

peals and provocations immediately to the King's majesty of this realm, into the court of chancery, in like manner and form as they used afore to do to the see of Rome; (2) which appeals and provocations so made, shall be definitively determined by authority of the King's commission, in such manner and form as in this act is abovementioned; (3) so that no archbishop or bishop of this realm shall intermit or meddle with any such appeals, otherwise or in any other manner than they might have done afore the making of this act; any thing in this act to the contrary thereof notwithstanding.

What canons, &c. are still in force.

27 H. 8. c. 20.

37 H. 8. c. 17. f. 2.

Repealed by 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1. f. 10.

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

CAP. XX.

An act for the non-payment of first-fruits to the bishop of Rome.

No first-fruits shall be paid to the bishop of Rome; and within what time a bishop shall be chosen, invested and consecrated. Vide stat. 23 H. 8. c. 20. not in the printed statutes before. Vid. Codex Tit. 5. c. 1.

If any presented by the King to the see of Rome to a bishoprick in England be there delayed, he may be consecrated by an archbishop in England.

WHERE sithen the beginning of this present parliament, for repress of the exaction of annates and first-fruits of archbishopricks and bishopricks of this realm wrongfully taken by the bishop of Rome, otherwise called the pope, and the see of Rome, it is ordained and established by an act, among other things, That the payments of the annates or first-fruits, and all manner contributions for the same, for any such archbishoprick or bishoprick, or for any bulls to be obtained from the see of Rome, to or for the said purpose or intent, should utterly cease, and no such to be paid for any archbishoprick or bishoprick within this realm, otherwise than in the same act is expressed: (2) and that no manner of person or persons to be named, elected, presented or postulated to any archbishoprick or bishoprick within this realm, should pay the said annates or first-fruits, nor any other manner of sum or sums of money, pensions or annuities for the same, or for any other like exaction or cause, (3) upon pain to forfeit to our sovereign lord the King, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the said archbishoprick or bishoprick during the time that he or they that should offend contrary to the said act, should have, possess and enjoy the said archbishoprick or bishoprick. (4) And it is further enacted, That if any person named or presented to the see of Rome by the King's highness, or his heirs or successors, to be bishop of any see or diocese within this realm, should happen to be letted, delayed or deferred at the see of Rome from any such bishoprick whereunto he should be so presented, by mean of restraint of bulls of the said bishop of Rome, otherwise called the Pope, and other things requisite to the same, or should be denied at the see of Rome, upon convenient suit made, for any bulls requisite for any such cause, that then every per-
son

sen so presented might or should be consecrated here in England by the archbishop in whose province the said bishoprick shall be; so always, that the same person should be named and presented by the King for the time being to the said archbishop. (5) And if any person being named and presented (as is before said) to any archbishoprick of this realm, making convenient suit, as is aforesaid, should happen to be letted, delayed, deferred or otherwise disturbed from the said archbishoprick, for lack of pall, bulls, or other things to him requisite to be obtained at the see of Rome, that then every such person so named and presented to the archbishop, might and should be consecrated and invested, after presentation made as is aforesaid, by any other two bishops within this realm, whom the King's highness, or any his heirs or successors, Kings of England, would appoint and assign for the same, according and after like manner as divers archbishops and bishops have been heretofore in ancient time by sundry the King's most noble progenitors made, consecrated and invested within this realm. (6) And it is further enacted by the said act, That every archbishop and bishop, being named and presented by the King's highness, his heirs and successors, Kings of England, and being consecrated and invested, as is aforesaid, should be installed accordingly, and should be accepted, taken and reputed, used and obeyed as an archbishop or bishop of the dignity, see or place whereunto he shall be so named, presented and consecrated, and as other like prelates of that province, see or diocese, have been used, accepted, taken and obeyed, which have had and obtained compleatly their bulls and other things requisite in that behalf from the see of Rome, (7) and also should fully and entirely have and enjoy all the spiritualties and temporalities of the said archbishoprick or bishoprick, in as large, ample and beneficial manner, as any of his or their predecessors had or enjoyed in the said archbishoprick or bishoprick, satisfying and yielding unto the King's highness, and to his heirs and successors, all such duties, rights and invests as before-time hath been accustomed to be paid for any such archbishoprick or bishoprick, according to the ancient laws and customs of this realm and the King's prerogative royal, as in the said act amongst other things is more at large mentioned.

One presented to the see of Rome to an archbishoprick, and there letted, may be consecrated by two bishops of England.

