

feast, by his letters patents under his great seal to be inrolled in the parliament roll of this present parliament, do declare and exprefs, 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such part thereof as shall be declared and limited on this side the said feast by his letters patents to be void and repealed; and that all such repeal and adnullation so to be made in form aforesaid by his Highness on this side the said feast, shall be as good and effectual as though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the said feast, in form as is afore rehearsed, that then the said act, or as much and such part thereof as shall not be repealed on this side the said feast, shall immediately after the said feast stand firm, good and effectual, and from thenceforth be put in due execution according to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 several titles to the crown of this realm, and the not establishing of the succession thereof, hath been the causes of much trouble.

doubts, then not so perfectly declared, but that men might upon forward intents, expound them to every man's sinister appetite and affection, after their sense, contrary to the right legality of the succession and posterity of the lawful Kings and emperors of this realm; (3) whereof hath ensued great effusion and destruction of man's blood, as well of a great number of the nobles, as of other the subjects, and especially inheritors in the same; (4) and the greatest occasion thereof hath been because no perfect and substantial provision by law hath been made within this realm of itself, when doubts and questions have been moved and proponed, of the certainty and legality of the succession and posterity of the crown; (5) by reason whereof the bishop of Rome, and see apostolick, contrary to the great and inviolable grants of jurisdiction given by God immediately to emperors, kings and princes, in succession to their heirs, hath presumed in times past, to invest who should please them, to inherit in other men's kingdoms and dominions, which thing we your most humble subjects, both spiritual and temporal, do utterly abhor and detest; (6) and sometimes other foreign princes and potentates of sundry degrees, minding rather dissension and discord to continue in the realm, to the utter desolation thereof, than charity, equity or unity, have many times supported wrong titles, whereby they might the more easily and safely aspire to the superiority of the same; the continuance and sufferance whereof deeply considered and pondered, were too dangerous and perilous to be suffered any longer within this realm, and too much contrary to the unity, peace and tranquillity of the same, being greatly reproachable and dishonourable to the whole realm:

II. In consideration whereof, your said most humble and obedient subjects, the nobles and commons of this realm, calling further to their remembrance, that good unity, peace and wealth of this realm, and the succession of the subjects of the same, most especially and principally above all worldly things consisteth and resteth in the certainty and surety of the procreation and posterity of your Highness, in whose most royal person, at this present time, is no manner of doubt nor question; do therefore most humbly beseech your Highness, that it may please your Majesty, That it may be enacted by your Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the marriage heretofore solemnized between your Highness and the lady Katherine, being before the lawful wife to prince Arthur, your elder brother, which by him was carnally known, as doth duly appear by sufficient proof in a lawful process had and made before Thomas, by the sufferance of God, now archbishop of Canterbury and metropolitan and primate of all this realm, shall be, by authority of this present parliament, definitively, clearly and absolutely declared, deemed and adjudged to be against the laws of Almighty God, (2) and also accepted, reputed and taken of no value nor effect, but utterly void and adnihilated, and the separation thereof, made by the said archbishop, shall be good and effectual to all intents and purposes; any licence, dispensation or any other act or acts going afore, or ensuing the same, or to the contrary thereof, in any wise notwithstanding; (3) and that every such licence, dispensation,

The marriage between the King and the lady Katherine shall be adjudged void, and the separation good.

penfation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, shall be void and of none effect; (4) and that the said lady *Katherine* shall 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 solemnized between your Highness and your most dear and entirely beloved wife *Queen Anne*, shall be established, and taken for undoubtful, true, sincere and perfect ever hereafter, according to the just judgment of the said *Thomas*, archbishop of *Canterbury*, metropolitan and primate of all this realm, whose grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the convocations, and by both the universities thereof, as by the universities of *Bonony*, *Padua*, *Paris*, *Orleance*, *Tholouse*, *Angiewe* and divers others, and also by the private writings of many right excellent well learned men; (6) which grounds so confirmed, and judgment of the said archbishop ensuing the same, together with your marriage solemnized between your Highness and your said lawful wife *Queen Anne*, we your said subjects, both spiritual and temporal, do purely, plainly, constantly and firmly accept, approve and ratify for good, and consonant to the laws of Almighty God, without error or default; most humbly beseeching your Majesty, that it may be so established for ever by your most gracious and royal assent.

