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## LIV.

## THE FIRST ACT OF SUCCESSION, A.D. 1534.

## 25 HENRY VIII, CAP. 22.

1534. THIS Act was the last of the series (Nos. LI-LIV) of ecclesiastical enactments passed in the spring of 1534. No form of the oath herein mentioned was prescribed; but letters patent were issued containing a form and appointing a commission.

[Transcr. Statutes of the Realm, iii. 471.]

Prayer of  
Parliament to  
provide for  
succession  
of the  
crown.

In their most humble wise shown unto your majesty your most humble and obedient subjects, the lords spiritual and temporal and the Commons in this present Parliament assembled, that since it is the natural inclination of every man, gladly and willingly to provide for the surety of both his title and succession, although it touch only his private cause; we therefore, most rightful and dreadful sovereign lord, reckon ourselves much more bound to beseech and instant your highness (although we doubt not of your princely heart and wisdom, mixed with a natural affection to the same) to foresee and provide for the perfect surety of both you, and of your most lawful succession and heirs, upon which dependeth all our joy and wealth, in whom also is united and knit the only mere true inheritance and title of this realm, without any contradiction;

The ambiguity of  
the several  
titles to

Wherefore we your said most humble and obedient subjects, in this present Parliament assembled, calling to our remembrance the great divisions which in times past have

been in this realm, by reason of several titles pretended to the imperial crown of the same, which sometimes, and for the most part ensued, by occasion of ambiguity and doubts, then not so perfectly declared, but that men might, upon froward intents, expound them to every man's sinister appetite and affection, after their sense, contrary to the right legality of the succession and posterity of the lawful kings and emperors of this realm; whereof hath ensued great effusion and destruction of man's blood, as well of a great number of the nobles, as of other the subjects, and especially inheritors in the same; and the greatest occasion thereof hath been because no perfect and substantial provision by law hath been made within this realm of itself, when doubts and questions have been moved and proponed, of the certainty and legality of the succession and posterity of the crown; by reason whereof the Bishop of Rome, and see apostolic, contrary to the great and inviolable grants of jurisdictions given by God immediately to emperors, kings and princes, in succession to their heirs, has presumed, in times past, to invest who should please them, to inherit in other men's kingdoms and dominions, which thing we, your most humble subjects, both spiritual and temporal, do most abhor and detest; and sometimes other foreign princes and potentates of sundry degrees, minding rather dissension and discord to continue in the realm, to the utter desolation thereof, than charity, equity, or unity, have many times supported wrong titles, whereby they might the more easily and facilely aspire to the superiority of the same; the continuance and sufferance whereof deeply considered and pondered, were too dangerous and perilous to be suffered any longer within this realm, and too much contrary to the unity, peace, and tranquillity of the same, being greatly reproachable and dishonourable to the whole realm:

1534.

the crown, and the not establishing the succession to it, a cause of trouble.

In consideration whereof, your said most humble and obedient subjects, the nobles and Commons of this realm, Consequently proposed that

1534. calling further to their remembrance that the good unity, peace and wealth of this realm, and the succession of the subjects of the same, most especially and principally above all worldly things consists and rests in the certainty and surety of the procreation and posterity of your highness, in whose most royal person, at this present time, is no manner of doubt nor question ; do therefore most humbly beseech your highness, that it may please your majesty, that it may be enacted by your highness, with 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 marriage heretofore solemnized between your highness and the Lady Katherine, being before lawful wife to Prince Arthur, your elder brother, which by him was carnally known, as does duly appear by sufficient proof in a lawful process had and made before Thomas, by the sufferance of God, now archbishop of Canterbury and metropolitan and primate of all this realm, shall be, by authority of this present Parliament, definitively, clearly, and absolutely declared, deemed, and adjudged to be against the laws of Almighty God, and also accepted, reputed, and taken of no value nor effect, but utterly void and annulled, and the separation thereof, made by the said archbishop, shall be good and effectual to all intents and purposes ; any licence, dispensation, or any other act or acts going afore, or ensuing the same, or to the contrary thereof, in any wise notwithstanding ; and that every such licence, dispensation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, shall be void and of none effect ; and that the said Lady Katherine shall be from henceforth called and reputed only dowager to Prince Arthur, and not queen of this realm ; and that the lawful matrimony had and solemnized between your highness and your most dear and entirely beloved wife Queen Anne, shall be established, and taken for undoubtful, true, sincere, and

the marriage between the king and Katherine of Aragon be void, and the separation good.

