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ILLUSTRATIVE OF ENGLISH  
CHURCH HISTORY

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1532. clergy; and such of them as shall be seen by your grace, and by the most part of the said thirty-two persons, to stand with God's laws and the laws of your realm, to stand in full strength and power, your grace's most royal assent and authority<sup>1</sup>] once impetrate and fully given to the same.

## XLIX.

### THE CONDITIONAL RESTRAINT OF ANNATES,

A. D. 1532.

23 HENRY VIII, CAP. 20.

1532. THE payment of annates, or first-fruits, *i. e.* one year's profit of spiritual livings, to the pope had already been the subject of legislation; their payment is, by the following Act, conditionally restrained. This restraint was made absolute in the following year (*post*, No. LII). The record known as the *Valor Ecclesiasticus*—a survey or valuation of all ecclesiastical benefices throughout England and Wales—is the return compiled by Henry VIII's direction after the absolute restraint of these payments to Rome had been enacted; before that compilation they had been calculated upon the taxation of Pope Nicholas IV, A. D. 1291 (see Bird's *Handbook to the Public Records*, pp. 100 and 106). This Act was passed in the session of Parliament, Jan.—Mar. 1532.

[Transcr. Statutes of the Realm, iii. 385.]

Great sums  
conveyed  
to Rome  
for first-  
fruits of  
arch-  
bishopsrics  
and  
bishopsrics.

Forasmuch as it is well perceived, by long-approved experience, that great and inestimable sums of money have been daily conveyed out of this realm, to the impoverishment of the same; and specially such sums of money as

<sup>1</sup> annulled, the same to be afterwards taken away by your most noble grace and the clergy, and to be abolite as of no force nor strength. Thirdly, that all other of the said constitutions and canons being viewed and approbate by the said thirty-two persons, which by the most part of their judgments do stand with God's law and your highness', to stand in full strength and power, your grace's most royal assent.

the pope's holiness, his predecessors, and the Court of Rome, by long time have heretofore taken of all and singular those spiritual persons which have been named, elected, presented, or postulated to be archbishops or bishops within this realm of England, under the title of annates, otherwise called first-fruits : which annates, or first-fruits, heretofore have been taken of every archbishopric, or bishopric, within this realm, by restraint of the pope's bulls, for confirmations, elections, admissions, postulations, provisions, collations, dispositions, institutions, installations, investitures, orders, holy benedictions, palls, or other things requisite and necessary to the attaining of those their promotions ; and have been compelled to pay, before they could attain the same, great sums of money, before they might receive any part of the fruits of the said archbishopric, or bishopric, whereunto they were named, elected, presented, or postulated ; by occasion whereof, not only the treasure of this realm has been greatly conveyed out of the same, but also it has happened many times, by occasion of death, unto such archbishops, and bishops, so newly promoted, within two or three years after his or their consecration, that his or their friends, by whom he or they have been holpen to advance and make payment of the said annates, or first-fruits, have been thereby utterly undone and impoverished :

1532.

The nation thereby impoverished

and the friends of those promoted often ruined.

Increase in papal demands.

And for because the said annates have risen, grown, and increased, by an uncharitable custom, grounded upon no just or good title, and the payments thereof obtained by restraint of bulls, until the same annates, or first-fruits, have been paid, or surety made for the same ; which declares the said payments to be exacted, and taken by constraint, against all equity and justice :

The noblemen, therefore, of the realm, and the wise, sage, politic Commons of the same, assembled in this present Parliament, considering that the Court of Rome ceases not

Circumstances which have led to this

1532.  
Act of re-  
straint.

From  
2 Hen. VII  
£160,000  
paid in  
first-fruits.

