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LVI.

THE SECOND ACT OF SUCCESSION, A.D. 1534.

26 HENRY VIII, CAP. 2.

1534. THIS interpretation of the previous Act of Succession (*ante*, No. LIV) was passed in the following autumn, viz. in November, 1534. It was repealed by 28 Henry VIII. cap. 7.

[Transcr. Statutes of the Realm, iii. 492.]

Recital of
the former
Act of
Succession.

Where at the last session of this present Parliament, in the Act then made for the establishment of the succession of the heirs of the king's highness in the imperial crown

of this realm, it is contained, amongst other things, that all and singular the king's subjects, as well the nobles spiritual and temporal as other, should make and take a corporal oath, whensoever it should please the king's majesty, or his heirs, to appoint, that they should 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 the said Act, as in the same Act, among other things, more plainly appeareth. 1534.

And at the day of the last prorogation of this present Parliament, as well the nobles spiritual and temporal as other the Commons of this present Parliament then assembled in the high house of Parliament, most lovingly accepted and took such oath as then was devised in writing for maintenance and defence of the said Act, and meant and intended at that time that every other the king's subjects should be bound to accept and take the same, upon the pains contained in the said Act, the tenor of which oath hereafter ensueth:

'Ye shall swear to bear faith, truth, and obedience alonge to the king's majesty, and to his heirs of his body of his most dear and entirely beloved lawful wife Queen Anne, begotten and to be begotten, and further to the heirs of our said sovereign lord according to the limitation in the statute made for surety of his succession in the crown of this realm, mentioned and contained, and not to any other within this realm, nor foreign authority or potentate: and in case any oath be made, or has been made, by you, to any person or persons, that then ye [are] to repute the same as vain and annihilate; and that, to your cunning, wit, and uttermost of your power, without guile, fraud, or other undue means, you shall observe, keep, maintain, and defend the said Act of Succession, and all the whole effects and contents thereof, and all other Acts and statutes made in confirmation,

Oath taken
by Parlia-
ment.

Form of
oath.

1534. or for execution of the same, or of anything therein contained; and this ye shall do against all manner of persons, of what estate, dignity, degree, or condition soever they be, and in no wise do or attempt, nor to your power suffer to be done or attempted, directly or indirectly, any thing or things privily or apartyly to the let, hindrance, damage, or derogation thereof, or of any part of the same, by any manner of means, or for any manner of pretence; so help you God, all saints, and the holy Evangelists.'

Intended that the oath should be taken by all.

And forasmuch as it is convenient for the sure maintenance and defence of the same Act that the said oath should not only be authorized by authority of Parliament, but also be interpreted and expounded by the whole assent of this present Parliament, that it was meant and intended by the king's majesty, the Lords and Commons of the Parliament, at the said day of the said last prorogation, that every subject should be bounden to take the same oath, according to the tenor and effect thereof, upon the pains and penalties contained in the said Act :

Enacted accordingly.

Therefore be it enacted by authority of this present Parliament that the said oath above rehearsed shall be interpreted, expounded, reputed, accepted, and adjudged the very oath that the king's highness, the Lords spiritual and temporal, and the Commons of this present Parliament meant and intended that every subject of this realm should be obliged and bounden to take and accept, for maintenance and defence of the same Act, upon the pains contained in the said Act, and that every of the king's subjects, upon the said pains, shall be obliged to accept and take the said oath.

Commissioners to receive oath and certify to King's Bench all refusals.

And be it further enacted by authority aforesaid that the commissioners that hereafter shall be appointed to receive such oath of the king's subjects, or two of them at the least, shall have power and authority to certify into the king's Bench, by writing under their seals, every refusal that here-

after shall be made afore them of the same oath by any person or persons coming before them to take the same oath; and that every such certificate to be made by such commissioners, as is aforesaid, shall be taken as strong and as available in the law as an indictment of twelve men lawfully found of the said refusal; so that the person and persons, against whom any such certificate shall be made, shall be compelled to answer thereunto as if they were indicted; and that such process, judgment, execution, and every other thing shall be had, used, and ministered, of and upon every such certificate against the offenders, as if they had been lawfully indicted of such offences by the due course and order of the common laws of this realm.

1534.

A certificate of refusal to have weight of an indictment by a jury.