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ILLUSTRATIVE OF ENGLISH  
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THE SUBMISSION OF THE CLERGY AND  
RESTRAINT OF APPEALS, A. D. 1534.

25 HENRY VIII, CAP. 19.

THIS statute, and the two following, Nos. LII and LIII, passed in 1534, were all repealed by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXVI), and were revived by 1 Elizabeth, cap. 1 (*post*, No. LXXIX).

[Transcr. Statutes of the Realm, iii. 460.]

Where the king's humble and obedient subjects, the Recital of clergy of this realm of England, have not only acknow- acknow-

1534. ledged according to the truth, that the convocations of the same clergy is, always has been, and ought to be assembled only by the king's writ, but also submitting themselves to the king's majesty, have promised *in verbo sacerdotii*, that they will never from henceforth presume to attempt, allege, claim, or put in ure, or enact, promulge, or execute any new canons, constitutions, ordinance provincial, or other, or by whatsoever other name they shall be called, in the Convocation, unless the king's most royal assent and licence may to them be had, to make, promulge, and execute the same ; and that his majesty do give his most royal assent and authority in that behalf :

And where divers constitutions, ordinances, and canons, provincial or synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the king's prerogative royal, and repugnant to the laws and statutes of this realm, but also overmuch onerous to his highness and his subjects ; the said clergy have most humbly besought the king's highness, that the said constitutions and canons may be committed to the examination and judgment of his highness, and of two-and-thirty persons of the king's subjects, whereof sixteen to be of the upper and nether house of the Parliament of the temporalty, and the other sixteen to be of the clergy of this realm ; and all the said two-and-thirty persons to be chosen and appointed by the king's majesty ; and that such of the said constitutions and canons, as shall be thought and determined by the said two-and-thirty persons, or the more part of them, worthy to be abrogated and annulled, shall be abolished and made of no value accordingly ; and such other of the same constitutions and canons, as by the said two-and-thirty, or the more part of them, shall be approved to stand with the laws of God, and consonant to the laws of this realm, shall stand in their full strength and power, the king's most royal assent first had and obtained to the same :

Many acts of Convocation have been prejudicial to king's prerogative and laws of the realm.

Request for consideration of these by a committee of Parliament.

Be it therefore now enacted by authority of this present Parliament, according to the said submission and petition of the said clergy, that they, nor any of them, from henceforth shall presume to attempt, allége, claim or put in ure any constitutions or ordinances, provincial or synodal, or any other canons; nor shall enact, promulge, or execute any such canons, constitutions, or ordinance provincial, by whatsoever name or names they may be called, in their convocations in time coming (which alway shall be assembled by authority of the king's writ), unless the same clergy may have the king's most royal assent and licence to make, promulge, and execute such canons, constitutions, and ordinances, provincial or synodal, upon pain of every one of the said clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment, and make fine at the king's will.

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The clergy shall not enact without king's assent.

Convocation shall be assembled by king's writ.

And forasmuch as such canons, constitutions, and ordinance, as heretofore have been made by the clergy of this realm, cannot now at the session of this present Parliament, by reason of shortness of time, be viewed, examined, and determined by the king's highness, and thirty-two persons to be chosen and appointed according to the petition of the said clergy in form above rehearsed: be it therefore enacted by authority aforesaid, that the king's highness shall have power and authority to nominate and assign, at his pleasure, the said two-and-thirty persons of his subjects, whereof sixteen to be of the clergy, and sixteen to be of the temporality of the upper and nether house of the Parliament; and if any of the said two-and-thirty persons so chosen shall happen to die before their full determination, then his highness to nominate other from time to time of the said two houses of the Parliament, to supply the number of the said two-and-thirty; and that the same two-and-thirty, by his highness so to be named, shall have power and authority to view, search, and examine the said canons, constitu-

Shortness of time precludes consideration of canons by a committee constituted as in the prayer abovesaid.

Nomination of committee given to king; canons to be abolished or continued as expedient.

1534. tions, and ordinances, provincial and synodal, heretofore made, and such of them as the king's highness and the said two-and-thirty, or the more part of them, shall deem and adjudge worthy to be continued, kept, and obeyed, shall be from thenceforth kept, obeyed, and executed within this realm, so that the king's most royal assent under his great seal be first had to the same; and the residue of the said canons, constitutions, or ordinance provincial, which the king's highness, and the said two-and-thirty persons or the more part of them, shall not approve, or deem and judge worthy to be abolished, abrogate, and made frustrate, shall from thenceforth be void and of none effect, and never be

No canons to be executed contrary to king's prerogative or the law. put in execution within this realm. Provided alway, that no canons, constitutions, or ordinance shall be made or put in execution within this realm by authority of the convocation of the clergy, which shall be contrariant or repugnant to the king's prerogative royal, or the customs, laws, or statutes of this realm; anything contained in this Act to the contrary hereof notwithstanding.

