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ILLUSTRATIVE OF ENGLISH
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LIV.

THE FIRST ACT OF SUCCESION, A.D. 1534.

25 HENRY VIII, CAP. 22.

1534. This Act was the last of the series (Nos. LI-LIV) of ecclesiastical enactments passed in the spring of 1534. No form of the oath herein mentioned was prescribed; but letters patent were issued containing a form and appointing a commission.

[Transcr. Statutes of the Realm, iii. 471.]

In their most humble wise shown unto your majesty your most humble and obedient subjects, the lords spiritual and temporal and the Commons in this present Parliament assembled, that since it is the natural inclination of every man, gladly and willingly to provide for the surety of both his title and succession, although it touch only his private cause; we therefore, most rightful and dreadful sovereign lord, reckon ourselves much more bound to beseech and instant your highness (although we doubt not of your princely heart and wisdom, mixed with a natural affection to the same) to foresee and provide for the perfect surety of both you, and of your most lawful succession and heirs, upon which dependeth all our joy and wealth, in whom also is united and knit the only mere true inheritance and title of this realm, without any contradiction;

Wherefore we your said most humble and obedient subjects, in this present Parliament assembled, calling to our remembrance the great divisions which in times past have
been in this realm, by reason of several titles pretended to the imperial crown of the same, which sometimes, and for the most part ensued, by occasion of ambiguity and doubts then not so perfectly declared, but that men might, upon froward intents, expound them to every man's sinister appetite and affection, after their sense, contrary to the right legality of the succession and posterity of the lawful kings and emperors of this realm; whereof hath ensued great effusion and destruction of man's blood, as well of a great number of the nobles, as of other the subjects, and especially inheritors in the same; and the greatest occasion thereof hath been because no perfect and substantial provision by law hath been made within this realm of itself, when doubts and questions have been moved and proponed, of the certainty and legality of the succession and posterity of the crown; by reason whereof the Bishop of Rome, and see apostolic, contrary to the great and inviolable grants of jurisdictions given by God immediately to emperors, kings and princes, in succession to their heirs, has presumed, in times past, to invest who should please them, to inherit in other men's kingdoms and dominions, which thing we, your most humble subjects, both spiritual and temporal, do most abhor and detest; and sometimes other foreign princes and potentates of sundry degrees, minding rather dissension and discord to continue in the realm, to the utter desolation thereof, than charity, equity, or unity, have many times supported wrong titles, whereby they might the more easily and facely aspire to the superiority of the same; the continuance and sufferance whereof deeply considered and pondered, were too dangerous and perilous to be suffered any longer within this realm, and too much contrary to the unity, peace, and tranquillity of the same, being greatly reproachable and dishonourable to the whole realm:

In consideration whereof, your said most humble and obedient subjects, the nobles and Commons of this realm, 1584. the crown, and the not establishing the succession to it, a cause of trouble.
calling further to their remembrance that the good unity, peace and wealth of this realm, and the succession of the subjects of the same, most especially and principally above all worldly things consists and rests in the certainty and surety of the procreation and posterity of your highness, in whose most royal person, at this present time, is no manner of doubt nor question; do therefore most humbly beseech your highness, that it may please your majesty, that it may be enacted by your highness, with the assent of the lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the marriage heretofore solemnized between your highness and the Lady Katherine, being before lawful wife to Prince Arthur, your elder brother, which by him was carnally known, as does duly appear by sufficient proof in a lawful process had and made before Thomas, by the sufferance of God, now archbishop of Canterbury and metropolitan and primate of all this realm, shall be, by authority of this present Parliament, definitively, clearly, and absolutely declared, deemed, and adjudged to be against the laws of Almighty God, and also accepted, reputed, and taken of no value nor effect, but utterly void and annulled, and the separation thereof, made by the said archbishop, shall be good and effectual to all intents and purposes; any licence, dispensation, or any other act or acts going afore, or ensuing the same, or to the contrary thereof, in any wise notwithstanding; and that every such licence, dispensation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, shall be void and of none effect; and that the said Lady Katherine shall be from henceforth called and reputed only dowager to Prince Arthur, and not queen of this realm; and that the lawful matrimony had and solemnized between your highness and your most dear and entirely beloved wife Queen Anne, shall be established, and taken for undoubtful, true, sincere, and
perfect ever hereafter, according to the just judgment of the
said Thomas, archbishop of Canterbury, metropolitan and
primate of all this realm, whose grounds of judgment have
been confirmed, as well by the whole clergy of this realm
in both the Convocations, and by both the universities
thereof, as by the universities of Bologna, Padua, Paris,
Orleans, Toulouse, Anjou, and divers others, and also by
the private writings of many right excellent well-learned
men; which grounds so confirmed, and judgment of the
said archbishop ensuing the same, together with your mar-
riage solemnized between your highness and your said
lawful wife Queen Anne, we your said subjects, both spiritual
and temporal, do purely, plainly, constantly, and firmly
accept, approve, and ratify for good and consonant to the
laws of Almighty God, without error or default, most
humbly beseeching your majesty, that it may be so estab-
lished for ever by your most gracious and royal assent.