The re-  
straint of  
annates  
does not  
indicate  
unfaithful-  
ness to  
God and  
Holy  
Church.  
Consider-  
ed in  
Parliament  
that, for  
good of  
common-  
wealth,  
king bound  
to repress  
annates.

to tax, take, and exact the said great sums of money, under the title of annates, or first-fruits, as is aforesaid, to the great damage of the said prelates and this realm; which annates, or first-fruits, were first suffered to be taken within the same realm, for the only defence of Christian people against the infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience: inso-much that it is evidently known, that there has passed out of this realm unto the Court of Rome, since the second year of the reign of the most noble prince of famous memory, King Henry VII, unto this present time, under the name of annates, or first-fruits, paid for the expedition of bulls of archbishoprics, and bishoprics, the sum of eight hundred thousand ducats, amounting in sterling money, at the least, to eight score thousand pounds, besides other great and intolerable sums which have yearly been conveyed to the said Court of Rome, by many other ways and means, to the great impoverishment of this realm:

And albeit that our said sovereign the king, and all his natural subjects, as well spiritual as temporal, be as obedient, devout, catholic, and humble children of God and Holy Church, as any people be within any realm christened; yet the said exactions of annates, or first-fruits, be so intolerable and importable to this realm, that it is considered and declared, by the whole body of this realm now represented by all the estates of the same assembled in this present Parliament, that the king's highness before Almighty God is bound, as by the duty of a good Christian prince, for the conservation and preservation of the good estate and commonwealth of this his realm, to do all that in him is to obviate, repress, and redress the said abuses and exactions of annates, or first-fruits: and because that divers prelates of this realm be now in extreme age, and in other debilities of their bodies, so that of likelihood bodily death in short time shall or may succeed

unto them ; by reason whereof great sums of money shall shortly after their deaths be conveyed unto the Court of Rome, for the unreasonable and uncharitable causes above-said, to the universal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided : 1592.

It is therefore ordained, established, and enacted, by authority of this present Parliament, that the unlawful payments of annates, or first-fruits, and all manner contributions for the same, for any archbishopric or bishopric, or for any bulls hereafter to be obtained from the Court of Rome, to or for the aforesaid purpose and intent, shall from henceforth utterly cease, and no such hereafter to be paid for any archbishopric, or bishopric, within this realm, other or otherwise than hereafter in this present Act is declared ; and that no manner person nor persons hereafter to be named, elected, presented, or postulated to any archbishopric, or bishopric, within this realm, shall pay the said annates, or first-fruits, for the said archbishopric, or bishopric, nor any other manner of sum or sums of money, pensions, or annuities for the same, or for any other like exaction, or cause, upon pain to forfeit to our said sovereign lord the king, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the same archbishopric, or bishopric, during the time that he or they which shall offend, contrary to this present Act, shall have, possess, or enjoy the archbishopric, or bishopric, wherefor he shall so offend contrary to the form aforesaid.

And furthermore it is enacted, by authority of this present Parliament, that every person hereafter named and presented to the Court of Rome by the king, or any of his heirs or successors, to be bishop of any see or diocese within this realm hereafter, shall be letted, deferred, or delayed at the Court of Rome from any such bishopric, whereunto he shall be so presented, by means of restraint

All payments, other than are declared in this Act, shall cease.

Power to arch-bishops to consecrate in England bishops hindered at Rome from admission to

1582. of bulls apostolic, and other things requisite to the same ;  
 their or shall be denied at the Court of Rome, upon convenient  
 bishoprics. suit made, any manner bulls requisite for any of the causes  
 aforesaid, every such person or persons so presented may be,  
 and shall be, consecrated here in England by the archbishop,  
 in whose province the said bishopric shall be, so alway that  
 the same person shall be named and presented by the king  
 for the time being to the same archbishop :

An arch-  
 bishop so  
 hindered  
 shall be  
 conse-  
 crated  
 by two  
 bishops,

And if any persons being named and presented, as is afore-  
 said, to any archbishopric of this realm, making convenient  
 suit, as is aforesaid, shall happen to be letted, deferred,  
 delayed, or otherwise disturbed from the same archbishopric,  
 for lack of pall, bulls, or other things to him requisite, to be  
 obtained in the Court of Rome in that behalf, that then every  
 such person named and presented to be archbishop may  
 be, and shall be, consecrated and invested, after presentation  
 made, as is aforesaid, by any other two bishops within this  
 realm, whom the king's highness, or any of his heirs or  
 successors, kings of England, for the time being, will assign  
 and appoint for the same, according and in like manner as  
 divers other archbishops and bishops have been heretofore,  
 in ancient time, by sundry the king's most noble progenitors,  
 made, consecrated, and invested within this realm :

as in  
 ancient  
 times was  
 done.

