

DOCUMENTS  
ILLUSTRATIVE OF ENGLISH  
CHURCH HISTORY

*COMPILED FROM ORIGINAL SOURCES*

BY

HENRY GEE, B.D., F.S.A.

AND

WILLIAM JOHN HARDY, F.S.A.

London

MACMILLAN AND CO., LTD.

NEW YORK: MACMILLAN & CO.

1896

## LII.

THE ECCLESIASTICAL APPOINTMENTS ACT—  
 THE ABSOLUTE RESTRAINT OF ANNATES,  
 ELECTION OF BISHOPS, AND LETTERS MIS-  
 SIVE ACT, A. D. 1534.

25 HENRY VIII, CAP. 20.

SEE introduction to preceding document, and compare with No. 1584. XLIX. This Act was passed in 1534, and was repealed—so far as it related to episcopal election—by the Act of 1 Edward VI, cap. 2, which substituted direct nomination of bishops by the Crown. The last Act was repealed by 1 Mary, stat. 2, cap. 2 (*post*, No. LXXIII), and never re-enacted.

[Transcr. Statutes of the Realm, iii. 462.]

Where since the beginning of this present Parliament, for repression of the exaction of annates and first-fruits of archbishoprics and bishoprics of this realm wrongfully taken by the Bishop of Rome, otherwise called the pope, and the see of Rome, it is ordained and established by an Act, among other things, that the payments of the annates or first-fruits, and all manner contributions of the same, for any such archbishopric or bishopric, or for any bulls to be obtained from the see of Rome, to or for the said purpose or intent, should utterly cease, and no such to be paid for any archbishopric or bishopric within this realm, otherwise than in the same Act is expressed: and that no manner of person or persons to be named, elected, presented, or postulated to any archbishopric or bishopric within this realm, should pay the said annates or first-fruits, 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 sovereign lord the king, his heirs and successors, all

Recital of the Act for the conditional restraint of annates (*vide ante*, No. XLIX).

1584. manner his goods and chattels for ever, and all the temporal lands and possessions of the said archbishopric or bishopric during the time that he or they that should offend contrary to the said Act, should have, possess, and enjoy the said archbishopric or bishopric. And it is further enacted, that if any person named or presented to the see of Rome by the king's highness, or his heirs and successors, to be bishop of any see or diocese within this realm, should happen to be let, delayed, or deferred at the see of Rome from any such bishopric whereunto he should be so presented, by means of restraint of bulls of the said Bishop of Rome, otherwise called the pope, and other things requisite to the same, or should be denied at the see of Rome, upon convenient suit made, for any bulls requisite for any such cause, that then every person so presented might or should be consecrated here in England by the archbishop in whose province the said bishopric shall be; so always, that the same person should be named and presented by the king for the time being to the said archbishop. And if any person being named and presented as is before said, to any archbishopric of this realm, making convenient suit, as is aforesaid, should happen to be let, delayed, deferred, or otherwise disturbed from the said archbishopric, for lack of pall, bulls, or other things to him requisite to be obtained at the see of Rome, that then every such person so named and presented to the archbishop, might and should 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 his heirs or successors, kings of England, would appoint and assign for the same, according and after like manner as divers archbishops and bishops have been heretofore in ancient time by sundry the king's most noble progenitors made, consecrated, and invested within this realm. And it is further enacted by the said Act, that every archbishop and bishop, being named and

presented by the king's highness, his heirs and successors, kings of England, and being consecrated and invested, as is aforesaid, should be installed accordingly, and should be accepted, taken and reputed, used and obeyed as an archbishop or bishop of the dignity, see, or place whereunto he shall be so named, presented, and consecrated, 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 see of Rome, and also should fully and entirely have and enjoy all the spiritualties and temporalities of the said archbishopric or bishopric, in as large, ample, and beneficial manner, as any of his or their predecessors had or enjoyed in the said archbishopric or bishopric, satisfying and yielding unto the king's highness, and to his heirs and successors, all such duties, rights, and interests as beforetime have 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, as in the said Act amongst other things is more at large mentioned.

1534.

And albeit the said Bishop of Rome, otherwise called the pope, has been informed and certified of the effectual contents of the said Act, to the intent that by some gentle ways the said exactions might have been redressed and reformed, yet nevertheless the said Bishop of Rome hitherto has made no answer of his mind therein to the king's highness, nor devised nor required any reasonable ways to and with our said sovereign lord for the same :

The pope, though informed of this Act, has proposed no redress,

Wherefore his most royal majesty of his most excellent goodness, for the wealth and profit of this his realm and subjects of the same, has not only put his most gracious and royal assent to the aforesaid Act, but also has ratified and confirmed the same, and every clause and article therein contained, as by his letters patent under his great seal

therefore the king consents to the aforesaid statute.

