

ceed not to election, and signify the same according to the tenor of this act, within the space of twenty days next after such licence shall come to their hands; (2) or else if any archbishop or bishop, within any the King's dominions, after any such election, nomination or presentation shall be signified unto them by the King's letters patents, shall refuse, and do not confirm, invest and consecrate with all due circumstance as is aforesaid, every such person as shall be so elected, nominate or presented, and to them signified as is abovementioned, within twenty days next after the King's letters patents of such signification or presentation shall come to their hands; (3) or else if any of them, or any other person or persons, admit, maintain, allow, obey, do or execute any censures, excommunications, interdictions, inhibitions, or any other process or act, of what nature, name or quality soever it be, to the contrary, or let of due execution of this act; (4) that then every prior and particular person of his convent, and every dean and particular person of the chapter, and every archbishop and bishop, and all other persons, so offending and doing contrary to this act, or any part thereof, and their aiders, counsellors and abettors, shall run into the dangers, pains and penalties of the statute of the provision and *præmunire*, made in the five and twentieth year of the reign of King Edward the Third, and in the sixteenth year of King Richard the Second.

*Confirm  
invest  
Consecrate  
in 20 days*

25 Ed. 3. stat.  
5. c. 22.  
16 R. 2. c. 5.  
26 H. 8. c. 14.  
31 H. 8. c. 9.  
8 El. c. 1.  
Rep. 1 & 2 Ph.  
& M. c. 8. and  
revived by 1  
El. c. 1.

## CAP. XXI.

*The act concerning Peter-pence and dispensations.*

**M**OST humbly beseeching your most royal Majesty, your obedient and faithful subjects, the commons of this your present parliament assembled, by your most dread commandment, That where your subjects of this your realm, and of other countries and dominions, being under your obeysance, by many years past have been, and yet be greatly decayed and impoverished, by such intolerable exactions of great sums of money as have been claimed and taken, and yet continually be claimed to be taken out of this your realm, and other your said countries and dominions, by the bishop of Rome, called the Pope, and the see of Rome, as well in pensions, censures, peter-pence, procurations, fruits, suits for provisions, and expeditions of bulls for archbishops and bishopricks, and for delegacies, and rescripts in causes of contentions and appeals, jurisdictions legantine, and also for dispensations, licences, faculties, grants, relaxations, writs called *perinde valere*, rehabilitations, abolitions, and other infinite sorts of bulls, breeves, and instruments of sundry natures, names and kinds, in great numbers heretofore practised and obtained otherwise than by the laws, laudable uses, and customs of this realm should be permitted, the specialties whereof been over long, large in number, and tedious here particularly to be inserted; (2) wherein the bishop of Rome aforesaid hath not been only to be blamed for his usurpation in the premisses, but also for his abusing and beguiling your subjects, pretending and persuading them that he hath power to dispense with all human laws, uses and customs of all realms, in all causes which be called

Sums of money which have been paid for several causes to the bishop and see of Rome discontinued.



This realm is free from any laws of man, but such as have been devised within the same.

The power of the King and parliament to dispense with, alter or annul the human laws of this realm.

*spiritual, which matter hath been usurped and practised by him and his predecessors for many years, in great derogation of your imperial crown and authority royal, contrary to right and conscience; (3) for where this your Grace's realm recognising no superior under God, but only your Grace, hath been and is free from subjection to any man's laws, but only to such as have been devised, made and obtained within this realm, for the wealth of the same, or to such other as by sufferance of your Grace and your progenitors, the people of this your realm have taken at their free liberty, by their own consent to be used amongst them, and have bound themselves by long use and custom to the observance of the same, not as to the observance of laws of any foreign prince, potentate or prelate, but as to the customed and ancient laws of this realm, originally established as laws of the same, by the said sufferance, consents and custom, and none otherwise: (4) it standeth therefore with natural equity and good reason, that in all and every such laws human made within this realm, or induced into this realm by the said sufferance, consents and custom, your royal Majesty, and your lords spiritual and temporal, and commons, representing the whole state of your realm, in this your most high court of parliament, have full power and authority, not only to dispense, but also to authorize some elect person or persons to dispense with those, and all other human laws of this your realm, and with every one of them, as the quality of the persons and matter shall require; (5) and also the said laws, and every of them, to abrogate, annul, amplify or diminish, as it shall be seen unto your Majesty, and the nobles and commons of your realm present in your parliament, meet and convenient for the wealth of your realm, as by divers good and wholesome acts of parliaments, made and established as well in your time, as in the time of your most noble progenitors, it may plainly and evidently appear; (6) and because that it is now in these days present seen, that the state, dignity, superiority, reputation and authority of the said imperial crown of this realm, by the long sufferance of the said unreasonable and uncharitable usurpations and exactions practised in the times of your most noble progenitors, is much and sore decayed and diminished, and the people of this realm thereby impoverished, and so or worse be like to continue, if remedy be not therefore shortly provided:*

No impositions shall be paid to the bishop or see of Rome.