And furthermore, since many inconveniences have fallen,
as well within this realm as in others, by reason of marry-
ing within degrees of marriage prohibited by God's laws,
that is to say, the son to marry the mother, or the step-
mother, the brother the sister, the father his son's daughter,
or his daughter's daughter, or the son to marry the daughter
of his father procreate and born by his stepmother, or the
son to marry his aunt, being his father's or mother's sister,
or to marry his uncle's wife, or the father to marry his son's
wife, or the brother to marry his brother's wife, or any man
to marry his wife's daughter, or his wife's son's daughter, or
his wife's daughter's daughter, or his wife's sister; which
marriages, although they be plainly prohibited and detested
by the laws of God, yet nevertheless at some times they have
proceeded under colours of dispensations by man's power,
which is but usurped, and of right ought not to be granted,
admitted, nor allowed; for no man, of what estate, degree,
or condition soever he be, has power to dispense with

The mar-
riage with
Anne
Boleyn
shall be
taken as
good and
consonant
to God's
law.

Recital of
mischiefs
that have
arisen by
marriage
within the
prohibited
degrees.

Man has
no power
God's laws, as all the clergy of this realm in the said Convocations, and the most part of all the famous universities of Christendom, and we also, do affirm and think.

Marriages forbidden within the prohibited degrees.

Be it therefore enacted by authority aforesaid, that no person or persons, subjects or residents of this realm, or in any your dominions, of what estate, degree, or dignity soever they be, shall from henceforth marry within the said degrees afore rehearsed, what pretence soever shall be made to the contrary thereof.

The annulling of such marriages by the Church of England held good, and children born of such marriages are illegitimate.

And in case any person or persons, of what estate, dignity, degree, or condition soever they be, has been heretofore married within this realm, or in any the king's dominions, within any the degrees above expressed, and by any the archbishops, bishops, or ministers of the Church of England, be separated from the bonds of such unlawful marriage, that every such separation shall be good, lawful, firm, and permanent for ever, and not by any power, authority, or means to be revoked or undone hereafter, and that the children proceeding and procreated under such unlawful marriage, shall not be lawful nor legitimate; any foreign laws, licences, dispensations, or other thing or things to the contrary thereof notwithstanding.

And in case there be any person or persons within this realm, or in any the king's dominions, already married within any the said degrees above specified, and not yet separated from the bonds of such unlawful marriage, that then every such person so unlawfully married shall be separate by the definitive sentence and judgments of the archbishops, bishops, and other ministers of the Church of England, and in other your dominions, within the limits of their jurisdictions and authorities, and by none other power or authority; and that all sentences and judgments given and to be given by any archbishop, bishop, or other minister of the Church of England, or in other the king's dominions, within the limits of their jurisdictions and authorities, shall
be definitive, firm, good, and effectual, to all intents, and
be observed and obeyed, without suing any provocations,
appeals, prohibitions, or other process from the Court of
Rome, to the derogation thereof, or contrary to the Act
made since the beginning of this present Parliament, for
restraint of such provocations, appeals, prohibitions, and
other processes.

And also be it enacted by authority aforesaid, that all
the issue had and procreated, or hereafter to be had and
procreated, between your highness and your said most dear
and entirely beloved wife Queen Anne, shall be your lawful
children, and be inheritable, and inherit, according to the
course of inheritance and laws of this realm, the imperial
crown of the same, with all dignities, honours, pre-eminences,
prerogatives, authorities, and jurisdictions to the same
annexed or belonging, in as large and ample manner as
your highness at this present time has the same as king
of this realm; the inheritance thereof to be and remain to
your said children and right heirs in manner and form as
hereafter shall be declared, that is to say:

First the said imperial crown, and other the premises,
shall be to your majesty, and to your heirs of your body
lawfully begotten, that is to say: to the first son of your
body, between your highness and your said lawful wife,
Queen Anne, begotten, and to the heirs of the body of the
same first son lawfully begotten, and for default of such
heirs, then to the second son of your body and of the body
of the said Queen Anne begotten, and to the heirs of the body
of the said second son lawfully begotten, and so to
eyery son of your body and of the body of the said Queen
Anne begotten, and to the heirs of the body of every such
son begotten, according to the course of inheritance in that
behalf; and if it shall happen your said dear and entirely
beloved wife Queen Anne to decease without issue male
of the body of your highness to be begotten (which God
1584. defend), then the same imperial crown, and all other the premises, to be to your majesty, as is aforesaid, and to the son and heir male of your body lawfully begotten, and to the heirs of the body of the same son and heir male lawfully begotten; and for default of such issue, then to your second son of your body lawfully begotten, and to the heirs of the body of the same second son lawfully begotten, and so from son and heir male to son and heir male, and to the heirs of the several bodies of every such son and heir male to be begotten, according to the course of inheritance, in like manner and form as is above said.

And for default of such sons of your body begotten, and of the heirs of the several bodies of every such sons lawfully begotten, that then the said imperial crown, and other the premises, shall be to the issue female between your majesty and your said most dear and entirely beloved wife, Queen Anne, begotten, that is to say: first to the eldest issue female, which is the Lady Elizabeth, now princess, and to the heirs of her body lawfully begotten, and for default of such issue, then to the second issue female, and to the heirs of her body lawfully begotten, and so from issue female to issue female, and to the heirs of their bodies one after another, by course of inheritance, according to their ages, as the crown of England has been accustomed, and ought to go, in cases where there be heirs females to the same; and for default of such issue, then the said imperial crown, and all other the premises, shall be in the right heirs of your highness for ever.

And be it further enacted by authority aforesaid, that on this side the first day of May next coming, proclamation shall be made in all shires within this realm, of the tenor and contents of this Act.

And if any person or persons, of what estate, dignity, or condition soever they be, subject or resident within this realm, or elsewhere within any the king's dominions, after
the said first day of May, by writing or imprinting, or by any exterior act or deed, maliciously procure or do, or cause to be procured or done, any thing or things to the peril of your most royal person, or maliciously give occasion by writing, print, deed, or act, whereby your highness might be disturbed or interrupted of the crown of this realm, or by writing, print, deed, or act, procure or do, or cause to be procured or done, any thing or things to the prejudice, slander, disturbance, or derogation of the said lawful matrimony solemnized between your majesty and the said Queen Anne, or to the peril, slander, or disherison of any the issues and heirs of your highness, being limited by this Act to inherit and to be inheritable to the crown of this realm, in such form as is aforesaid, whereby any such issues or heirs of your highness might be destroyed, disturbed, or interrupted in body or title of inheritance to the crown of this realm, as to them is limited in this Act in form above rehearsed; that then every such person and persons, of what estate, degree, or condition they be of, subject or resident within this realm, and their aiders, counsellors, maintainers, and abettors, and every of them, for every such offence shall be adjudged high traitors, and every such offence shall be adjudged high treason, and the offenders and their aiders, counsellors, maintainers, and abettors, and every of them, being lawfully convicted of such offence by presentment, verdict, confession, or process, according to the customs and laws of this realm, shall suffer pains of death, as in cases of high treason; and that also every such offender, being convicted as is aforesaid, shall lose and forfeit to your highness, and to your heirs, kings of this realm, all such manors, lands, tenements, rents, annuities, and here-ditaments, which they had in possession as owners, or were sole seized of by or in any right, title, or means, or any other person or persons had to their use, of any estate of inheritance, at the day of such treasons and offences by them
committed and done; and shall also lose and forfeit to your highness, and to your said heirs, as well all manner such estates of freehold and interests for years of lands and rents, as all their goods, chattels, and debts, which they had at the time of conviction or attainder of any such offence; saving always to every person and persons, and bodies politic, to their heirs, assigns, and successors, and every of them, other than such persons as shall be so convicted, and their heirs and successors, and all other claiming to their uses, all such right, title, use, interest, possession, condition, rents, fees, offices, annuities, and commons, which they or any of them shall happen to have in, to, or upon any such manors, lands, tenements, rents, annuities, or hereditaments, that shall so happen to be lost and forfeited by reason of attainder for any the treasons and offences above rehearsed, at any time before the said treasons and offences committed.