1584. enrolled in the Parliament roll of this present Parliament more at large is contained.

None shall be presented to Rome for the dignity of an archbishop or bishop; nor annates or first-fruits be paid to the same see.

And forasmuch as in the said Act it is not plainly and certainly expressed in what manner and fashion archbishops and bishops shall be elected, presented, invested, and consecrated within this realm, and in all other the king's dominions; be it now therefore enacted by the king our sovereign lord, by the assent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the said Act and everything therein contained shall be and stand in strength, virtue, and effect; except only, that no person or persons hereafter shall be presented, nominated, or commended to the said Bishop of Rome, otherwise called the pope, or to the see of Rome, to or for the dignity or office of any archbishop or bishop within this realm, or in any other the king's dominions, nor shall send nor procure there for any manner of bulls, briefs, palls, or other things requisite for an archbishop or bishop, nor shall pay any sums of money for annates, first-fruits nor otherwise, for expedition of any such bulls, briefs, or palls; but that by the authority of this Act, such presenting, nominating, or commending to the said Bishop of Rome, or to the see of Rome, and such bulls, briefs, palls, annates, first-fruits, and every other sums of money heretofore limited, accustomed, or used to be paid at the said see of Rome, for procuration or expedition of any such bulls, briefs, or palls, or other thing concerning the same, shall utterly cease and no longer be used within this realm, or within any the king's dominions; anything contained in the said Act aforementioned, or any use, custom, or prescription to the contrary thereof notwithstanding.

Arch-bishops and bishops to

And furthermore be it ordained and established by the authority aforesaid, that at every avoidance of every archbishopric or bishopric within this realm, or in any other

the king's dominions, the king our sovereign lord, his heirs and successors, may grant to the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see of such archbishopric or bishopric shall happen to be void, a licence under the great seal, as of old time has been accustomed, to proceed to election of an archbishop or bishop of the see so being void, with a letter missive, containing the name of the person which they shall elect and choose: by virtue of which licence the said dean and chapter, or prior and convent, to whom any such licence and letters missive shall be directed, shall with all speed and celerity in due form elect and choose the said person named in the said letters missive, to the dignity and office of the archbishopric or bishopric so being void, and none other.

1584.  
be elected by priors and convents or deans and chapters on the king's nomination only.

And if they do defer or delay their election above twelve days next after such licence and letters missive to them delivered, that then for every such default the king's highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patent under their great seal, such a person to the said office and dignity so being void, as they shall think able and convenient for the same.

In default of such election, the king shall appoint by letters patent.

And that every such nomination and presentment to be made by the king's highness, his heirs and successors, if it be to the office and dignity of a bishop, shall be made to the archbishop and metropolitan of the province where the see of the same bishopric is void, if the see of the said archbishopric be then full, and not void; and if it be void, then to be made to such archbishop or metropolitan within this realm, or in any the king's dominions, as shall please the king's highness, his heirs or successors: and if any such nomination or presentment shall happen to be made for default of such election to the dignity or office of any archbishop, then the king's highness, his heirs and succes-

To whom such appointment shall be made.

1534. sors, by his letters patent under his great seal, shall nominate and present such person, as they will dispose to have the said office and dignity of archbishopric being void, to one such archbishop and two such bishops, or else to four such bishops within this realm, or in any of the king's dominions, as shall be assigned by our said sovereign lord, his heirs or successors.

Manner of consecration of an archbishop or bishop.

And be it further enacted by the authority aforesaid, that whensoever any such presentment or nomination shall be made by the king's highness, his heirs or successors, by virtue and authority of this Act, and according to the tenor of the same; that then every archbishop and bishop, to whose hands any such presentment and nomination shall be directed, shall with all speed and celerity invest and consecrate the person nominate and presented by the king's highness, his heirs or successors, to the office and dignity that such person shall be so presented unto, and give and use to him pall, and all other benedictions, ceremonies, and things requisite for the same, without suing, procuring, or obtaining hereafter any bulls or other things at the see of Rome, for any such office or dignity in any behalf.

If priors and convents or deans and chapters elect king's nominee, such election shall stand.

And if the said dean and chapter, or prior and convent, after such licence and letters missive to them directed, within the said twelve days do elect and choose the said person mentioned in the said letters missive, according to the request of the king's highness, his heirs or successors, thereof to be made by the said letters missive in that behalf, then their election shall stand good and effectual to all intents.