II. It may therefore please your most noble Majesty, for the honour of Almighty God, and for the tender love, zeal and affection that ye bear, and always have borne to the wealth of this your realm and subjects of the same, forasmuch as your Majesty is supreme head of the church of England, as the prelates and clergy of your realm, representing the said church, in their synods and convocations have recognized, in whom consisteth full power and authority, upon all such laws as have been made and used within this realm, to ordain and enact, by the assent of your lords spiritual and temporal, and the commons in this your present parliament assembled, and by authority of the same, That no person or persons of this your realm, or of any other your dominions, shall from henceforth pay any pensions, censures, portions, Peter-pence or any other impositions, to the use of the said bishop, or the see of Rome, like as heretofore they have used, by usurpation of the said bishop of Rome and



and his predecessors, and sufferance of your Highness, and your most noble progenitors, to do; (2) but that all such pensions, censures, portions and Peter-pence, which the said bishop of *Rome*, otherwise called the Pope, hath heretofore taken and perceived, or caused to be taken and perceived to his use, and his chambers, which he calleth apostoliek, by usurpation and sufferance, as is abovesaid, within this your realm, or any other your dominions, shall from henceforth clearly surcease, and never more be levied, taken, perceived nor paid to any person or persons in any manner of wise; any constitution, use, prescription or custom to the contrary thereof notwithstanding.

III. And be it further enacted by the authority aforesaid, That neither your Highness, your heirs nor successors, Kings of this realm, nor any your subjects of this realm, nor of any other your dominions, shall from henceforth sue to the said bishop of *Rome*, called the Pope, or to the see of *Rome*, or to any person or persons having or pretending any authority by the same, for licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings, of what kind, name, nature, or quality soever they be of, for any cause or matter, for the which any licence, dispensation, composition, faculty, grant, rescript, delegacy, instrument, or other writing, heretofore hath been used and accustomed to be had and obtained at the see of *Rome*, or by authority thereof, or of any prelates of this realm; (2) nor for any manner of other licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings that in causes of necessity may be lawfully granted without offending of the holy scriptures and laws of God; (3) but that from henceforth every such licence, dispensation, composition, faculty, grant, rescript, delegacy, instrument and other writing afore named and mentioned, necessary for your Highness, your heirs and successors, and your and their people and subjects, upon the due examinations of the causes and qualities of the persons procuring such dispensations, licences, compositions, faculties, grants, rescripts, delegacies, instruments or other writings, shall be granted, had or obtained, from time to time, within this your realm, and other dominions, and not elsewhere, (4) in manner and form following, and none otherwise; that is to say, the archbishop of *Canterbury* for the time being, and his successors, shall have power and authority, from time to time, by their discretions, to give, grant and dispose, by an instrument under the seal of the said archbishop, unto your Majesty, and to your heirs and successors, Kings of this realm, as well all manner such licences, dispensations, compositions, faculties, grants, rescripts, delegacies, instruments and all other writings, for causes not being contrary or repugnant to the holy scriptures and laws of God, as heretofore hath been used and accustomed to be had and obtained by your Highness, or any your most noble progenitors, or any of your or their subjects, at the see of *Rome*, or any person or persons by authority

No person shall sue for any dispensation or licence to the bishop of *Rome*.

1 Roll. 460.  
Co. pl. f. 204.  
Moor 434. pl. 609.

Goldesb. 192.

The archbishop of *Canterbury* may grant dispensations to the King.

Vaughan 18,  
19, 20, 27.  
Mod. cases in law 364.



thority of the ſame; (5) and all other licences, diſpenſations, faculties, compositions, grants, reſcripts, delegacies, instruments, and other writings, in, for and upon all ſuch cauſes and matters as ſhall be convenient and neceſſary to be had, for the honour and ſurety of your Highneſs, your heirs and ſucceſſors, and the wealth and profit of this your realm; (6) ſo that the ſaid archbiſhop or any of his ſucceſſors, in no manner wiſe ſhall grant any diſpenſation, licence, reſcript, or any other writing afore rehearſed, for any cauſe or matter repugnant to the law of Almighty God.

The arch-  
biſhop of Can-  
terbury may  
grant licences  
of things  
wonted to be  
licenſed.  
Co. pl. f. 518.  
Hob. 147, 156  
& 159.

Diſpenſations  
to cauſes un-  
wonted to be  
licenſed ſhall  
not be grant-  
ed without the  
approbation  
of the King or  
his council.

Licence of  
things where-  
of the tax ex-  
tends to 4l.  
ſhall be con-  
firmed by the  
King's great  
ſeal.  
Cro. Eliz. 540.

IV. Be it alſo enacted by authority aforeſaid, That the ſaid archbiſhop and his ſucceſſors, after good and due examination, by them had, of the cauſes and qualities of the perſons procur- ing for licences, diſpenſations, compositions, faculties, delegacies, reſcripts, instruments or other writings, ſhall have full power and authority by themſelves, or by their ſufficient and ſubſtantial commiſſary or deputy, by their diſcretions, from time to time, to grant and diſpoſe, by an instrument under the name and ſeal of the ſaid archbiſhop, as well to any of your ſubjects, as to the ſubjects of your heirs and ſucceſſors, all manner licences, diſpenſations, faculties, compositions, delegacies, reſcripts, instruments, or other writings, for any ſuch cauſe or matter, whereof heretofore ſuch licences, diſpenſations, compositions, faculties, delegacies, reſcripts, instruments or writings, have been accuſtomed to be had at the ſee of *Rome*, or by the authority thereof, or of any prelate of this realm.