And be it further enacted by authority aforesaid, that if any person or persons, after the said first day of May, by any words, without writing, or any exterior deed or act, maliciously and obstinately shall publish, divulge, or utter any thing or things to the peril of your highness, or to the slander or prejudice of the said matrimony solemnized between your highness and the said Queen Anne, or to the slander or disherison of the issue and heirs of your body begotten and to be begotten of the said Queen Anne, or any other your lawful heirs, which shall be inheritable to the crown of this realm, as is before limited by this Act; that then every such offence shall be taken and adjudged for misprision of treason; and that every person and persons, of what estate, degree, or condition soever they be, subject or resident within this realm, or in any the king's dominions, so doing and offending, and being thereof lawfully convicted by presentment, verdict, process, or confession, shall suffer imprisonment of their bodies at the king's
will, and shall lose as well all their goods, chattels, and debts, as all such interests and estates of freehold or for years, which any such offenders shall have of or in any lands, rents, or hereditaments whatsoever, at the time of conviction and attainer of such offence.

And be it also enacted by the authority aforesaid, that no person nor persons offending in any of the treasons and misprisions contained and limited by this Act, shall in any wise have or enjoy the privilege and immunity of any manner of sanctuaries within this realm, or elsewhere within any of the king's dominions, but shall utterly lose and be excluded of the same; any use, custom, grant, prescription, confirmation, or any other thing or things to the contrary thereof in any wise notwithstanding.

And be it also enacted by authority aforesaid, that if your majesty should happen to decease before any such your issue and heir male which should inherit the crown of this realm, shall be of his age of eighteen years, or before such your issue and heir female which should inherit the crown of this realm, shall be married, or be of the age of sixteen years, which Almighty God defend, that then your said issue and heir male to the crown, so being within the said age of eighteen years, or your said issue and heir female to the crown, unmarried, or within the said age of sixteen years, shall be and remain unto such time as such issues and heirs shall come to their said several ages afore limited, at and in the governance of their natural mother, she living, with such others, counsellors of your realm, as your majesty in your lifetime shall depute and assign by your will, or otherwise, for the same, without contradiction of any person or persons to the contrary thereof.

And if any person and persons by writing, or exterior deed or act, procure or do, or cause to be procured or done any thing or things to the let or disturbance of the same; that then every such offence shall be high treason, and the
offenders, being thereof convicted, shall suffer such pains of death and losses of inheritance, freeholds, interests for years, goods, chattels and debts, in such manner and form as is above specified in cases of treason afore mentioned.

And for the more sure establishment of the succession of your most royal majesty, according to the tenor and form of this Act, be it further enacted by authority aforesaid, that as well all the nobles of your realm spiritual and temporal, as all other your subjects now living and being, or that hereafter shall be, at their full ages, by the commandment of your majesty or of your heirs, at all times hereafter from time to time, when it shall please your highness or your heirs to appoint, shall make a corporal oath in the presence of your highness or your heirs, or before such others as your majesty or your heirs will depute for the same, that they shall truly, firmly, and constantly, without fraud or guile, observe, fulfil, maintain, defend, and keep, to their cunning, wit, and uttermost of their powers, the whole effects and contents of this present Act. And that all manner your subjects, as well spiritual as temporal, suing livery, restitutions, or _ouster le main_ out of the hands of your highness or of your heirs, or doing any fealty to your highness or to your heirs, by reason of tenure of their lands, shall swear a like corporal oath, that they and every of them, without fraud or guile, to their cunning, wit, and uttermost of their powers, shall truly, firmly, and constantly observe, fulfil, maintain, defend, and keep the effects and contents contained and specified in this Act, or in any part thereof; and that they, nor any of them, shall hereafter have any liveries, _ouster le main_, or restitution out of your hands, nor out of the hands of your heirs, till they have made the said corporal oath in form above rehearsed.

And if any person or persons, being commanded by authority of this Act to take the said oath afore limited, obstinately refuse that to do, in contempt of this Act, that
then every such person so doing, to be taken and accepted for offender in misprision of high treason; and that every such refusal shall be deemed and adjudged misprision of high treason; and the offender therein to suffer such pains and imprisonment, losses and forfeitures, and also lose privileges of sanctuaries, in like manner and form as is above mentioned for the misprisions of treasons aforesaid limited by this Act.

Provided always, that the article in this Act contained concerning prohibitions of marriages within the degrees aforesaid in this Act, shall always be taken, interpreted, and expounded of such marriages, where marriages were solemnized and carnal knowledge was had.