

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

LVII.

THE TREASONS ACT, A. D. 1534.

26 HENRY VIII, CAP. 13.

THIS Act was passed in the November session of 1534 ; it remained upon the Statute Book till 1863 (Stat. Law Rev. Act, 1863). 1584.

[Transcr. Statutes of the Realm, iii. 508.]

Forasmuch as it is most necessary, both for common policy and duty of subjects, above all things to prohibit, provide, restrain, and extinct all manner of shameful slanders, perils, or imminent danger or dangers, which might grow, happen, or rise to their sovereign lord the king, the queen, or their heirs, which when they be heard, seen, or understood, cannot be but odible, and also abhorred of all those sorts that be true and loving subjects, if in any point they may do, or shall touch the king, his queen, their heirs or successors, upon which dependeth the whole unity and

Necessity
for the
protection
of the king
and
queen.

1634. universal weal of this realm, without providing wherefore too great a scope of unreasonable liberty should be given to all cankered and traitorous hearts, willers and workers of the same; and also the king's loving subjects should not declare unto their sovereign lord now being, which unto them has been, and is most entirely both beloved and esteemed, their undoubted sincerity and truth.

Definition
of high
treason.

Be it therefore enacted by the assent and consent of our sovereign lord the king, and the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that if any person or persons, after the first day of February next coming, do maliciously wish, will, or desire, by words or writing, or by craft imagine, invent, practise, or attempt any bodily harm to be done or committed to the king's most royal person, the queen's, or their heirs apparent, or to deprive them or any of them of their dignity, title, or name of their royal estates, or slanderously and maliciously publish and pronounce, by express writing or words, that the king our sovereign lord should be heretic, schismatic, tyrant, infidel or usurper of the crown, or rebelliously do detain, keep, or withhold from our said sovereign lord, his heirs or successors, any of his or their castles, fortresses, fortalices, or holds within this realm, or in any other the king's dominions or marches, or rebelliously detain, keep, or withhold from the king's said highness, his heirs or successors, any of his or their ships, ordnances, artillery, or other munitions or fortifications of war, and do not humbly render and give up to our said sovereign lord, his heirs or successors, or to such persons as shall be deputed by them, such castles, fortresses, fortalices, holds, ships, ordnances, artillery, and other munitions and fortifications of war, rebelliously kept or detained, within six days next after they shall be commanded by our said sovereign lord, his heirs or successors, by open proclamation under the great seal :

That then every such person and persons so offending in any the premises, after the said first day of February, their aiders, counsellors, consenters, and abettors, being thereof lawfully convicted according to the laws and customs of this realm, shall be adjudged traitors, and that every such offence in any the premises, that shall be committed or done after the said first day of February, shall be reputed, accepted, and adjudged high treason, and the offenders therein and their aiders, consenters, counsellors, and abettors, being lawfully convicted of any such offence as is aforesaid, shall have and suffer such pains of death and other penalties, as is limited and accustomed in cases of high treason.

1534.

Penalty.

And to the intent that all treasons should be the more dread, hated and detested to be done by any person or persons, and also because it is a great boldness and an occasion to ill-disposed persons, to adventure and embrace their malicious intents and enterprises, which all true subjects ought to study to eschew: be it therefore enacted by the authority aforesaid, that none offender in any kinds of high treasons whatsoever they be, their aiders, consenters, counsellors, nor abettors, shall be admitted to have the benefit or privilege of any manner of sanctuary, considering that matters of treasons touch so nigh both the surety of the king our sovereign lord's person, and his heirs and successors.

No traitor to have benefit of sanctuary.

And over that, be it enacted by authority aforesaid, that if any of the king's subjects, denizens or other, do commit or practise out of the limits of this realm, in any outward parts, any such offences, which by this Act are made, or heretofore have been made treason, that then such treasons, whatsoever they be, or wheresoever they shall happen so to be done or committed, shall be inquired and presented by the oaths of twelve good and lawful men, upon good and probable evidence and witness, in such shire and county of

Provision for inquiry as to treason committed by residents abroad.

1584. this realm, and before such persons as it shall please the king's highness to appoint by commission under his great seal, in like manner and form as treasons committed within this realm have been used to be inquired of and presented; and that upon every indictment and presentment found and made of any such treasons, and certified into the King's Bench, like process and other circumstance shall be there had and made against the offenders, as if the same treasons, so presented, had been lawfully found to be done and committed within the limits of this realm. And that all process of outlawry hereafter to be made and had within this realm against any offenders in treason, being resident or inhabited out of the limits of this realm, or in any of the parts of beyond the sea, at the time of the outlawry pronounced against them, shall be as good and as effectual in the law to all intents and purposes, as if such offenders had been resident and dwelling within this realm at the time of such process awarded, and outlawry pronounced.

The outlawry of such persons on conviction.

What a person convicted of treason shall forfeit.

And be it further enacted by authority aforesaid, that every offender and offenders, being hereafter lawfully convicted of any manner of high treasons, by presentment, confession, verdict or process of outlawry, according to the due course and custom of the common laws of this realm, shall lose and forfeit to the king's highness, his heirs and successors, all such lands, tenements, and hereditaments, which any such offender or offenders shall have of any estate of inheritance in use or possession, by any right, title, or means, within this realm of England, or elsewhere, within any of the king's dominions, at the time of any such treason committed, or any time after; saving to every person and persons, their heirs and successors (other than the offenders in any treasons, their heirs and successors, and such person and persons as claim to any their uses), all such rights, titles, interests, possessions, leases, rents, offices, and other profits, which they shall have at the day of com-

Saving of the rights of others.

mitting such treasons, or any time afore, in as large and ample manner as if this Act had never been had nor made. 1534.