V. And that the ſaid archbiſhop and his commiſſary, ſhall not grant any other licence, diſpenſation, composition, faculty, writing, or instrument, in caſes unwont, and not accuſtomed to be had or obtained at the court of *Rome*, nor by authority thereof, nor by any prelate of this realm, until your Grace, your heirs and ſucceſſors, or your or their council ſhall firſt be advertiſed thereof, and determine whether ſuch licences, diſpenſations, compositions, faculties, or other writings in ſuch caſes unwont and not accuſtomed to be diſpenſed withal, or obtained, ſhall commonly paſs as other diſpenſations, faculties, or other writings, ſhall or no, (2) upon pain that the grantors of every ſuch licence, diſpenſation, or writing, in ſuch caſes unwont, contrary to this act, ſhall make fine at the will and pleaſure of your Grace, your heirs and ſucceſſors; (3) and if it be thought and determined by your Grace, your heirs or ſucceſſors, or your or their council, that diſpenſations, faculties, licences, or other writings, in any ſuch cauſe unwont, ſhall paſs, then the ſaid archbiſhop or his commiſſary, having licence of your Highneſs, your heirs or ſucceſſors for the ſame, by your or their bill aſſigned, ſhall diſpenſe with them accordingly.

VI. Provided always, That no manner of diſpenſations, licences, faculties, or other reſcripts or writings hereafter to be granted to any perſon or perſons, by virtue or authority of this act, by the ſaid archbiſhop or his commiſſary being of ſuch importance, that the tax of the expedition thereof at *Rome* extended to the ſum of four pounds or above, ſhall in any wiſe be put



put in execution, till the same licence, dispensation, faculty, rescript, or other writing, of what name or nature soever it be of, be first confirmed by your Highness, your heirs or successors, Kings of this realm, under the great seal, and enrolled in your chancery in a roll, by a clerk to be appointed for the same; (2) and that this act shall be a sufficient warrant to the chancellor of *England* for the time being, or to him whom your Grace, your heirs or successors, shall depute to be keeper of the great seal, to confirm in your name, your heirs or successors, the foresaid writings, passed under the said archbishop's seal, by letters patents, in due form thereof to be made under your great seal, remitting as well the said writing under the archbishop's seal, as the said confirmation under the great seal, to the parties from time to time procuring for the same; (3) and that all such licences, dispensations, faculties, and other rescripts and writings, for the expedition of the which the said taxes to be paid at *Rome*, was under iv. li. which be matters of no great importance, shall pass only by the archbishop's seal, and shall not of any necessity be confirmed by the great seal, unless the procurers of such licence, faculty or dispensation, desire to have them so confirmed; (4) in which case they shall pay for the said great seal, to the use of your Highness, your heirs and successors, v. s. sterling, and not above, over and besides such taxes as shall be hereafter limited for the making, writing, registering, confirming and inrolling of such licences, confirmations, and writings under the said tax of iv. li.

What dispensations may be granted by the archbishop without the King's confirmation.

VII. And that every such licence, dispensation, composition, faculty, rescript and writing, of what name or nature soever it be, for such causes as the tax was wont to be iv. li. or above, so granted by the archbishop, and confirmed under the great seal, and all other licences, dispensations, faculties, rescripts, and writings hereafter to be granted by the archbishop by virtue and authority of this act, whereunto the great seal is not limited of necessity to be put to, by reason that the tax of them is under iv. li. shall be accepted, approved, allowed, and admitted good and effectual in the law, in all places, courts and jurisdictions, as well spiritual as temporal, within this realm, and elsewhere within your dominions, and as beneficial to the persons obtaining the same, as they should have been if they had been obtained, with all things requisite, of the see of *Rome*, or of any other person by authority thereof, without any revocation or repeal hereafter to be had of any such licences, dispensations, faculties, rescripts or writings, of what nature soever they be.

All acts done by virtue of any of the aforesaid licences shall be good and of force in law.

VIII. And that all children procreated after solemnization of any marriages to be had or done by virtue of such licences or dispensations, shall be admitted, reputed, and taken legitimate in all courts, as well spiritual as temporal, and in all other places, and inherit the inheritance of their parents and ancestors within this your realm, and all other your dominions, according to the laws and customs of the same; (2) and all acts

Licences to marry, and children born after the same marriages.  
25 H. 8. c. 22, s. 4.  
Hob. 248.



to be done, had or executed according to the tenor of such licences, dispensations, faculties, writings, or other instruments, to be made or granted by authority of this act, shall be firm, permanent, and remain in force; any foreign laws, constitutions, decrees, canons, decretals, inhibitions, use, custom, prescription, or any other thing had, or hereafter to be made to the contrary notwithstanding,

A clerk to register dispensations appointed by the archbishop.

A clerk assigned by the King to write confirmations.