No appeals to Rome; appeals shall be according to the statute 24 Hen. VIII, c. 12, *vide ante*, No. L. And be it further enacted by authority aforesaid, that from the feast of Easter, which shall be in the year of our Lord God 1534, no manner of appeals shall be had, provoked, or made out of this realm, or out of any of the king's dominions, to the Bishop of Rome, nor to the see of Rome, in any causes or matters happening to be in contention, and having their commencement or beginning in any of the courts within this realm, or within any the king's dominions, of what nature, condition, or quality soever they be of; but that all manner of appeals, of what nature or condition soever they be of, or what cause or matter soever they concern, shall be made and had by the parties grieved, or having cause of appeal, after such manner, form, and condition, as is limited for appeals to be had and prosecuted within this realm in causes of matrimony, tithes, oblations and obventions, by a statute thereof made and established

since the beginning of this present Parliament, and according to the form and effect of the said statute ; any usage, custom, prescription, or any thing or things to the contrary hereof notwithstanding. 1584.

And for lack of justice at or in any the courts of the archbishops of this realm, or in any the king's dominions, it shall be lawful to the parties grieved to appeal to the king's majesty in the king's Court of Chancery : and that upon every such appeal, a commission shall be directed under the great seal to such persons as shall be named by the king's highness, his heirs or successors, like as in case of appeal from the admiral's court, to hear and definitively determine such appeals, and the causes concerning the same. Which commissioners, so by the king's highness, his heirs or successors, to be named or appointed, shall have full power and authority to hear and definitively determine every such appeal, with the causes and all circumstances concerning the same ; and that such judgment and sentence, as the said commissioners shall make and decree, in and upon any such appeal, shall be good and effectual, and also definitive ; and no further appeals to be had or made from the said commissioners for the same. Appeals from the archbishops' courts lie to Chancery, to be determined by commissioners.

And if any person or persons, at any time after the said feast of Easter, provoke or sue any manner of appeals, of what nature or condition soever they be of, to the said Bishop of Rome, or to the see of Rome, or do procure or execute any manner of process from the see of Rome, or by authority thereof, to the derogation or let of the due execution of this Act, or contrary to the same, that then every such person or persons so doing, their aiders, counsellors, and abettors, shall incur and run into the dangers, pains, and penalties contained and limited in the Act of Provision and Præmunire made in the sixteenth year of the king's most noble progenitor, King Richard II, against such Penalty of præmunire for appealing to Rome, or executing any process from thence.

1584. as sue to the Court of Rome against the king's crown and prerogative royal.

Appeals from courts of abbots, &c., lying direct to Rome now to be made to king in Chancery.

Provided always, that all manner of provocations and appeals hereafter to be had, made, or taken from the jurisdiction of any abbots, priors, and other heads and governors of monasteries, abbeys, priories, and other houses and places exempt, in such cases as they were wont or might afore the making of this Act, by reason of grants or liberties of such places exempt, to have or make immediately any appeal or provocation to the Bishop of Rome, otherwise called pope, or to the see of Rome, that in all these cases every person and persons, having cause of appeal or provocation, shall and may take and make their appeals and provocations immediately to the king's majesty of this realm, into the Court of Chancery, in like manner and form as they used afore to do to the see of Rome; which appeals and provocations so made, shall be definitively determined by authority of the king's commission, in such manner and form as in this Act is above mentioned; so that no archbishop or bishop of this realm shall intermit or meddle with any such appeals, otherwise or in any other manner than they might have done afore the making of this Act; anything in this Act to the contrary thereof notwithstanding.

Certain canons, &c., continued still in force.

Provided also, that such canons, constitutions, ordinances, and synodals provincial being already made, which be not contrariant or repugnant to the laws, statutes, and customs of this realm, nor to the damage or hurt of the king's prerogative royal, shall more still be used and executed as they were afore the making of this Act, till such time as they be viewed, searched, or otherwise ordered and determined by the said two-and-thirty persons, or the more part of them, according to the tenor, form, and effect of this present Act.