The person so elected to be known as bishop-elect.

And that the person so elected, after certification made of the same election under the common and convent seal of the electors, to the king's highness, his heirs or successors, shall be reputed and taken by the name of lord elected of the said dignity and office that he shall be elected unto.

And then making such oath and fealty only to the king's majesty, his heirs and successors, as shall be appointed for the same, the king's highness, by his letters patent under his great seal, shall signify the said election, if it be to the dignity of a bishop, to the archbishop and metropolitan of the province where the see of the said bishopric was void, if the see of the said archbishop be full and not void ; and if it be void, then to any other archbishop within this realm, or in any other the king's dominions ; requiring and commanding such archbishop, to whom any such signification shall be made, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him all such benedictions, ceremonies, and other things requisite for the same, without any suing, procuring, or obtaining any bulls, letters, or other things from the see of Rome for the same in any behalf. And if the person be elected to the office and dignity of an archbishop, according to the tenor of this Act, then after such election certified to the king's highness in form aforesaid, the same person so elected to the office and dignity of an archbishop shall be reputed and taken lord elect to the said office and dignity of archbishop, whereunto he shall be so elected ; and then after he has made such oath and fealty only to the king's majesty, his heirs and successors, as shall be limited for the same, the king's highness, by his letters patent under his great seal, shall signify the said election to one archbishop and two other bishops, or else to four bishops within this realm, or within any other the king's dominions, to be assigned by the king's highness, his heirs or successors, requiring and commanding the said archbishop and bishops, with all speed and celerity, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him such pall, benedictions,

1584.

He shall do fealty to the king, who shall thereupon signify his election, confirm it, and direct consecration.

1594. ceremonies, and all other things requisite for the same, without suing, procuring, or obtaining any bulls, briefs, or other things at the said see of Rome, or by the authority thereof in any behalf.

Arch-  
bishops or  
bishops, so  
nominated,  
elected,  
and conse-  
crated,  
shall  
execute  
their office  
as lawfully  
as any  
other arch-  
bishop or  
bishop of  
the realm.

And be it further enacted by authority aforesaid, that every person and persons being hereafter chosen, elected, nominate, presented, invested, and consecrated to the dignity or office of any archbishop or bishop within this realm, or within any other the king's dominions, according to the form, tenor, and effect of this present Act, and suing their temporalities out of the king's hands, his heirs or successors, as has been accustomed, and making a corporal oath to the king's highness, and to none other, in form as is afore rehearsed, shall and may from henceforth be thronized or installed, as the case shall require, and shall have and take their only restitution out of the king's hands, of all the possessions and profits spiritual and temporal, belonging to the said archbishopric or bishopric whereunto they shall be so elected or presented, and shall be obeyed in all manner of things, according to the name, title, degree, and dignity that they shall be so chosen or presented unto, and do and execute in every thing and things touching the same, as any archbishop or bishop of this realm, without offending the prerogative royal of the crown and the laws and customs of this realm, might at any time heretofore do.

Penalty for  
not elect-  
ing or not  
conse-  
crating a  
bishop  
named by  
king.

And be it further enacted by the authority aforesaid, that if the prior and convent of any monastery, or dean and chapter of any cathedral church, where the see of any archbishop or bishop is within any of the king's dominions, after such licence as is afore rehearsed, shall be delivered to them, proceed not to election, and signify the same according to the tenor of this Act, within the space of twenty days next after such licence shall come to their hands; or else if any archbishop or bishop, within any

the king's dominions, after any such election, nomination, or presentation shall be signified unto them by the king's letters patent, shall refuse, and do not confirm, invest, and consecrate with all due circumstance as is aforesaid, every such person as shall be so elected, nominate, or presented, and to them signified as is above mentioned, within twenty days next after the king's letters patent of such signification or presentation shall come to their hands; or else if any of them, or any other person or persons, admit, maintain, allow, obey, do or execute any censures, excommunications, interdictions, inhibitions, or any other process or act, of what nature, name, or quality soever it be, to the contrary, or let of due execution of this Act; that then every prior and particular person of his convent, and every dean and particular person of the chapter, and every archbishop and bishop, and all other persons, so offending and doing contrary to this Act, or any part thereof, and their aiders, counsellors, and abettors, shall run into the dangers, pains, and penalties of the Statute of the Provision and Præmunire, made in the five-and-twentieth year of the reign of King Edward III, and in the sixteenth year of King Richard II.

1534.