IX. And be it further enacted, That the said archbishop and his successors, shall have power and authority to ordain, make, and constitute a clerk, which shall write and register every such licence, dispensation, faculty, writing, or other instrument to be granted by the said archbishop, and shall find parchment, wax, and filken laces convenient for the same, and shall take for his pains such sums of money as shall be hereafter in this present act to him limited in that behalf for the same; (2) and that likewise your Grace, your heirs and successors, shall by your letters patents, under your great seal, ordain, depute and constitute one sufficient clerk, being learned in the course of the chancery, which shall always be attendant upon the lord chancellor, or the lord keeper of the great seal, for the time being, and shall make, write and inroll the confirmations of all such licences, dispensations, instruments or other writing as shall be thither brought under the archbishop's seal, there to be confirmed and enrolled; and shall also intitle in his books, and inroll of record, such other writings as shall thither be brought under the archbishop's seal, not to be confirmed, taking for his pains such reasonable sums of money as hereafter by this act to him shall be limited for the same; (3) and that as well the said clerk appointed by the said archbishop, as the said clerk to be appointed by your Highness, your heirs or successors, shall subscribe their names to every such licence, dispensation, faculty, or other writing that shall come to their hands to be written made, granted, sealed, confirmed, registered, and inrolled by authority of this act, in form as is before rehearsed.

The charges qualified which had wont to be spent in obtaining dispensations and licences from Rome.

X. And forasmuch as the charges of obtaining the said licences, dispensations, faculties, and other rescripts or writings aforesaid, at the court of Rome, by the losses and exchanges, and in conducting of curriers, and waging solicitors to sue for any such licences, dispensations, faculties, instruments, and other rescripts or writings, have been grievous and excessive to your people, and many times greater sums have been demanded for the speedy expedition in the court of Rome, than be expressed in the old tax limited to be paid for the said expeditions, whereby your people hath been brought to an uncertainty upon the payment for expeditions of such things, and by reason thereof have been constrained to pay more than they were wont to do, to the great impoverishing of this realm, as is aforesaid: (2) and sometimes the speeding of such dispensations, faculties, licences and other writings at Rome hath been so long deferred, that the parties labouring for the same have suffered great incommodities and loss for lack of quick speed, which hereafter may be had with'n this your realm, to the great



great commodity of your people, whereby the charges of making exchanges, conducting of curriers and solicitors, for the said dispensations, shall be abated, and your people so much relieved and eased; so the intent that all ambiguity, and uncertainty of payments for dispensations, faculties, licences, and other rescripts and writings, may be taken away, that no fraud or exaction shall be exercised upon your people, by such officers as shall be appointed by this act, to take pains in speeding such dispensations, faculties and licences, but that your people may be sure and certain what they be appointed to pay for the same :

XI. Be it enacted by this present parliament, and by the authority of the same, That there shall be two books drawn and made of one tenor, in which shall be contained the taxes of all customable dispensations, faculties, licences and other writings wont to be sped at *Rome*, which books, and every leaf of those books, and both sides of every leaf, shall be subscribed by the archbishop of *Canterbury*, the lord chancellor of *England*, the lord treasurer of *England*, and the two chief justices of both benches for the time being; to the which books all suitors for dispensations, faculties, licences, and other writings afore rehearsed, shall have recourse if they require it; (2) and one of the said books shall remain in the hands of him which shall be appointed to be register and scribe of the said dispensations, faculties and licences, under the said archbishop of *Canterbury*, in form as is before said; (3) and the other book shall remain with the clerk of the chancery, which by your Grace, your heirs or successors shall be appointed, as is before rehearsed; (4) which clerk of the chancery shall also intitle, and note particularly and daily, in his book ordained for that purpose, the number and qualities of the dispensations, faculties, licences, and other rescripts and writings, which shall be sealed only with the seal of the said archbishop, and also which shall be sealed with the said seal, and confirmed with the great seal, in form as is before said, that all fraud and concealment in this behalf may be avoided.

Two books shall be made wherein the taxes of dispensations shall be written.

XII. And be it enacted by this present parliament, and by the authority of the same, That no man suing for dispensations, faculties, licences, or other rescripts or writings, which were wont to be sped at *Rome*, shall pay any more for their dispensations, licences or rescripts, than shall be contained, taxed and limited in the said duplicate books of taxes, only compositions excepted, of which being arbitrary, no tax can be made, wherefore the tax thereof shall be set and limited by the discretion of the said archbishop of *Canterbury*, and the lord chancellor of *England*, or the lord keeper of the great seal for the time being; (2) and that such as shall exact or receive of any suiter more for any dispensation, faculty, or licence, than shall be contained in the said books of taxes, shall forfeit ten times so much as he shall so extortiously exact and receive; the one half of the which forfeiture to be to the use of your Grace, your heirs or successors, and the other half thereof to be to such of your subjects

The fees of dispensations, faculties, licences, &c.

The penalty of extortion in officers.



jects as will sue for the same by action, bill or plaint in any of your Grace's courts, wherein the defendant shall have none es-join nor protection allowed, neither shall be admitted to wage his law.

How the tax for every dispensation, faculty or other writing, shall be divided.