II. And albeit the said bishop of Rome, otherwise called the Pope, hath been informed and certified of the effectual contents of the said act, to the intent that by some gentle ways the said exactions might have been redressed and reformed, yet nevertheless the said bishop of Rome hitherto hath made none answer of his mind therein to the King's highness, nor devised nor required any reasonable ways to and with our said sovereign lord for the same: (2) wherefore his most royal majesty of his most excellent goodness, for the wealth and profit of this his realm and subjects of the same, hath not only put his most gracious and royal assent to the foresaid act, but also hath ratified and confirmed the same, and every clause and article therein contained, as by his letters patents under his great seal inrolled in the parliament roll of this present parliament more at large is contained.

The King's consent to the foresaid statute.

III.

No man shall be presented to the see of Rome for the dignity of an archbishop or bishop, nor annates or first-fruits shall be paid to the same see.

III. *And forasmuch as in the said act it is not plainly and certainly expressed in what manner and fashion archbishops and bishops shall be elected, presented, invested and consecrated within this realm, and in all other the King's dominions,* (2) be it now therefore enacted by the King our sovereign lord, by 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 said act and every thing therein contained shall be and stand in strength, virtue and effect; except only, that no person or persons hereafter shall be presented, nominated or commended to the said bishop of *Rome*, otherwise called the Pope, or to the see of *Rome*, to or for the dignity or office of any archbishop or bishop within this realm, or in any other the King's dominions, nor shall send nor procure there for any manner of bulls, breeves, palls or other things requisite for an archbishop or bishop, nor shall pay any sums of money for annates, first-fruits nor otherwise, for expedition of any such bulls, breeves, or palls; but that by the authority of this act, such presenting, nominating or commending to the said bishop of *Rome*, or to the see of *Rome*, and such bulls, breeves, palls, annates, first-fruits, and every other sums of money heretofore limited, accustomed or used to be paid at the said see of *Rome*, for procuracion or expedition of any such bulls, breeves or palls, or other thing concerning the same, shall utterly cease and no longer be used within this realm, or within any the King's dominions; any thing contained in the said act aforementioned, or any use, custom or prescription to the contrary thereof notwithstanding.

The manner of electing an archbishop or bishop.

IV. And furthermore be it ordained and established by the authority aforesaid, That at every avoidance of every archbishoprick or bishoprick within this realm, or in any other the King's dominions, the King our sovereign lord, his heirs and successors, may grant to the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see of such archbishoprick or bishoprick shall happen to be void, a licence under the great seal, as of old time hath been accustomed, to proceed to election of an archbishop or bishop of the see so being void, with a letter missive, containing the name of the person which they shall elect and choose: (2) by virtue of which licence the said dean and chapter, or prior or convent, to whom any such licence and letters missive shall be directed, shall with all speed and celerity in due form elect and choose the same person named in the said letters missive, to the dignity and office of the archbishoprick or bishoprick so being void, and none other.

For default of election by the dean and chapter, the King shall nominate a bishop by his letters patents.

(3) And if they do defer or delay their election above twelve days next after such licence or letters missive to them delivered, that then for every such default the King's highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patents under their great seal, such a person to the said office and dignity so being void, as they shall think able and convenient for the same; (4) and that every such nomination and presentment to be

be made by the King's highneſs, his heirs and ſucceſſors, if it be to the office and dignity of a biſhop, ſhall be made to the archbiſhop and metropolitan of the province where the ſee of the ſame biſhoprick is void, if the ſee of the ſaid archbiſhoprick be then full, and not void; and if it be void, then to be made to ſuch archbiſhop or metropolitan within this realm, or in any the King's dominions, as ſhall pleaſe the King's highneſs, his heirs or ſucceſſors: (5) and if any ſuch nomination or preſentment ſhall happen to be made for default of ſuch election to the dignity or office of any archbiſhop, then the King's highneſs, his heirs and ſucceſſors by his letters patents under his great ſeal, ſhall nominate and preſent ſuch perſon as they will diſpoſe to have the ſaid office and dignity of archbiſhoprick being void, to one ſuch archbiſhop and two ſuch biſhops, or elſe to four ſuch biſhops within this realm, or in any of the King's dominions, as ſhall be aſſigned by our ſaid ſovereign lord, his heirs or ſucceſſors.