She shall be called dowager to Prince Arthur, and not queen.

perfect ever hereafter, according to the just judgment of the said Thomas, archbishop of Canterbury, metropolitan and primate of all this realm, whose grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the Convocations, and by both the universities thereof, as by the universities of Bologna, Padua, Paris, Orleans, Toulouse, Anjou, and divers others, and also by the private writings of many right excellent well-learned men; which grounds so confirmed, and judgment of the said archbishop ensuing the same, together with your marriage solemnized between your highness and your said lawful wife Queen Anne, we your said subjects, both spiritual and temporal, do purely, plainly, constantly, and firmly accept, approve, and ratify for good and consonant to the laws of Almighty God, without error or default, most humbly beseeching your majesty, that it may be so established for ever by your most gracious and royal assent.

1534.

The marriage with Anne Boleyn shall be taken as good and consonant to God's law.

And furthermore, since many inconveniences have fallen, as well within this realm as in others, by reason of marrying within degrees of marriage prohibited by God's laws, that is to say, the son to marry the mother, or the step-mother, the brother the sister, the father his son's daughter, or his daughter's daughter, or the son to marry the daughter of his father procreate and born by his stepmother, or the son to marry his aunt, being his father's or mother's sister, or to marry his uncle's wife, or the father to marry his son's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's son's daughter, or his wife's daughter's daughter, or his wife's sister; which marriages, although they be plainly prohibited and detested by the laws of God, yet nevertheless at some times they have proceeded under colours of dispensations by man's power, which is but usurped, and of right ought not to be granted, admitted, nor allowed; for no man, of what estate, degree, or condition soever he be, has power to dispense with

Recital of mischiefs that have arisen by marriage within the prohibited degrees.

Man has no power

1534. God's laws, as all the clergy of this realm in the said Con-  
 to dis- vocations, and the most part of all the famous universities  
 pense with of Christendom, and we also, do affirm and think.  
 God's law.

Be it therefore enacted by authority aforesaid, that no  
 Marriages person or persons, subjects or residents of this realm, or  
 forbidden within the in any your dominions, of what estate, degree, or dignity  
 within the prohibited in any your dominions, of what estate, degree, or dignity  
 degrees. soever they be, shall from henceforth marry within the said  
 degrees afore rehearsed, what pretence soever shall be made  
 to the contrary thereof.

And in case any person or persons, of what estate, dignity,  
 The annul- degree, or condition soever they be, has been heretofore  
 ling of such married within this realm, or in any the king's dominions,  
 marriages by the within any the degrees above expressed, and by any the  
 Church of archbishops, bishops, or ministers of the Church of England,  
 England held good, be separated from the bonds of such unlawful marriage,  
 and chil- that every such separation shall be good, lawful, firm, and  
 dren born of such permanent for ever, and not by any power, authority, or  
 marriages are illegiti- means to be revoked or undone hereafter, and that the  
 mate. children proceeding and procreated under such unlawful  
 marriage, shall not be lawful nor legitimate; any foreign  
 laws, licences, dispensations, or other thing or things to  
 the contrary thereof notwithstanding.

And in case there be any person or persons within this  
 Persons heretofore realm, or in any the king's dominions, already married  
 married within any the said degrees above specified, and not yet  
 within the separated from the bonds of such unlawful marriage, that  
 degrees then every such person so unlawfully married shall be  
 aforesaid shall be separate by the definitive sentence and judgments of the  
 shall be separated by the archbishops, bishops, and other ministers of the Church of  
 ordinary's sentence. England, and in other your dominions, within the limits of  
 their jurisdictions and authorities, and by none other power  
 or authority; and that all sentences and judgments given  
 and to be given by any archbishop, bishop, or other minister  
 of the Church of England, or in other the king's dominions,  
 within the limits of their jurisdictions and authorities, shall

be definitive, firm, good, and effectual, to all intents, and be observed and obeyed, without suing any provocations, appeals, prohibitions, or other process from the Court of Rome, to the derogation thereof, or contrary to the Act made since the beginning of this present Parliament, for restraint of such provocations, appeals, prohibitions, and other processes.

1534.

Appeal to Rome forbidden.

And also be it enacted by authority aforesaid, that all the issue had and procreated, or hereafter to be had and procreated, between your highness and your said most dear and entirely beloved wife Queen Anne, shall be your lawful children, and be inheritable, and inherit, according to the course of inheritance and laws of this realm, the imperial crown of the same, with all dignities, honours, pre-eminences, prerogatives, authorities, and jurisdictions to the same annexed or belonging, in as large and ample manner as your highness at this present time has the same as king of this realm; the inheritance thereof to be and remain to your said children and right heirs in manner and form as hereafter shall be declared, that is to say :

All the issue of the king and Anne Boleyn declared legitimate.

First the said imperial crown, and other the premises, shall be to your majesty, and to your heirs of your body lawfully begotten, that is to say: to the first son of your body, between your highness and your said lawful wife, Queen Anne, begotten, and to the heirs of the body of the same first son lawfully begotten, and for default of such heirs, then to the second son of your body and of the body of the said Queen Anne begotten, and to the heirs of the body of the said second son lawfully begotten, and so to every son of your body and of the body of the said Queen Anne begotten, and to the heirs of the body of every such son begotten, according to the course of inheritance in that behalf; and if it shall happen your said dear and entirely beloved wife Queen Anne to decease without issue male of the body of your highness to be begotten (which God

Entail of the crown of England, &c.