XIII. Be it also enacted by this parliament, and by authority of the same, That the tax or sum appointed to be paid for every such dispensation, licence, faculty, instrument, rescript, or other writing to be granted by authority of this act, shall be employed and ordered, as hereafter ensueth: that is to say, if the tax extend to iv. li. or above, by reason whereof the dispensation, licence, faculty, rescript or writing, which shall pass by the said archbishop's seal, must be confirmed by the appension of the great seal, then the said tax so extending to iv. li. or above, shall be divided into three parts, whereof two shall be perceived by the said clerk of the chancery (to be appointed as is aforesaid) to the use of your Highness, your heirs and successors, and to the use of the lord chancellor, or the keeper of the great seal for the time being, and to the use of the said clerk, in such wise as shall hereafter be declared; (2) and that the third part shall be taken by the said clerk of the archbishop, to the use of the same archbishop and his commissary, and his said clerk and register, in such wise as shall hereafter be ordered and limited by this act; that is to say, the said two parts shall be divided into four parts, of which three parts shall be taken to the only use of your Highness, your heirs and successors, (3) and the fourth part shall be divided into three parts, whereof the chancellor of *England*, or lord keeper of the great seal for the time being, shall have two parts, and the said clerk of the chancery the third part for his pains, travel and labours that he is limited to write and do by virtue of this act; (4) and the said third part of the whole tax appointed to the said archbishop, and his officers, (as is aforesaid) shall be divided into three parts, whereof the archbishop shall have to his use two parts, and his officers shall have the third part thereof; (5) of which third part to be divided into two parts, the said clerk or register, which shall find parchment, wax and silk, and shall devise and write the said dispensations, licences, faculties, rescripts or other writings, and register the same, shall have for his said labour, and for receiving and repaying of the sums of money that shall come to his hands for dispensations, faculties, licences and other rescripts aforesaid, the one moiety thereof, (6) and the commissary of the said archbishop appointed to seal the said dispensations, faculties, licences, and other rescripts, shall have the other part.

If the tax be under iv. li. and not under xl. s.

XIV. And if the tax be under iv. li. and not under xl. s. then the said tax shall be divided into three parts, as is aforesaid, whereof the King's highness, his heirs and successors, shall have two parts thereof, abating iii. s. iv. d. which shall be to the said clerk of the chancery for subscribing, intituling and inrolling the said dispensations, licences, faculties, rescripts, and other writings aforesaid, and receiving of the King's money



ney so taxed; (2) and the archbishop and his officers shall have the third part, which third part shall be divided into two parts, whereof the archbishop shall have the one entirely to himself, his scribe and commissary shall have the other part thereof, equally to be divided amongst them for their costs and pains in that behalf; (3) and if the tax be under xl.s. and not under xxvi.s. viii.d. the same tax shall be divided into two parts, whereof the one part shall be to your Grace, your heirs and successors, deducting thereof ii. s. for the clerk of the chancery for his pains, as is aforesaid; (4) and the other part shall be to the said archbishop and his officers, which other part shall be divided into two parts, whereof the archbishop shall have the one, and his commissary and scribe shall have the other, equally divided amongst them; (5) and if the tax be under xxvi. s. viii. d. and not under xx. s. the same shall be divided into two parts, whereof your Grace, your heirs and successors shall have one part entirely, abating ii. s. thereof to the said clerk of the chancery; (6) and the archbishop and his officers shall have the other part, and the same other part shall be divided into three parts, whereof the archbishop shall have one, his commissary the second, and his scribe or register the third; (7) and in case the tax be under xx. s. the same shall be perceived to the use of the said commissary, clerk of the said archbishop, and clerk of the chancery, to be equally divided amongst them for their pains and labours by them to be sustained, by authority of this act, as aforesaid.

If the tax be under xl. s. and not under xxvi. s. viii. d.

If the tax be under xxvi. s. viii. d. and not under xx. s.

XV. Provided always, That this act shall not be prejudicial to the archbishop of *York*, or to any bishop or prelate of this realm; but that they may lawfully (notwithstanding this act) dispense in all cases in which they were wont to dispense by the common law or custom of this realm afore the making of this act.

Dispensations by other prelates.

XVI. Provided also, and be it enacted by the authority aforesaid, That if it happen the see of the archbishoprick of *Canterbury* to be void, that then all such manner of licences, dispensations, faculties, instruments, rescripts and other writings, which may be granted by virtue and authority of this act, shall (during the vacation of the same see) be had, done and granted under the name and seal of the guardian of the spiritualties of the said archbishoprick for the time being, according to the tenor and form of this act, and shall be of like force, value and effect, as if they had been granted under the name and seal of the archbishop for the time being.

Dispensation by the guardian of the spiritualties.

XVII. And be it further enacted, That if the foresaid archbishop of *Canterbury* for the time being, or the said guardian of the spiritualties for the time being, hereafter refuse or deny to grant any licences, dispensations, faculties, instruments, or other writings, which they be authorized to do by virtue and authority of this act, in such manner and form as is afore remembred, to any person or persons that ought, upon a good, just and reasonable cause, to have the same, by reason whereof this present act, by their

A remedy where the archbishop or guardian of the spiritualties deny to grant dispensations, licences, &c.