V. And be it enacted by the authority aforeſaid, That whenſoever any ſuch preſentment or nomination ſhall be made by the King's highneſs, his heirs or ſucceſſors, by virtue and authority of this act, and according to the tenor of the ſame; that then every archbiſhop and biſhop, to whoſe hands any ſuch preſentment and nomination ſhall be directed, ſhall with all ſpeed and celerity inveſt and conſecrate the perſon nominate and preſented by the King's highneſs, his heirs or ſucceſſors, to the office and dignity that ſuch perſon ſhall be ſo preſented unto, and give and uſe to him pall, and all other benedictions, ceremonies and things requiſite for the ſame, without ſuing, procuring or obtaining hereafter any bulls or other things at the ſee of Rome, for any ſuch office or dignity in any behalf. // (2) And if the ſaid dean and chapter, or prior and convent, after ſuch licence and letters miſſive to them directed, within the ſaid twelve days do elect and chooſe the ſaid perſon mentioned in the ſaid letters miſſive, according to the requeſt of the King's highneſs, his heirs or ſucceſſors, thereof to be made by the ſaid letters miſſive in that behalf, then their election ſhall ſtand good and effectual to all intents; (3) and that the perſon ſo elected, after certification made of the ſame election under the common and covent ſeal of the electors, to the King's highneſs, his heirs or ſucceſſors, ſhall be reputed and taken by the name of lord elected of the ſaid dignity and office that he ſhall be elected unto; (4) and then making ſuch oath and fealty only to the King's majeſty, his heirs and ſucceſſors, as ſhall be appointed for the ſame, the King's highneſs, by his letters patents under his great ſeal, ſhall ſignify the ſaid election [if it be to the dignity of a biſhop, to the archbiſhop and metropolitan of the province where the ſee of the ſaid biſhoprick was void, if the ſee of the ſaid archbiſhop be full and not void; and if it be void, then to any other archbiſhop within this realm, or in any other the King's dominions] requiring and commanding ſuch archbiſhop, to whom any ſuch ſignification ſhall be made, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon

Conſecration
of a biſhop.

on
nomination

On Election

The name of
a biſhop newly
choſen, viz. a
lord elect.

The King's
ſignification
of a biſhop or
archbiſhop
elect.

son fo elected to the office and dignity that he is elected unto, and to give and use to him all such benedictions, ceremonies, and other things requisite for the same, without any suing, procuring or obtaining any bulls, letters or other things from the see of *Rome* for the same in any behalf. (5) And if the person be elected to the office and dignity of an archbishop, according to the tenor of this act, then after such election certified to the King's highness in form aforesaid, the same person so elected to the office and dignity of an archbishop, shall be reputed and taken lord elect to the said office and dignity of an archbishop, whereunto he shall be so elected ; (6) and then after he hath made such oath and fealty only to the King's majesty, his heirs and successors, as shall be limited for the same, the King's highness, by his letters patents under his great seal, shall signify the said election to one archbishop and two other bishops, or else to four bishops within this realm, or within any other the King's dominions, to be assigned by the King's highness, his heirs or successors, requiring and commanding the said archbishop and bishops, with all speed and celerity, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him such pall, benedictions, ceremonies and all other things requisite for the same, without suing, procuring or obtaining any bulls, briefs or other things at the said see of *Rome*, or by the authority thereof in any behalf.

This election
of a bishop
shall be lawful.

VI. And be it further enacted by authority aforesaid, That every person and persons being hereafter chosen, elected, nominate, presented, invested and consecrated to the ~~dignity~~ or office of any archbishop or bishop within this realm, or within any other the King's dominions, according to the form, tenor and effect of this present act, and suing their temporalities out of the King's hands, his heirs or successors, as hath been accustomed, and making a corporal oath to the King's highness, and to none other, in form as is afore rehearsed, shall and may from henceforth be thronised or installed, as the case shall require, (2) and shall have and take their only restitution out of the King's hands, of all the possessions and profits spiritual and temporal, belonging to the said archbishoprick or bishoprick whereunto they shall be so elected or presented, and shall be obeyed in all manner of things, according to the name, title, degree, and dignity that they shall be so chosen or presented unto, and do and execute in every thing and things touching the same, as any archbishop or bishop of this realm, without offending the prerogative royal of the crown and the laws and customs of this realm, might at any time heretofore do.

The penalty
for not elect-
ing or not con-
secrating a
bishop named.

VII. And be it further enacted by the authority aforesaid, That if the prior and convent of any monastery, or dean and chapter of any cathedral church, where the see of an archbishop or bishop is within any the King's dominions, after such licence as is afore rehearsed, shall be delivered to them, proceed

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.

MOST 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.