1584. defend), then the same imperial crown, and all other the premises, to be to your majesty, as is aforesaid, and to the son and heir male of your body lawfully begotten, and to the heirs of the body of the same son and heir male lawfully begotten; and for default of such issue, then to your second son of your body lawfully begotten, and to the heirs of the body of the same second son lawfully begotten, and so from son and heir male to son and heir male, and to the heirs of the several bodies of every such son and heir male to be begotten, according to the course of inheritance, in like manner and form as is above said.

Failing issue male of Henry and Anne Boleyn, then to the Princess Elizabeth and other issue female.

And for default of such sons of your body begotten, and of the heirs of the several bodies of every such sons lawfully begotten, that then the said imperial crown, and other the premises, shall be to the issue female between your majesty and your said most dear and entirely beloved wife, Queen Anne, begotten, that is to say: first to the eldest issue female, which is the Lady Elizabeth, now princess, and to the heirs of her body lawfully begotten, and for default of such issue, then to the second issue female, and to the heirs of her body lawfully begotten, and so from issue female to issue female, and to the heirs of their bodies one after another, by course of inheritance, according to their ages, as the crown of England has been accustomed, and ought to go, in cases where there be heirs females to the same; and for default of such issue, then the said imperial crown, and all other the premises, shall be in the right heirs of your highness for ever.

This Act to be proclaimed throughout England.

And be it further enacted by authority aforesaid, that on this side the first day of May next coming, proclamation shall be made in all shires within this realm, of the tenor and contents of this Act.

The penalty for injury to the king,

And if any person or persons, of what estate, dignity, or condition soever they be, subject or resident within this realm, or elsewhere within any the king's dominions, after



the said first day of May, by writing or imprinting, or by 1584.  
any exterior act or deed, maliciously procure or do, or cause disturbing  
to be procured or done, any thing or things to the peril his title to  
of your most royal person, or maliciously give occasion by the crown,  
writing, print, deed, or act, whereby your highness might or slandering  
be disturbed or interrupted of the crown of this realm, or his  
by writing, print, deed, or act, procure or do, or cause to be marriage.  
procured or done, any thing or things to the prejudice,  
slander, disturbance, or derogation of the said lawful matrimony  
solemnized between your majesty and the said Queen Anne, or to the  
issues and heirs of your highness, being limited by this Act to the  
inherit and to be inheritable to the crown of this realm, in such  
form as is aforesaid, whereby any such issues or heirs of your  
highness might be destroyed, disturbed, or interrupted in body  
or title of inheritance to the crown of this realm, as to them is  
limited in this Act in form above rehearsed; that then every such  
person and persons, of what estate, degree, or condition they be  
of, subject or resident within this realm, and their aiders, counsellors,  
maintainers, and abettors, and every of them, for every such  
offence shall be adjudged high traitors, and every such offence  
shall be adjudged high treason, and the offenders and their aiders,  
counsellors, maintainers, and abettors, and every of them, being  
lawfully convicted of such offence by presentment, verdict,  
confession, or process, according to the customs and laws of this  
realm, shall suffer pains of death, as in cases of high treason;  
and that also every such offender, being convicted as is aforesaid,  
shall lose and forfeit to your highness, and to your heirs, kings  
of this realm, all such manors, lands, tenements, rents, annuities,  
and hereditaments, which they had in possession as owners, or  
were sole seized of by or in any right, title, or means, or any  
other person or persons had to their use, of any estate of  
inheritance, at the day of such treasons and offences by them

1584. committed and done; and shall also lose and forfeit to your highness, and to your said heirs, as well all manner such estates of freehold and interests for years of lands and rents, as all their goods, chattels, and debts, which they had at the time of conviction or attainder of any such offence; saving always to every person and persons, and bodies politic, to their heirs, assigns, and successors, and every of them, other than such persons as shall be so convicted, and their heirs and successors, and all other claiming to their uses, all such right, title, use, interest, possession, condition, rents, fees, offices, annuities, and commons, which they or any of them shall happen to have in, to, or upon any such manors, lands, tenements, rents, annuities, or hereditaments, that shall so happen to be lost and forfeited by reason of attainder for any the treasons and offences above rehearsed, at any time before the said treasons and offences committed.

The rights of all others, except the offenders, saved.

Penalty for publishing or speaking anything to the peril of the king, &c.

