

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such part thereof as shall be declared and limited on this side the said feast by his letters patents to be void and repealed; and that all such repeal and adnullation so to be made in form aforesaid by his Highness on this side the said feast, shall be as good and effectual as though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the said feast, in form as is afore rehearsed, that then the said act, or as much and such part thereof as shall not be repealed on this side the said feast, shall immediately after the said feast stand firm, good and effectual, and from thenceforth be put in due execution according to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 rightful 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 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

The succession of the King's majesty in the imperial crown.

Repealed 1 & 2 Ph. & M. c. 2. & c. 8.

The ambiguity of the feveral titles to the crown of this realm, and the not establishing of the fucceffion thereof, hath been the caufes of much trouble.

doubts, then not fo perfectly declared, but that men might upon forward intents, expound them to every man's finifter appetite and affection, after their fenfe, contrary to the right legality of the fucceffion and pofterity of the lawful Kings and emperors of this realm; (3) whereof hath enfued great effufion and deftruction of man's blood, as well of a great number of the nobles, as of other the fubjects, and efpecially inheritors in the fame; (4) and the greateft occafion thereof hath been becaufe no perfect and fubftantial provision by law hath been made within this realm of itfelf, when doubts and queftions have been moved and proponed, of the certainty and legality of the fucceffion and pofterity of the crown; (5) by reafon whereof the bifhop of Rome, and fee apoftolick, contrary to the great and inviolable grants of jurifdictions given by God immediately to emperors, kings and princes, in fucceffion to their heirs, hath prefumed in times paff, to inveft who fhould please them, to inherit in other men's kingdoms and dominions, which thing we your moft humble fubjects, both fpiritual and temporal, do utterly abhor and deteft; (6) and fometimes other foreign princes and potentates of fundry degrees, minding rather diffenfion and difcord to continue in the realm, to the utter defolation thereof, than charity, equity or unity, have many times fupported wrong titles, whereby they might the more eafily and facily afpire to the fuperiority of the fame; the continuance and fufferance whereof deeply confidered and pondered, were too dangerous and perilous to be fuffered any longer within this realm, and too much contrary to the unity, peace and tranquility of the fame, being greatly reproachable and difhonourable to the whole realm:

The marriage between the King and the lady Katherine fhall be adjudged void, and the feparation good.

II. In confideration whereof, your faid moft humble and obedient fubjects, the nobles and commons of this realm, calling further to their remembrance, that good unity, peace and wealib of this realm, and the fucceffion of the fubjects of the fame, moft efpecially and principally above all worldly things confifteth and refteth in the certainty and furety of the procreation and pofterity of your Highnefs, in whose moft royal perfon, at this prefent time, is no manner of doubt nor queftion; do therefore moft humbly befeech your Highnefs, that it may please your Majesty, That it may be enacted by your Highnefs, with the affent of the lords fpiritual and temporal, and the commons, in this prefent parliament affembled, and by the authority of the fame, That the marriage heretofore folemnized between your Highnefs and the lady Katherine, being before the lawful wife to prince Arthur, your elder brother, which by him was carnally known, as doth duly appear by fufficient proof in a lawful procefs had and made before Thomas, by the fufferance of God, now archbifhop of Canterbury and metropolitan and primate of all this realm, fhall be, by authority of this prefent parliament, definitively, clearly and abfolutely declared, deemed and adjudged to be againft the laws of Almighty God, (2) and alfo accepted, reputed and taken of no value nor effect, but utterly void and adnihilated, and the feparation thereof, made by the faid archbifhop, fhall be good and effectual to all intents and purpofes; any licence, difpenfation or any other act or acts going afore, or enfuing the fame, or to the contrary thereof, in any wife notwithstanding; (3) and that every fuch licence, difpenfation,

penfation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, fhall be void and of none effect; (4) and that the faid lady *Katherine* fhall be from henceforth called and reputed only dowager to prince *Arthur*, and not queen of this realm; (5) and that the lawful matrimony had and folemnized between your Highnefs and your moft dear and entirely beloved wife Queen *Anne*, fhall be eftablifhed, and taken for undoubtful, true, fincere and perfect ever hereafter, according to the juft judgment of the faid *Thomas*, archbifhop 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 univerfities thereof, as by the univerfities of *Bonony*, *Padua*, *Paris*, *Orleanse*, *Tholoufe*, *Angiewe* and divers others, and alfo by the private writings of many right excellent well learned men; (6) which grounds fo confirmed, and judgment of the faid archbifhop enfuing the fame, together with your marriage folemnized between your Highnefs and your faid lawful wife Queen *Anne*, we your faid fubjects, both fpiritual and temporal, do purely, plainly, constantly and firmly accept, approve and ratify for good, and confonant to the laws of Almighty God, without error or default; moft humbly befeeching your Majefty, that it may be fo eftablifhed for ever by your moft gracious and royal affent.

The lady *Katherine* fhall be called dowager to prince *Arthur*, and not Queen.

The marriage between the King and his wife *Q. Anne* fhall be taken for good, and confonant to God's law.

III. And furthermore, fince many inconveniencies have fallen, as well within this realm as in others, by reafon of marrying within the degrees of marriage prohibited by God's laws, that is to fay, the fon to marry the mother, or the ftepmother, the brother the fifter, the father his fon's daughter, or his daughter's daughter, or the fon to marry the daughter of his father procreate and born by his ftepmother, or the fon to marry his aunt, being his father's or mother's fifter, or to marry his uncle's wife, or the father to marry his fon's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's fon's daughter, or his wife's daughter's daughter, or his wife's fifter; (2) which marriages, albeit they be plainly prohibited and detefted by the laws of God, yet nevertheless at fometimes they have proceeded under colours of difpensations by man's power, which is but ufurped, and of right ought not to be granted, admitted nor allowed; for no man, of what eftate, degree or condition foever he be, hath power to difpenfe with God's laws, as all the clergy of this realm in the faid convocations, and the moft part of all the famous univerfities of chriſtendom, and we alfo, do affirm and think.

