigning or exchanging of a benefice with cure of souls is that the giver as well as the taker shall lose double the value of the sum so given or taken, half the sum to go to the crown and half to a common informer. The penalty for taking money, &c., to procure ordination or to give orders or licence to preach is a fine of £40 ; the party so corruptly ordained forfeits £10 ; acceptance of any benefice within seven years after such corrupt entering into the ministry makes such benefice merely void, and the patron may present as on a vacancy ; the penalties

are divided as in the last case. The Act is cumulative only, and does not take away or restrain any punishment prescribed by ecclesiastical law. The Act of 1 Will. and M. sess. 1, c. 16, guards the rights of an innocent successor in certain cases. It enacts that after the death of a person simoniacally presented the offence or contract of simony shall not be alleged or pleaded to the prejudice of any other patron innocent of simony, or of his clerk by him presented, unless the person simoniac or simoniacally pre­sented was convicted of such offence at common law or in some ecclesiastical court in the lifetime of the person simoniac or simoniacally presented. The Act also declares the validity of leases made by a simoniac or simoniacally-presented person, if *bona fide* and for valuable consideration to a lessee ignorant of the simony. By 13 Anne c. 11, if any person shall for money, reward, gift, profit, or advantage, or for any promise, agreement, grant, bond, covenant, or other assurance for any money, &c., take, procure, or accept the next avoidance of or presentation to any benefice, dignity, prebend, or living ecclesiastical, and shall be presented or collated thereupon, such presentation or collation and every admission, institution, investiture, and induction upon the same shall be utterly void ; and such agreement shall be deemed a simoniacal contract, and the queen may present for that one turn only; and the person so corruptly taking, &c., shall be adjudged disabled to have and enjoy the same benefice, &c., and shall be subject to any punishment limited by ecclesiastical law. 3 and 4 Vict. c. 113, § 42, provides that no spiritual person may sell or assign any patronage or presentation belonging to him by virtue of any dignity or spiritual office held by him ; such sale or assign­ment is null and void. This section has been construed to take away the old archbishop’s “option,” *i.e.,* the right to present to a benefice in a newly appointed bishop’s patronage at the option of the archbishop. By canon 40 of the canons of 1603 an oath against simony was to be administered to every person admitted to any spiritual or ecclesiastical function, dignity, or benefice. By 28 and 29 Vict. c. 122 a declaration was substituted for the oath, and a new canon incorporating the alteration was ratified by the crown in 1866. By the canon law all resignation bonds were simoniacal, and in 1826 the House of Lords held that all resigna­tion bonds, general or special, were illegal. Special bonds have since, however, been to a limited extent sanctioned by law. 9 Geo. IV. c. 94 makes a written promise to resign valid if made in favour of some particular nominee or one of two nominees, subject to the conditions that, where there are two nominees, each of them must be either by blood or marriage an uncle, son, grand­son, brother, nephew, or grand-nephew of the patron, that the writing be deposited with the registrar of the diocese open to public inspection, and that the resignation be followed by pre­sentation within six months of the person for whose benefit the bond is made. Cases of simony have come before the courts in which clergy of the highest rank have been implicated. In 1695, in the case of Lucy *v.* The Bishop of St David’s, the bishop was deprived for simony. The Queen’s Bench refused a prohibition (1 Lord Raymond’s Rep. 447). As lately as 1841 the dean of York was deprived by the archbishop for simony, but in this case the Queen’s Bench granted a prohibition on the ground of informality in the proceedings (In the Matter of the Dean of York, 2 *Queen’s Bench Rep.,* 1). The general result of the law gathered from the statutes and decisions may be exhibited as follows :—(1) it is not simony for a layman or spiritual person not purchasing for himself to purchase while the church is full an advowson or next presenta­tion, however immediate the prospect of a vacancy ; (2) it is not simony for a spiritual person to purchase for himself a life or any greater estate in an advowson, and to present himself thereto ; (3) it is not simony to exchange benefices under an agreement that no payment is to be made for dilapidations on either side ; (4) it is not simony to make certain assignments of patronage under the Church Building and New Parishes Acts (9 and 10 Vict. c. 88, 32 and 33 Vict. c. 94), (5) it is simony for any person to purchase the next pre­sentation while the church is vacant ; (6) it is simony for a spiritual person to purchase for himself the next presentation, though the church be full ; (7) it is simony for any person to purchase the next presentation, or in the case of purchase of an advowson the next presentation by the purchaser will bo simoniacal if there is any arrangement for causing a vacancy to be made ; (8) it is simony for the purchaser of an advowson while the church is vacant to present on the next presentation ; (9) it is simony to exchange otherwise than *simpliciter* ; no compensation in money may be made to the person receiving the less valuable benefice. The law on the subject of simony has been for some time regarded as unsatisfactory by the authorities of the church. The archbishop of Canterbury has under­taken to introduce into the House of Lords a bill for the amendment of the law, the heads of which have recently (February 1886) been under the consideration of convocation. The bill proposes *inter alia* to prohibit the sale of next presentations and of advowsons unless under certain limitations, to abolish resignation bonds, and to sub­stitute for the present declaration against simony declarations that the presentee has not committed certain specific acts.

@@@1 See Roscoe, *Life of Leo X.,* vol. i. p. 463.

@@@2 Compare the fine distinctions drawn by the casuists and attacked

by Pascal in the twelfth of the *Provincial Letters.*