

From *Letters and Papers, Foreign and Domestic, Henry VIII, vol. 6: 1533*, edited by James Gairdner. London: Her Majesty's Stationary Office, 1882, pp. 231-32.

R. O. [1532]
Rym. XIV. 462.

529. THE DIVORCE.

Notification of the sentence¹ of divorce between Hen. VIII. and Katharine of Arragon pronounced by archbishop Cranmer. Dated in the monastery of Dunstable, 23 May 1533. Present, Gervase prior of the said monastery, Simon Haynes, S.T.P., John Newman, M.A., and others.

Two copies ; one badly and the other slightly mutilated.

Pocock, II.
481.

2. Part of the articles exhibited before Cranmer at Dunstable in favor of the divorce.

Lat.

Arundel MS.
151, f. 342. B. M.

3. Proceedings of the court held before Cranmer at Dunstable, 10, 12, 16, 17, and 23 May.

Copy, pp. 20.

R. O.

4. Opinion touching Katharine's jointure.

The matrimony between the King and the lady Katharine being dissolved by sufficient authority, all pactions made for the same marriage are also dissolved and of none effect. That is, the jointure shall return again to the King's use, and the money paid to him by her friends shall be repaid to her. [232]

The matrimony being dissolved, the lady Katharine shall return to the commodity and profits of the first matrimony, and the pactions of the same, made with prince Arthur, and shall enjoy the jointure assigned to her thereby, notwithstanding any quittance or renunciation made in the second pact. For as these renunciations were agreed unto for a sure trust and hope to enjoy the commodities and pactions of the second marriage, which now she cannot enjoy, unless without fault she should be deprived of both, equity and right restore her to the first. This, we think, by our poor learning, to be according both to canon and civil law, unless there are any other treaties and pactions which we have not seen.

For the more clear declaration hereof, we think that when a matrimony is dissolved, if there is no paction of a further bond, then by law the money paid by the woman or her friends shall be restored to her, and the jointure return to the man and his heirs. In this case there is an especial pact that she shall enjoy her jointure *durante vita*, so that the said jointure is due to her by the pact, and the money paid by her and her friends by the law.

In Sampson's hand, pp. 2. Endd. : A dissolution to be made of the matrimony of the lady Katharine, dowager, with the jointure thereto belonging, and restitution to the jointure had by prince Arthur.

R. O.

5. An argument to prove that the Pope cannot lawfully excommunicate the king of England on account of the divorce.

Lat., pp. 14. In the same hand as the preceding. Begins : "Apostolus mutuum." *Ends :* "excommunicari non posse, exploratum est."

¹ The sentence itself, as recited in the patent of 6 June (see Grants in June 1533, No. 7.), is printed both in Burnet and in Wilkins.