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

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

III. And furthermore, since many inconveniencies have fallen, as well within this realm as in others, by reason of marrying within the degrees of marriage prohibited by God's laws, that is to say, the son to marry the mother, or the stepmother, the brother the sister, the father his son's daughter, or his daughter's daughter, or the son to marry the daughter of his father procreate and born by his stepmother, or the son to marry his aunt, being his father's or mother's sister, or to marry his uncle's wife, or the father to marry his son's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's son's daughter, or his wife's daughter's daughter, or his wife's sister; (2) which marriages, albeit they be plainly prohibited and detested by the laws of God, yet nevertheless at sometimes they have proceeded under colours of dispensations by man's power, which is but usurped, and of right ought not to be granted, admitted nor allowed; for no man, of what estate, degree or condition soever he be, hath power to dispense with God's laws, as all the clergy of this realm in the said convocations, and the most part of all the famous universities of christendom, and we also, do affirm and think.

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

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

IV. Be it therefore enacted by the authority aforesaid, That no person or persons, subjects or resiants of this realm, or in any your dominions, of what estate, dignity or degree soever they be, shall from henceforth marry within the said degrees afore rehearsed, what pretence soever shall be made to the contrary thereof; (2) and in case any person or persons, of what estate, dignity, degree or condition soever 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 proceſſes 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 Maſteſty, 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 deceafe without iffue male of the body of your Highnefs to be begotten, (which God defend) then the fame imperial crown, and all other the premisses, to be to your Majesty, as is aforefaid, and to the fon and heir male of your body lawfully begotten, and to the heirs of the body of the fame fon and heir male lawfully begotten; and for default of fuch iffue, then to your fecond fon of your body lawfully begotten, and to the heirs of the body of the fame fecond fon lawfully begotten, and fo from fon and heir male to fon and heir male, and to the heirs of the feveral bodies of every fuch fon and heir male to be begotten, according to the courfe of inheritance, in like manner and form as is aforefaid; (3) and for default of fuch fons of your body begotten, and of the heirs of the feveral bodies of every fuch fons lawfully begotten, that then the faid imperial crown, and other the premisses, fhall be to the iffue female between your Majesty and your faid moft dear and entirely beloved wife Queen *Anne* begotten, that is to fay, firft to the eldeft iffue female, which is the lady *Elizabeth*, now princefs, and to the heirs of her body lawfully begotten, and for default of fuch iffue, then to the fecond iffue female, and to the heirs of her body lawfully begotten, and fo from iffue female to iffue female, and to the heirs of their bodies one after another, by courfe of inheritance, according to their ages, as the crown of *England* hath been accuftomed, and ought to go, in cafes when there be heirs females to the fame; and for default of fuch iffue, then the faid imperial crown, and all other the premisses, fhall be in the right heirs of your Highnefs for ever.

VIII. And be it further enacted by authority aforefaid, That on this fide the firft day of *May* next coming, proclamation fhall be made in all fhires within this realm, of the tenor and contents of this act; and if any perfon or perfons, of what eftate, dignity or condition foever they be, fubject or refiant within this realm, or elfewhere within any the King's dominions, after the faid firft day of *May*, by writing or imprinting, or by any exterior act or deed, maliciously procure or do, or caufe to be procured or done, any thing or things to the peril of your moft royal perfon, (2) or maliciously give occafion by writing, print, deed or act, whereby your Highnefs might be difturbed or interrupted of the crown of this realm, (3) or by writing, print, deed or act, procure or do, or caufe to be procured or done, any thing or things to the prejudice, slander, difturbance or derogation of the faid lawful matrimony folemnized between your Majesty and the faid Queen *Anne*, or to the peril, slander or difherifon of any of the iffues and heirs of your Highnefs, being limited by this act to inherit and to be inheritable to the crown of this realm in fuch form as is aforefaid, whereby any fuch iffues or heirs of your Highnefs might be deftroyed, difturbed 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 rehearfed; (4) that then every fuch perfon and perfons, of what eftate, degree or condition they be of, fubject or refiant with-

The lady Elizabeth the firft iffue female of the King and Q. Anne his wife.

This act fhall be proclaimed in all the fhires of England.

The penalty for hurting the King's perfon, difturb- ing his title to the crown, or flandering 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 convict 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 convict 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 convict, 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 misprison 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 daring and offending, and being thereof lawfully convict 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) 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,

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

26 H. 8. c. 2.

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.

The penalty of them which refuse to take the oath.

Marriage with carnal knowledge.

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.

CAP. I.

The King's grace to be authorized supreme head.

The King shall be reputed supreme head of the church of England, and correct all heresies and offences.

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, preeminences, jurisdictions,