And be it further enacted by authority aforesaid, that if any person or persons, after the said first day of May, by any words, without writing, or any exterior deed or act, maliciously and obstinately shall publish, divulge, or utter any thing or things to the peril of your highness, or to the slander or prejudice of the said matrimony solemnized between your highness and the said Queen Anne, or to the slander or disherison of the issue and heirs of your body begotten and to be begotten of the said Queen Anne, or any other your lawful heirs, which shall be inheritable to the crown of this realm, as is before limited by this Act; that then every such offence shall be taken and adjudged for misprision of treason; and that every person and persons, of what estate, degree, or condition soever they be, subject or resident within this realm, or in any the king's dominions, so doing and offending, and being thereof lawfully convicted by presentment, verdict, process, or confession, shall suffer imprisonment of their bodies at the king's

will, and shall lose as well all their goods, chattels, and debts, 1584.  
as all such interests and estates of freehold or for years, which  
any such offenders shall have of or in any lands, rents, or  
hereditaments whatsoever, at the time of conviction and  
attainder of such offence.

And be it also enacted by the authority aforesaid, that no Offenders shall not have the privilege of sanctuary.  
person nor persons offending in any of the treasons and mis-  
prisions contained and limited by this Act, shall in any wise  
have or enjoy the privilege and immunity of any manner of  
sanctuaries within this realm, or elsewhere within any of  
the king's dominions, but shall utterly lose and be excluded  
of the same ; any use, custom, grant, prescription, confirma-  
tion, or any other thing or things to the contrary thereof in  
any wise notwithstanding.

And be it also enacted by authority aforesaid, that if your Who shall have the government of the king's issue during minority, if the king should die.  
majesty should happen to decease before any such your issue  
and heir male which should inherit the crown of this realm,  
shall be of his age of eighteen years, or before such your  
issue and heir female which should inherit the crown of  
this realm, shall be married, or be of the age of sixteen years,  
which Almighty God defend, that then your said issue and  
heir male to the crown, so being within the said age of  
eighteen years, or your said issue and heir female to the  
crown, unmarried, or within the said age of sixteen years,  
shall be and remain unto such time as such issues and  
heirs shall come to their said several ages afore limited,  
at and in the governance of their natural mother, she living,  
with such others, counsellors of your realm, as your majesty  
in your lifetime shall depute and assign by your will, or  
otherwise, for the same, without contradiction of any person  
or persons to the contrary thereof.

And if any person and persons by writing, or exterior Penalty for disturbing this arrangement.  
deed or act, procure or do, or cause to be procured or done  
any thing or things to the let or disturbance of the same ;  
that then every such offence shall be high treason, and the

1584. offenders, being thereof convicted, shall suffer such pains of death and losses of inheritance, freeholds, interests for years, goods, chattels and debts, in such manner and form as is above specified in cases of treason afore mentioned.

All shall  
be sworn  
to perform  
the con-  
tents of  
this Act.

And for the more sure establishment of the succession of your most royal majesty, according to the tenor and form of this Act, be it further enacted by authority aforesaid, that as well all the nobles of your realm spiritual and temporal, as all other your subjects now living and being, or that hereafter shall be, at their full ages, by the commandment of your majesty or of your heirs, at all times hereafter from time to time, when it shall please your highness or your heirs to appoint, shall make a corporal oath in the presence of your highness or your heirs, or before such others as your majesty or your heirs will depute for the same, that they shall truly, firmly, and constantly, without fraud or guile, observe, fulfil, maintain, defend, and keep, to their cunning, wit, and uttermost of their powers, the whole effects and contents of this present Act. And that all manner your subjects, as well spiritual as temporal, suing livery, restitutions, or *ouster le main* out of the hands of your highness or of your heirs, or doing any fealty to your highness or to your heirs, by reason of tenure of their lands, shall swear a like corporal oath, that they and every of them, without fraud or guile, to their cunning, wit, and uttermost of their powers, shall truly, firmly, and constantly observe, fulfil, maintain, defend, and keep the effects and contents contained and specified in this Act, or in any part thereof; and that they, nor any of them, shall hereafter have any liveries, *ouster le main*, or restitution out of your hands, nor out of the hands of your heirs, till they have made the said corporal oath in form above rehearsed.

High  
treason to  
refuse the  
oath.

And if any person or persons, being commanded by authority of this Act to take the said oath afore limited, obstinately refuse that to do, in contempt of this Act, that

then every such person so doing, to be taken and accepted for offender in misprision of high treason ; and that every such refusal shall be deemed and adjudged misprision of high treason ; and the offender therein to suffer such pains and imprisonment, losses and forfeitures, and also lose privileges of sanctuaries, in like manner and form as is above mentioned for the misprisions of treasons afore limited by this Act. 1534.

Provided always, that the article in this Act contained concerning prohibitions of marriages within the degrees afore mentioned in this Act, shall always be taken, interpreted, and expounded of such marriages, where marriages were solemnized and carnal knowledge was had. Marriages consummated.