Marriage within the degrees prohibited by God's law. 2 Vent. 11. 32 H. 8. c. 38.

No man hath power to difpenfe with God's law.

IV. Be it therefore enacted by the authority aforefaid, That no perfon or perfons, fubjects or refiants of this realm, or in any your dominions, of what eftate, dignity or degree foever they be, fhall from henceforth marry within the faid degrees afore rehearfed, what pretence foever fhall be made to the contrary thereof; (2) and in cafe any perfon or perfons, of what eftate, dignity, degree or condition foever they be, hath been heretofore married within this realm, or in any the King's dominions,

dominions, within any the degrees above expressed, and by any the archbishops, bishops or ministers of the church of *England*, be separate from the bonds of such unlawful marriage, that then 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 procreate under such unlawful marriage, shall not be lawful ne legitimate; any foreign laws, licences, dispensations or other thing or things to the contrary thereof notwithstanding.

Persons here-
tofore married
within the
degrees afore-
said shall be
separated by
the ordinary's
sentence.

Hob. 148.

25 H. 8. c. 21.

f. 8. n. 1.

V. 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 separate 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; (2) 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.

All the issue
procreate be-
tween the
King and his
wife Q. Anne
shall be his
lawful
children.

VI. And also be it enacted by authority aforesaid, That all the issue had and procreate, or hereafter to be had and procreate, 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, preheminences, prerogatives, authorities and jurisdictions to the same annexed or belonging, in as large and ample manner as your Highness at this present time hath 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.

The imperial
crown of Eng-
land, &c. in-
tailed.

VII. That is to say, first the said imperial crown, and other the premisses, 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 the heirs of the body of the said second son lawfully begotten, and so to every 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; (2) and if it shall happen your said dear and entirely

entirely beloved wife Queen *Anne* to decease without issue male of the body of your Highness to be begotten, (which God defend) then the same imperial crown, and all other the premisses, 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 abovesaid; (3) 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 premisses, 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* hath been accustomed, and ought to go, in cases when there be heirs females to the same; and for default of such issue, then the said imperial crown, and all other the premisses, shall be in the right heirs of your Highness for ever.

The lady Elizabeth the first issue female of the King and Q. Anne his wife.

VIII. 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 resiant 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, (2) or maliciously give occasion by writing, print, deed or act, whereby your Highness might be disturbed or interrupted of the crown of this realm, (3) 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 of 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; (4) that then every such person and persons, of what estate, degree or condition they be of, subject or resiant with-

This act shall be proclaimed in all the shires of England.

The penalty for hurting the King's person, disturbing his title to the crown, or slandering his marriage.

Rep. 1 E. 6.
c. 12. f. 2.

The rights of
all others, ex-
cept the of-
fenders, saved.

The penalty
for publishing
any thing to
the peril of
the King, or
the slander of
his marriage,
or to the dis-
heritance of
his issue.

in 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; (5) 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 hereditaments, 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; (6) 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: (7) saving always to every person and persons, and bodies politick, 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 forfeit by reason of attainder for any the treasons and offences above rehearsed, at any time before the said treasons and offences committed.

IX. 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 and disherison of the issue and heirs of your body begotten and to be begotten by 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; (2) and that every person and persons, of what estate, degree or condition soever they be, subject or resistant 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 offender shall have of or in any lands, rents or hereditaments whatsoever, at the time of conviction and attainder of such offence.

X. And

X. 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.

An offender shall not have the privilege of sanctuary.

XI. 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, being unmarried, or within the said age of sixteen years, shall be and remain unto such time as such issues and heirs shall come to the said several ages afore limited, at and in the governance of their natural mother, she living, with such other counsellors of your realm, as your Majesty in your life-time shall depute and assign by your will, or otherwise, for the same, without contradiction of any person or persons to the contrary thereof.

Who shall have the government of the King's issue and heir during minority.

XII. 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.

XIII. 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 which 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. (2)

All persons shall be sworn to perform the contents of this act.

26 H. 8. c. 2.

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 of doing any fealty to your Highness or to your heirs, by reason of tenure of their lands,

X 4

shall

The penalty
of them which
refuse to take
the oath.

Marriage with
carnal know-
ledge.

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; (3) and that they, nor any of them, shall hereafter have any liveries, *ouster le mains*, 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 make 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 afore limited by this act.

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

Statutes made at *Westminster*, Anno 26 HEN. VIII.
and *Anno Dom.* 1534.

ACTS made in the session of this present parliament, holden upon prorogation at *Westminster* the third day of November in the six and twentieth year of the reign of our most dread sovereign lord King Henry the Eighth, and there continued and kept till the eighteenth day of December next ensuing, to the honour of God, and for the common weal and profit of this his realm.

C A P. I.

The King's grace to be authorized supreme head.

The King
shall be re-
puted supreme
head of the
the church of
England, and
correct all he-
resies and of-
fences.

ALBEIT the King's majesty justly and rightfully is and ought to be the supreme head of the church of England, and so is recognized by the clergy of this realm in their convocations, yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same: be it enacted by authority of this present parliament, That the King our sovereign lord, his heirs and successors, Kings of this realm, shall be taken accepted and reputed the only supreme head in earth of the church of *England*, called *Anglicana Ecclesia*; (2) and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and stile thereof, as all honours, dignities, preheminences, jurisdictions,