their wilfulneſs, negligence or default, ſhould take no effect; then the chancellor of *England*, or the lord keeper of the great ſeal for the time being, upon any complaint thereof made, ſhall direct the King's writ to the ſaid archbiſhop or guardian denying or reſuſing to grant ſuch licences, diſpenſations, faculties or other writings, enjoining him by the ſaid writ, upon a certain pain therein to be limited by the diſcretion of the ſaid chancellor or keeper of the great ſeal, that he ſhall in due form grant ſuch licence, diſpenſation, faculty or other writing, according to the requeſt of the procurers of the ſame, or elſe ſignify unto your Highneſs, your heirs or ſucceſſors, in the court of chancery at a certain day, for what occaſion or cauſe he reſuſed and denied to grant ſuch licences, faculties or diſpenſations; (2) and if it ſhall appear to the ſaid chancellor or lord keeper of the great ſeal, upon ſuch certificate, that the cauſe of reſuſal or denial of granting ſuch licences, faculty or diſpenſation was reaſonable, juſt and good, that then it ſo being proved by due ſearch and examination of the ſaid chancellor, or lord keeper of the great ſeal, to be admitted and allowed. (3) And if it ſhall appear upon the ſaid certificate, that the ſaid archbiſhop or guardian of the ſpiritualties for the time being, of wilfulneſs in contemning the due execution of this act, without a juſt and reaſonable cauſe, reſuſed or denied to grant ſuch licence, faculty or diſpenſation, that then your Highneſs, your heirs or ſucceſſors, being thereof informed, after due examination had, that ſuch licences, faculties or diſpenſations, may be granted without offending the holy ſcriptures and laws of God, ſhall have power and authority in every ſuch caſe, for the default, negligence and wilfulneſs of the ſaid archbiſhop or guardian, to ſend your writ of injunction under your great ſeal, out of your ſaid court of chancery, commanding the archbiſhop or guardian that ſhall ſo deny or reſuſe to grant ſuch licence, faculty or diſpenſation, to make ſufficient grant thereof, according to the tenor and effect of this act, by a certain day, and under a certain pain in the ſaid writ to be contained, and to be limited by your Highneſs, your heirs or ſucceſſors, Kings of this realm. (4) And if the ſaid archbiſhop or guardian, after the receipt of the ſaid writ, reſuſe or deny to grant ſuch licences, faculties or diſpenſations, as ſhall be enjoined him by virtue of the ſaid writ, and ſhew and prove before your Maſteſty, your heirs or ſucceſſors, no juſt or reaſonable cauſe why he ſhould do ſo; then the ſaid archbiſhop or guardian that ſhall ſo reſuſe to put this act in execution according to the ſaid writ of injunction, ſhall ſuffer, loſe and forfeit to your Highneſs, your heirs and ſucceſſors, ſuch pain and penalty as ſhall be limited and expreſſed in the ſaid writ of injunction. (5) And over that, it ſhall be lawful to your Highneſs, your heirs and ſucceſſors, for every ſuch default and wilfulneſs of the ſaid archbiſhop or guardian for the time being, to give power and authority, by commiſſion under your great ſeal, to two ſuch ſpiritual prelates or perſons to be named by your Highneſs, your heirs or ſucceſſors, as will do and grant ſuch licences, faculties and diſpenſa-



penfations, refused or denied to be granted by the said archbishop or guardian in contempt of this act.

XVIII. And be it further enacted by authority aforefaid, That the said two spiritual prelates or persons, to whom in fuch cafes any fuch commiffion fhall be directed, fhall have power and authority to grant every fuch licence, faculty, difpenfation, instrument and other writings, fo refused to be granted by the said archbishop or guardian for the time being by any instrument under their feals, taking like fees and charges for the fame as is before rehearfed, and not above, under the pains afore remembred. (2) And that every fuch licence, faculty and difpenfation fo granted for any cafes or matters, whereunto any confirmation under the King's great feal is appointed by this act, to be had in manner and form above declared, fhall be had and obtained accordingly. (3) And fuch licences and confirmation fhall be had for like fees and charges as they are above fpecified, and not above, under the pains abovementioned. (4) And that every fuch licence, faculty, difpenfation and other writing, to be granted by the said prelates or persons to be affigned by the King's highnefs, his heirs and fucceffors, as is aforefaid, fhall be of as good value, ftrength and effect, and as beneficial and profitable to the persons procuring the fame, as if they had been made, granted and obtained under the name and feal of the said archbishop.

Dispensations granted by other spiritual prelates.

XIX. Provided always, That this act, nor any thing or things therein contained, fhall be hereafter interpreted or expounded, that your Grace, your nobles and fubjects intend by the fame to decline or vary from the congregation of Chrif's church in any things concerning the very articles of the catholick faith of *Chriftendom*, or in any other things declared by holy fcripture and the word of God, neceffary for your and their falvations, (2) but only to make an ordinance by policies neceffary and convenient to repress vice, and for good confervation of this realm in peace, unity and tranquillity, from ravin and spoil, infuing much the old antient customs of this realm in that behalf; not minding to feek for any relief, fuccours or remedies for any worldly things and human laws, in any caufe of neceffity, but within this realm at the hands of your Highnefs, your heirs and fucceffors, Kings of this realm, which have and ought to have an imperial power and authority in the fame, and not obliged in any worldly cafes to any other fuperior.

The King and the realm do not mean to vary from the articles of the catholick faith of *Chriftendom*.

XX. Provided alway, That the said archbishop of *Canterbury*, or any other person or persons, fhall have no power or authority by reason of this act, to vifit or vex any monafteries, abbeys, priories, colleges, hofpitals, houfes or other places religious, which be or were exempt before the making of this act; any thing in this act to the contrary thereof notwithstanding; (2) but that redrefs, vifitation and confirmation fhall be had by the King's highnefs, his heirs and fucceffors, by commiffion under the great feal, to be directed to fuch persons as fhall be

The King by commiffion may vifit colleges, hofpitals and places exempt, and not the archbishop of *Canterbury*.

