

From *Letters and Papers, Foreign and Domestic, Henry VIII, vol. 5: 1531-1532*, edited by James Gairdner. London: Her Majesty's Stationary Office, 1880, pp. 541-43.

R. O. [1532]

1247. [ARCHBISHOP WARHAM.]

Draft of a speech apparently intended to be delivered in the House of Lords.¹ Protests he means to say nothing to the King's prejudice. As to the *prmunire*, he is charged with consecrating the bishop of St. Asaph before he had exhibited his bulls to the King. Urges in reply: (1) that archbishops are not bound to know, and have never been accustomed to examine bishops requiring consecration, whether they have exhibited their bulls or not; and that it would be a serious burden on them to be obliged to ascertain. (2.) Many bishops have been consecrated before they sued out their temporalities during the last 200 years, as Thos. Bredwarden, archbishop of Canterbury, Wm. Wittelsey, and others, who sued for their temporalities a long time after. (3.) If archbishops had been bound in times past to ascertain if a bishop [to be consecrated had exhibited his] bulls to the King, the fact that [542] they had so ascertained would have appeared on record by certificates to that effect. (4.) Moreover, the wise princes in times past would have punished cases of neglect. (5.) If the archbishop cannot give the spiritualities to one who is pronounced a bishop at Rome till the King has granted him his temporalities, the spiritual power of the archbishops will depend on the temporal power of the prince, and thus would be of little or no effect, which is against God's law. (6.) The archbishop has no right to keep the spiritualities in his hands after an elect is pronounced a bishop. (7.) If he were to wait till the King granted the temporalities, there have been kings who would keep these in their hands many years, as king Henry [II.], and so the elect would be deprived of both. This argument Warham uses against his own profit, for the longer the King kept the temporalities, the more profit would the archbishop have of the spiritualities, if he could have them with good conscience. (8.) The King is not injured by the consecration of a bishop before he has exhibited his bulls and done homage, for he can still keep the temporalities in his hand. There have been many archbishops and bishops, like bishop Pekham, who have had their temporalities detained a long time. (9.) A man is not made bishop by consecration, but is pronounced so at Rome in Consistory; and he has no jurisdiction given him by consecration, but only the rights of his order, viz., consecrating of children, &c. If the King by detaining temporalities could cause consecrations to be deferred, the Church might have no bishops at all, and consequently no priests, and sacraments would cease. (10.) By the same reasoning, the Pope should not be consecrated or crowned till he had sued out his temporalities of the Emperor which Constantine gave to the see of Rome; so that there would be no Pope but at the Emperor's pleasure. (11.) Apart from law, a spiritual man ought first to seek what is necessary for his spiritual functions, and not temporal things; (12.) and give his oath of obedience to the Pope before his temporal prince. (13.) In consecrating the bishop of St. Asaph, Warham was but the Pope's commissary, and the act was the Pope's act. Warham only did what he was bound by oath to do.

Proceeds further to show that the point for which the King contends was one of the articles which Henry II. sought to extort at Clarendon, which St. Thomas died a martyr to oppose, and which Henry II. himself afterwards gave up. Warham would be sorry to do anything prejudicial to the King's authority, especially as it was he who anointed him King, and put the Crown upon his head; but if no damage can be done to the Crown even by an ill act, such as killing a man in the King's presence, much less can it be by the consecration of a bishop, which is a good deed. The liberties of the Church are guaranteed by Magna Charta, and several kings who violated them, as Henry II., Edward III., Richard II., and Henry IV., came to an ill end. Refers to a brief of Pope Martin to Henry IV.

¹ Warham died on the 23 Aug. 1532, and this speech appears to have been composed very shortly before his death.⁵⁴²

touching a *prmunire* against the liberties of the Church, and warns the Lords (in answer to a threat held out that they would defend the matter by the sword) of what befell the Knights who drew their swords against St. Thomas, whose punishment remains to this day in their blood and generation. Would rather be hewn in pieces than confess this article, for which St. Thomas died, to be a *prmunire*. If this Act be a law of the land it was drawn up at Clarendon² 400 save 31 years ago, and it was never put in execution against any archbishop, though many have infringed it.

Will not refuse the lay counsel offered him, though he expects little from it, for two reasons :1. Because laymen advance their own laws, rather than those of the Church. “And in this behalf I understand that such temporal [543] learned men as have been assigned of counsel with spiritual men lately in cases of *prmunire* (as it was surmised) for the advancing of their temporal laws, and for the derogation of the laws of the Church, have counselled them and induced them to confess and grant a *prmunire*, whereto peradventure they would advise me in likewise; which, if I were so minded to confess, I needed not to have their counsel.” 2. Because he understands that temporal men defending their clients, when they have spoken anything against the minds of the King’s council, have been called fools and put to silence; and he would be sorry that they should be so rebuked in defending him. As the matter is spiritual, desires spiritual counsel.

Declines also to give sureties, citing St. Thomas’s authority. Sureties are for persons whose flight is feared; but if he had been disposed to flee, he might have done so before. St. Anselm, St. Edmund, and other archbishops of Canterbury were never compelled to give sureties. And whoever lays violent hands on a bishop and imprisons him is accursed, and can only be assoiled by the Pope, except *in mortis articulo*; and the place where a bishop taken is kept is interdicted, and the two dioceses next adjoining.

Pp. 14. Mutilated.

² The council of Clarendon was held in Jan. 1164. 400 save 31 years would have fully elapsed in Jan. 1533, after Warham’s death.