Arch-  
 bishops  
 or bishops  
 shall be  
 installed,  
 accepted,  
 and obeyed  
 as other  
 prelates,

And that every archbishop and bishop hereafter, being  
 named and presented by the king's highness, his heirs or  
 successors, kings of England, and being consecrated and  
 invested, as is aforesaid, shall be installed accordingly, and  
 shall be accepted, taken, reputed, used, and obeyed, as an  
 archbishop or bishop of the dignity, see, or place whereunto  
 he so shall be named, presented, and consecrated, requires ;  
 and as other like prelates of that province, see, or diocese,  
 have been used, accepted, taken, and obeyed, which have  
 had, and obtained completely, their bulls, and other things  
 requisite in that behalf from the Court of Rome. And  
 also shall fully and entirely have and enjoy all the spiritu-

and enjoy  
 all spiri-  
 tualities

alties and temporalities of the said archbishopric or bishopric, in as large, ample, and beneficial manner, as any of his or their predecessors had and enjoyed in the said archbishopric or bishopric, satisfying and yielding unto the king our sovereign lord, and to his heirs or successors, kings of England, all such duties, rights, and interests, as before this time had been accustomed to be paid for any such archbishopric or bishopric, according to the ancient laws and customs of this realm, and the king's prerogative royal.

1582.

and temporalities,

yielding to the king all duties, rights, &c.

And to the intent our said holy father the pope, and the Court of Rome, shall not think that the pains and labours taken, and hereafter to be taken, about the writing, sealing, obtaining, and other businesses sustained, and hereafter to be sustained, by the offices of the said Court of Rome, for and about the expedition of any bulls hereafter to be obtained or had for any such archbishopric or bishopric, shall be irremunerated, or shall not be sufficiently and condignly recompensed in that behalf; and for their more ready expedition to be had therein: it is therefore enacted by the authority aforesaid, that every spiritual person of this realm, hereafter to be named, presented, or postulated, to any archbishopric or bishopric of this realm, shall and may lawfully pay for the writing and obtaining of his or their said bulls, at the Court of Rome, and ensealing the same with lead, to be had without payment of any annates, or first-fruits, or other charge or exaction by him or them to be made, yielded, or paid for the same, five pounds sterling, for and after the rate of the clear and whole yearly value of every hundred pounds sterling, above all charges of any such archbishopric or bishopric, or other money, to the value of the said five pounds, for the clear yearly value of every hundred pounds of every such archbishopric or bishopric, and not above, nor in any other wise, anything in this present Act before written notwithstanding.

Provision made for the Court of Rome by loss thereby.

1532. And forasmuch as the king's highness, and this his High Court of Parliament, neither have, nor do intend to use in this, or any other like cause, any manner of extremity or violence, before gentle courtesy and friendly ways and means first approved and attempted, and without a very great urgent cause and occasion given to the contrary, but principally coveting to disburthen this realm of the said great exactions, and intolerable charges of annates, and first-fruits, have therefore thought convenient to commit the final order and determination of the premises, in all things, unto the king's highness. So that if it may seem to his high wisdom, and most prudent discretion, meet to move the pope's holiness, and the Court of Rome, amicably, charitably, and reasonably, to compound, either to extinct and make frustrate the payments of the said annates, or first-fruits, or else, by some friendly, loving, and tolerable composition, to moderate the same, in such wise as may be by this his realm easily borne and sustained: that then those ways and compositions once taken, concluded, and agreed, between the pope's holiness and the king's highness, shall stand in strength, force and effect of law, inviolably to be observed.