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None shall go forth of England to general councils.

This act shall not derogate from the statute of 21 H. 8. c. 13. touching pluralities of benefices, non-residence, &c.

The penalty for suing to the see of Rome for any licence, dispensation, &c. or for obeying any process from thence.

26 R. 2. c. 5.

appointed requisite for the same, in such monasteries, colleges, hospitals, priories, houses and places religious exempt: (3) so that no visitation nor confirmation shall from thenceforth be had or made, in or at any such monasteries, colleges, hospitals, priories, houses and places religious exempt by the said bishop of *Rome*, nor by any of his authority, nor by any out of the King's dominions; (4) nor that any person, religious or other, residing in any the King's dominions, shall from henceforth depart out of the King's dominions to or for any visitation, congregation or assembly for religion, but that all such visitations, congregations and assemblies shall be within the King's dominions.

XXI. Provided also, That this present act, or any thing therein contained, or any licence or dispensation hereafter to be made by virtue or authority thereof, shall not extend to the repeal or derogation of the late act made sith the beginning of this present parliament for reformation of pluralities of benefices, and for non-residences of spiritual persons upon their dignities or benefices, nor to any thing contained or mentioned in the said act; (2) nor that this act, nor any thing to be done by authority thereof, shall not be taken, expounded or interpreted to give licence to any person or persons to have any more number of benefices than is limited in the said act; (3) and that the same act for pluralities and non-residencies of benefices, and every thing therein contained, shall stand good and effectual in all intents, according to the true meaning thereof; any thing in this present act, or any licence or dispensation to be had by authority thereof, in any wise notwithstanding.

XXII. And be it further enacted by authority aforesaid, That if any person or persons, subject or residing within this realm; or within any of the King's dominions, at any time hereafter sue to the court of *Rome*, or the see of *Rome*, or to any person claiming to have his authority by the same, for any licence, faculty, dispensation, or other thing or things contrary to this act, or put in execution any licence, faculty, dispensation, or any other thing or things hereafter to be obtained from *Rome*, or the see of *Rome*, or from any claiming authority by the same, for any of the causes abovementioned in this act, or for any other causes that may be granted by authority of this act, or attempt, or do any thing or things contrary to this act, or maintain, allow, admit, or obey any manner of censures, excommunications, interdictions, or any other process from *Rome*, of what name or nature soever it be, to the derogation or let of the execution of this act, or of any thing or things to be done by reason of the said act; that then every such person or persons so doing, offending, and being thereof convict, their aiders, counsellors and abettors, shall incur and run into the pain, loss and penalty comprised and specified in the act of provision and *Præmunire*, made in the sixteenth year of your most noble progenitor, King *Richard* the Second, against such as sue to the court of *Rome*, against your crown and dignity royal.

XXIII. Pro-



XXIII. Provided alway, That this act, or any thing therein contained, shall not hereafter be taken nor expounded to the derogation or taking away of any grants, or confirmations of any liberties, privileges, or jurisdiction of any monasteries, abbeys, priories, or other houses, or places exempt, which heretofore the making of this act hath been obtained at the see of *Rome*, or by authority thereof, but that every such grant and confirmation shall be of the same value, force and effect, as they were before the making of this act, and as if this act had never been made. (2) Provided always, That the abbots, priors, and other chief rulers and governors of such monasteries, abbeys, priories and other houses, and places exempt, shall not hereafter pay any pension, portion, or other cense to the see of *Rome*; (3) nor admit or accept any visitation, nor any confirmation from or by the said see of *Rome*, or by authority thereof, of or for any person to be elected, named, or presented to be heads of any such monasteries, abbeys, priories, places or houses exempt; nor shall make any corporal oath to the bishop of *Rome*, otherwise called the Pope, upon the pains limited in this act: (4) but that every such visitation, and confirmation of such heads elect in any such monasteries, abbeys, priories, houses or places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the person named, presented or elect, shall be from henceforth had, made and done within this realm, at and within every such abbeys, monasteries, priories, and other houses and places exempt, by such person and persons as shall be appointed, by authority of the King's commission, from time to time, as the case shall require, and not by the see of *Rome*, nor by authority thereof; any thing in this next proviso above specified to the contrary thereof notwithstanding.

XXIV. Provided always, That in such monasteries, abbeys, priories and houses exempt, where after election, presentation or nomination of their heads, no such confirmation is requisite to be had, nor hath been used to be taken by reason of such privileges as they have concerning the same, that in every such monasteries, abbeys, priories and places exempt, they shall not be bounden to obtain, have or take any confirmation for the same within this realm, by authority of this act, but use their privileges therein as they have done before the making of this act; any thing in this act, or any the provisos next above rehearsed, to the contrary thereof notwithstanding.

XXV. Provided also and be it enacted, That this act, or any thing or things, word or words therein, or in the preamble thereof mentioned or contained, is not intended or meant, nor shall be expounded nor interpreted, that any dispensations, licences or confirmations for marriages, granted to any the King's subjects born under his obeyfance, at any time before the twelfth day of *March* in the year of our Lord God 1532. shall be appaired, or of any less value, strength, force or effect, than they were at the said twelfth day of *March*; (2) nor that this act, or any thing therein contained, shall not extend to the derogation, appairing

Grants and confirmations of liberties from the see of *Rome* to any abbey, &c. shall still be of the same force as they were before.

