CHAPTER XIX.

AN ACTE for the submission of the Clergie to the Kynges Majestie.

WHERE the Kynges humble and obedient subjectes the Clergy of this Realme of England have not only knowledged accordyng to the true that the Convocations of the same clerige is alwayes hath by and ought to be assembled only by the Kynges writ, but also submynyng them selues to the Kynges Majestie hath gynsyed in verbo Sacerdoci not that they shall never from hensforth presume to attemytte alleghe clamyre or put in use or enacte gmulge or execute any newe canons consuctions ordyrnance prynnycal or other, or by what soo ever other name they shall be called in the convocation, onles the Kynges most royall assente and licence may to thyme be had to make promulge and execute the same, and that hys Majestie doe give hys most Royall assente and authortyce in that behalfe: And where dyverse consuctions ordynance and canons prynnyciall or Synodal which here to fore have byn enacted, and be thought not only as much prejudicall to the Kyngs prerogatyve, roayl and repugnynt to the lawes and statutes of this Realme, but also over moche onerous to hys Highnes and hys subjectes, the seid Clergie hath most [humble'] sought the Kynges Highnes that the seid consuctions and canons may be comittyd to the examynacion and jugement of hys Highnes and of [xxxii] persons of the Kynges subjectes wherof [xv] to be of the upper and nether house of the parliament of the tempalitie and the other [xv] to be of the Clergie of this Realme, and all the seid [xxxii] poones to chosen and appoynted by the Kynges Majestie, And that suche of the seid consuctions and canons as shalbe thought and defmynded by the seid [xxxii] persones the more parte of them whythere to be abrogated and annulled shalbe abolyte and made of noo value accordingly, and suche other of the same consuctions and canons as by the seid xxxii the more parte of them shalbe approved to stonde with the lawes of God and consonant to the lawes of this Realme shall stonde in thir full strenght and power, the Kynges most royall assent fyrst bad and optyned to the same: Be it therefore now enacted by authortyce of this present parliament accordingly to the seid submissayon and petition of the seid Clergie, that they ne any of them from hensforth shall presume to attemytte alleghe clamyre or put in use any consuctions or ordynance prynnyciall or Synodalle or any other canons, nor shall enable promulge or execute any suche canons consuctions or ordynance prynnyciall, by what soo ever name or names they may be called in thire convocations in tymey conlyng, which alwayes shalbe assembled by authortyce of the Kynges wyrynt, onles the same Clergie may have the Kynges most Royall assent and lycence to make promulge and execute suche canons consuctions and ordynances prynnyciall or Synodalle; upon payne of every one of the seid Clergie doing contrary to this acte and being therof convynte to suffer imprysonement and make fyne at the Kynges wyll.

AND for as moche as suche canons consuctions and ordynance as here to fore hath byn made by the Clergie of this Realme can not nowe atte the session of this present parliament by reason of shortenes of tymye be viewed examineyd and deternyed by the Kynges Highnes and xxxii persons to chosen and appoynted accordingly to the petition of the seid clerige in forme above rehearsed: Be it therefore enacted by authortyce aforeseyd that the Kynges Highnes shall have power and authortyce to nominate and assigne at his pleasure the seid xxxii persons of hys subjectes, wherof xvi to be of the Clergie and xvii to be of the Temporalie of the upper and nether House of the Parliament. And if any of the seid xxxii poones soo chosen shalbe to dye before theire full deternyacion then hys Highness to nomynate other

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1 So in Original: but with a Mark apparently referring to some intended Insertion.
2 humbl' O.
3 xxxii O.
4 xvi.
frome tyne to tyne of the seid two Houses of the Parliament to supply the nombre of the seid xxxij; and that the same xxxij by his Highness so to be named, shall have power and autoritie to vyewe serche and examine the seid canons constitucioncs & ordynync hepynclial, and Synodall heretofore made, and suche of theym as the Kynges Highness and the seid xxxij or the more parte of themye shall deme and adjugge wortherby to be continued kept and obeyed, shalbe frome thencesforth kepe obeyed and executed within this Realme, soo that the Kynges most royal assent under his gyverte sealbe be sure had to the same; and the residue of the seid canons constitutioncs [or:] ordynync hepynclial whiche the Kynges Highness and the seid xxxij persons or the more parte of themye shall not approve, or deme and jugge worthy to be abolise abrogate and made frustrat, shall from thenceforth be voyde and of none effecte and never be put in execution within this Realme.