The king shall, before the next Parliament, declare if this shall be a statute or not.

And it is also further ordained, and enacted by the authority of this present Parliament, that the king's highness at any time, or times, on this side the feast of Easter, which shall be in the year of our Lord God, one thousand five hundred and three and thirty, or at any time on this side the beginning of the next Parliament, by his letters patent under his great seal, to be made, and to be entered of record in the roll of this present Parliament, may and shall have full power and liberty to declare, by the said letters patent, whether that the premises, or any part, clause, or matter thereof, shall be observed, obeyed, executed, performed, and take place and effect, as an act and statute of this present Parliament, or not; so that if his highness, by his



said letters patent, before the expiration of the terms above limited, thereby do declare his pleasure to be, that the premises, or any part, clause, or matter thereof, shall not be put in execution, observed, continued, nor obeyed—in that case all the said premises, or such part, clause, or matter thereof, as the king's highness so shall refuse, disaffirm, or not ratify, shall stand and be from henceforth utterly void and of none effect. And in case that the king's highness, before the expiration of the terms afore prefixed, do declare by his said letters patent, his pleasure and determination to be, that the said premises, or every clause, sentence, and part thereof, that is to say, the whole, or such part thereof as the king's highness so shall affirm, accept, and ratify, shall in all points stand, remain, abide, and be put in due and effectual execution, according to the purport, tenor, effect, and true meaning of the same; and to stand and be from henceforth for ever after, as firm, steadfast, and available in the law, as though the same had been fully and perfectly established, enacted, and confirmed, to be in every part thereof, immediately, wholly, and entirely executed, in like manner, form, and effect, as other Acts and laws; the which be fully and determinately made, ordained, and enacted in this present Parliament.

1532.

And if that upon the aforesaid reasonable, amicable, and charitable ways and means, by the king's highness to be experimented, moved, or compounded, or otherwise approved, it shall and may appear, or be seen unto his grace, that this realm shall be continually burdened and charged with this, and such other intolerable exactions and demands, as heretofore it hath been; and that thereupon, for continuance of the same, our said holy father the pope, or any of his successors, or the Court of Rome, will, or do, or cause to be done at any time hereafter, so as is above rehearsed, unjustly, uncharitably, and unreasonably, vex, inquiet, molest, trouble, or grieve our said sovereign lord,

If means of amicable determination fail,

and the pope attempt to vex the country by interdict,

1532. his heirs or successors, kings of England, or any of his or their spiritual or lay subjects, or this his realm, by excommunication, excommengement, interdiction, or by any other process, censures, compulsories, ways or means :

all sacra-  
ments and  
divine  
services  
shall con-  
tinue to be  
ministered,  
notwith-  
standing,

Be it enacted by the authority aforesaid, that the king's highness, his heirs and successors, kings of England, and all his spiritual and lay subjects of the same, without any scruples of conscience, shall and may lawfully, to the honour of Almighty God, the increase and continuance of virtue and good example within this realm, the said censures, excommunications, interdictions, compulsories, or any of them notwithstanding, minister, or cause to be ministered, throughout this said realm, and all other the dominions or territories belonging or appertaining thereunto, all and all manner of sacraments, sacramentals, ceremonies, or other divine service of Holy Church, or any other thing or things necessary for the health of the soul of mankind, as they heretofore at any time or times have been virtuously used or accustomed to do within the same ; and that no manner such censures, excommunications, interdictions, or any other process or compulsories, shall be by any of the prelates, or other spiritual fathers of this region, nor by any of their ministers or substitutes, be (*sic*) at any time or times hereafter published, executed, nor divulged, nor suffered to be published, executed, or divulged in any manner of wise.

and the  
interdicts,  
&c., shall  
not be ex-  
ecuted.

Be it remembered that on the 9th day of July, in the 25th year of the reign of King Henry, the same lord the king, by his letters patent, sealed under his great seal, ratified and confirmed the aforesaid Act, and gave to that Act his royal assent.