Abbeys, &c. shall pay no pensions to the see of *Rome*, nor accept any visitation or confirmation from thence, nor shall make an oath to the bishop thereof.

Monasteries, houses, &c. where no confirmation is requisite.

licences and dispensations obtained at the see of *Rome* before March 12, 1533. shall be of the same force they were before. 21 H. 8. c. 13. s. 11.



appairing or adnullation of any licences, dispensations, confirmations, faculties or indulgences at any time before the said twelfth day of *March* in the year of our Lord God 1533. had or obtained at the see of *Rome*, or by authority thereof, to or for any subjects born in this realm, or in any the King's dominions, or to or for the hospital of the prior of saint *John's Jerusalem* in *England*, or any commandries or members thereof, or to or for any other cathedral churches, hospitals, monasteries, abbeys, priories, colleges, conventual churches, parochial churches, chapels, fraternities, brotherheads or bodies politick within this realm, or in any other the King's dominions; (3) but that every such licence, dispensation, confirmation, faculty and indulgence granted before the said xii day of *March* to any such subject, or to the said hospital of the prior of St. *John's Jerusalem* in *England*, commandries or members thereof, or to any other cathedral church, hospital, monastery, abbey, priory, college, church conventual, parochial church, chapel, fraternity, brotherhead or body politick, or to their predeceffors or ancestors within this realm, or in any other the King's dominions, shall be of the same force, strength, value and effect, and may be from time to time put in execution at all times hereafter, by and to them that will use and have the same, as they might have been afore the making of this act, and as if this act had never been had ne made; any thing in the said act to the contrary hereof notwithstanding.

Hob. 146.

XXVI. Provided always, That such licences, dispensations, confirmations or faculties heretofore obtained at the see of *Rome*, or by authority thereof, contrary to the exprefs provisions of the the laws and statutes of this realm heretofore made, shall not at any time hereafter be used or put in execution in any case, to the derogation, or contrary to the said laws and statutes of this realm, and the provisions of the same; any thing in this proviso to the contrary thereof notwithstanding.

The King  
with the ad-  
vice of his  
council may  
reform the  
manner of in-  
dulgences.

XXVII. And be it enacted by authority of this present parliament, That the King our sovereign lord, by the advice of his honourable council, shall have power and authority from time to time, for the ordering, redress and reformation of all manner of indulgences and privileges thereof within this realm, or within any the King's dominions, heretofore obtained at the see of *Rome*, or by authority thereof, and of the abuses of such indulgences and privileges thereof, as shall seem good, wholesome and reasonable for the honour of God and weal of his people; and that such order and redress as shall be taken by his Highness in that behalf, shall be observed and firmly kept upon the pains limited in this act for the offending of the contents of the same.

Repeated by  
1 & 2 P. & M.  
c. 8. and re-  
vived by 1 El.  
c. 1.

XXVIII. Provided alway, and be it enacted by authority of this present parliament, That this present act, or any thing of things therein contained, shall not begin to take effect nor be put in execution till the feast of the nativity of St. *John Baptist* next coming, except the King's majesty, on this side the said feast,



feast, by his letters patents under his great seal to be inrolled in the parliament roll of this present parliament, do declare and expreſs, that it is his pleasure that it shall begin and take effect at any time afore the said feast; and if his Highness happen so to do, that then, immediately after such declaration of his pleasure by his said letters patents in form aforeſaid, this said act shall begin and be put in execution afore the said feast, according to his said pleasure so to be declared by his said letters patents; any thing in this proviso to the contrary hereof notwithstanding.

XXIX. And be it further enacted by authority aforeſaid, That the King's majesty at all times on this ſide the said feast shall have full power and authority, by his letters patents under his great seal to be inrolled in the parliament roll of this present parliament, to abrogate, adnull and utterly repeal and make void this act and every thing and things therein contained, or else as much and such part thereof as shall be declared and limited on this ſide the said feast by his letters patents to be void and repealed; and that all such repeal and adnullation so to be made in form aforeſaid by his Highness on this ſide the said feast, shall be as good and effectual as though it had been done and had by authority of parliament; any thing or things contained in this present act to the contrary hereof notwithstanding; and if no such repeal be had or made by the King's majesty on this ſide the said feast, in form as is afore rehearſed, that then the said act, or as much and such part thereof as shall not be repealed on this ſide the said feast, shall immediately after the said feast stand firm, good and effectual, and from thenceforth be put in due execution according to the tenor thereof; any thing in this act or in any the provisions aforeſaid to the contrary hereof notwithstanding.

## CAP. XXII.

*An act concerning the King's ſucceſſion.*

IN their most humble wiſe ſhewn 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 rightſul and dreadful ſovereign Lord, reckon our ſelves 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; (2) wherefore we your ſaid most humble and obedient ſubjects, in this present parliament aſſembled, calling to our remembrance the great diſſiſions 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,

The ſucceſſion of the King's majesty in the imperial crown.  
Repealed 1 & 2 Ph. & M. c. 2. & c. 8.