Provided alwaye that no canons constitutioncs or ordynync shalbe made or put in execution within this Realme by authoryte of the convocation of the clerge, which shalbe contaryrant or repugnant to the Kynges prerogatyve Roiall or the customes lawes or statutes of this Realme; any thyng conteyned in this acte to the contaryr of herof notwithstondyng.

And be it further enacted by authoryte aforesaid that frome the feast of Easter whiche shalbe in the yere of our Lorde God M' D xxxij no maner of appelles shalbe had provoked or made, out of this Realme or out of any of the Kynges Domynytas, to the Byshop of Rome nor to the See of Rome, in any causes or matters happenyng to be in contencion and havyng there cōmēnsence and beginnyng in any of the Courtes∗ within this Realme or within any of the Kynges Domynytas of what nature condicion or qualitie soever they be of; But that all maner of appelles of what nature or condicion soo ever they be of, or what cause or matter soo ever they concern, shalbe made and bad by the partes greved or havyng cause of appelle after suche maner forme and condicion as is lymytte for appelles to be had and prosecuted within this Realme in causes of matrimonie tythes oblaciens and obvicousens, by a Statute therof made and established sythens the beginnyng of this present parliament, and accordyng to the forme and effecte of the seid estatute, any usage custome prescription or any thyng or thynges to the contrary herof notwithstondyng. And for lacke of justice at or in any the Courtes of the Archebishopes of this Realme or in any the Kynges Domynytas, it shalbe lawfull to the partes greved to appelle to the Kynges Majestie in the Kynges Courte of Chaunche, and that upon every suche appelle a commision shalbe directed under the gyverate seal to suche persones as shalbe named by the Kynges Highnes his heyers or succesors lyke as in case of appelle frome the Admyral Courte, to here and dyffynctly determine suche appelles and the causes confoyng the same; whiche Comissioners soo by the Kynges Highnes his heyers or succesors to be named or appoynted shall have full power and authoryte to here and dyffynctly determine every suche appelle with the causes and all circumstancas concernyng the same; and that suche jugement and sentence as the seid Comissioners shall make and decree in and [spont:] any suche appelle shalbe good and effectuyll, and also dyffynctly and noo further appelle to be hade or made frome the seid Comissioners for the same.

And yf any person or persons at any tyne after the seid feast of Easter, provoke or sue any maner of appelles, of what nature or condicion soo ever they be of, to the seid Bishop of Rome or to the See of Rome, or to procure or execute any man of prēesse from the See of Rome or by authoryte thereof, to the derogacion or let of the due execution of this acte or contrarye to the same, that then every suche person or persons soo doyng thereto aydous counsaylours and abbettours shall incurre and renne into the daungers paynes and penalties conteynd and lymytte in the acte of provysion and premunyment, made in the xvj yere of the Kynges mooste noble gentlyytourge Kyngge Richard the seconde agaynset suche as sewe to the courte of Rome agaynse the Kynges crowne and prerogatyve Roiallle.

( ) Provided alwaye that all maner of provocacioncs and appelles, hereafter to be had or made or take frome the jurisdiction of any Abbottes Pryours & other heddes and governours of Monasteries Abbes Pryories and other houses and places exempt, in suche cases as they were wont or moretly afore the makynge of this acte, by reason of gravantes or libences of suche places exempt, to have or make ymmidiatly any appelle or provocacion to the Byshop of Rome otherwise called Pope, or to the See of Rome, that in all these cases evy person and persons havyng cause of appelle or provocacion shall may take and make there appelles and provocacioncs immediatly to the Kynges Majestie of this Realme into the Courte of Chaunche, in lyke maner and forme as they were used afore to make to the See of Rome; whiche appelles and provocacioncs soo made shalbe dyffynctly and defymned by authoryte of the Kynges cōmōsion in suche maner and forme as in this acte is above mentione; soo that noo Archebishop nor Bishop of this Realme shall entermete or meddyl with any such appelles otherwise or in any other maner [then:] they thoughte have done afore the makynge of this acte; any thyngs in this acte to the contrarie therof not withstondyng.

Provided also that suche canons constitucioncs ordynantcs and Synodall provysionall being alreedy made, whiche be not contrarynt nor repugnant to the lawes statute and customes of this Realme nor to the damage or hurt of the Kynges prerogatyve Roialle, shall move still be used and executed as they were afore the makynge of this acte, tyll suche tyne as they be vyewed serched or otherweyse ordered and defymned by the seid xxxij persons or the more parte of themye, accordyng to the temour fourme and effecte of this present acte.

∗ and O.

† Courte O.

‡ upon O.

∗ This and the succeeding Proviso are inserted in a Schedule annexed to the Original Act.

†† than O.