

## **SECTION 8. THE AGE OF EQUITY: POLITICAL AND INSTITUTIONAL DEVELOPMENTS**

### **A. CHRONOLOGY AND SHORT DOCUMENTS**

#### **CHRONOLOGY**

1461–1485 — Yorkists: Edward IV, Edward V (for one year), Richard III (two years)  
1485–1603 — Tudors  
1485–1509 — Henry VII: Empson and Dudley; “Morton’s Fork”; daug. marries James IV  
1509–1547 — Henry VIII  
1515–1529 — ascendancy of Thomas Wolsey  
1527–1532 — the “King’s Great Matter”  
1532–1540 — Thomas Cromwell; Reformation Parliament; dissolution of the monasteries  
1547–1553 — Edward VI; Protestantism  
1553 (1555)–1558 — Mary (Philip and Mary); Catholicism  
1558–1603 — Elizabeth  
1569 — 39 Articles  
1587 — execution of Mary Queen of Scots  
1588 — defeat of the Armada  
1603–1714 — Stuarts (with a break 1649–1660)  
1603–1625 — James I (James VI of Scotland)  
1605 — Gunpowder Plot  
1615 — Dismissal of Coke  
1621 — The Great Protestation  
1625–1649 — Charles I  
1628 — Petition of Right  
1640–1653 — The Long Parliament (called “the Rump” from 1648–1653)  
1642–1646 — Civil War  
1648–1650 — Civil War  
1649 — execution of Charles I  
1649–1660 — The Commonwealth – Oliver Cromwell Protector (1653–1658)  
1660–1685 — Charles II  
1660 — Restoration  
1667 — Impeachment of Clarendon  
1678 — Popish Plot  
1685–1688 — James II  
1689–1702 — William and Mary  
1689 — Glorious Revolution; Bill of Rights  
1702–1714 — Anne  
1707 — Act of Union  
1710–1714 — ascendancy of Bolingbroke

**HENRY VIII: STATUTES**

S&amp;M, pp. 304–21 (No. 74B–N)

**(B) ACT IN RESTRAINT OF APPEALS (1533)**

An act that the appeals in such cases as have been used to be pursued to the see of Rome shall not be from henceforth had nor used but within this realm. Where, by divers sundry old authentic histories and chronicles, it is manifestly declared and expressed that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king having the dignity and royal estate of the imperial crown of the same, unto whom a body politic, compact of all sorts and degrees of people divided in terms and by names of spirituality and temporality be bounden and owe to bear next to God a natural and humble obedience (he being also institute and furnished by the goodness and sufferance of Almighty God with plenary, whole, and entire power, pre-eminence, authority, prerogative, and jurisdiction to render and yield justice and final determination to all manner of folk residents or subjects within this his realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits thereof, without restraint or provocation to any foreign princes or potentates of the world ...) —and whereas the king his most noble progenitors, and the nobility and commons of this said realm, at divers and sundry parliaments as well in the time of King Edward I, Edward III, Richard II, Henry IV, and other noble kings of this realm, made sundry ordinances, laws, statutes, and provisions for the entire and sure conservation of the prerogatives, liberties, and pre-eminences of the said imperial crown of this realm, and of the jurisdictions spiritual and temporal of the same, to keep it from the annoyance as well of the see of Rome as from the authority of other foreign potentates attempting the diminution or violation thereof, as often and from time to time as any such annoyance or attempt might be known or espied; and [whereas,] notwithstanding the said good statutes and ordinances ... , divers and sundry inconveniences and dangers not provided for plainly by the said former acts ... have risen and sprung by reason of appeals sued out of this realm to the see of Rome, in causes testamentary, causes of matrimony and divorces, right of tithes, oblations, and obventions ... : in consideration whereof, the king's highness, his nobles, and commons, considering the great enormities, dangers, long delays, and hurts that as well to his highness as to his said nobles, subjects, commons, and residents of this his realm in the said causes ... do daily ensue, doth therefore by his royal assent, and by the assent of the lords spiritual and temporal and the commons in this present parliament assembled and by authority of the same, enact, establish, and ordain that all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations, and obventions ..., whether they concern the king our sovereign lord, his heirs, or successors, or any other subjects or residents within the same of what degree soever they be, shall be from henceforth heard ... and definitively adjudged and determined within the king's jurisdiction and authority and not elsewhere. ...

And it is further enacted ... that, if any person or persons ... do attempt, move, purchase, or procure from or to the see of Rome, or from or to any other foreign court or courts out of this realm, any manner foreign process, inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, or judgments, of what nature, kind, or quality soever they be, or execute any of the same process, or do any act or acts to the let, impediment, hindrance, or derogation of any process, sentence, judgment, or determination had, made, done, or hereafter to be had, done, or made in any courts of this realm or the king's said dominions or marches of the same for any of the causes aforesaid ..., that then every person or persons so doing ..., being convict of the same, for every such default shall incur and run in the same pains, penalties, and forfeitures ordained and provided by the Statute of Provision and Praemunire made in the sixteenth year of the reign of ... King Richard II. ...<sup>1</sup>

And furthermore, in eschewing the said great enormities, inquietations, delays, charges, and expenses hereafter to be sustained in pursuing of such appeals and foreign process ... [they] do therefore ... ordain and enact that, in such cases where heretofore any of the king's subjects or residents have used to pursue, provoke, or procure any appeal to the see of Rome ..., they ... shall from henceforth take, have, and use their

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<sup>1</sup> No. 64F.

appeals within this realm and not elsewhere, in manner and form as hereafter ensueth and not otherwise: that is to say, first from the archdeacon or his official, if the matter or cause be there begun, to the bishop diocesan of the said see ...; and likewise, if it be commenced before the bishop diocesan or his commissary, from the bishop diocesan or his commissary, within fifteen days next ensuing the judgment or sentence thereof there given, to the archbishop of the province of Canterbury, if it be within his province, and if it be within the province of York, then to the archbishop of York; and so likewise to all other archbishops in other the king's dominions as the case by the order of justice shall require, and there to be definitively and finally ordered, decreed, and adjudged according to justice, without any other appellation or provocation to any other person or persons, court or courts. And if the matter or contention for any of the causes aforesaid be or shall be commenced ... before the archdeacon of any archbishop or his commissary, then the party grieved shall or may take his appeal, within fifteen days next after judgment or sentence there given, to the court of the arches or audience of the same archbishop or archbishops, and from the said court of the arches or audience, within fifteen days then next ensuing after judgment or sentence there given, to the archbishop of the same province, there to be definitively and finally determined without any other or further process or appeal thereupon to be had or sued. ...

And in ... any cause, matter, or contention ... which hath, doth, shall, or may touch the king, his heirs or successors, kings of this realm ..., the party grieved ... shall or may appeal ... to the spiritual prelates and other abbots and priors of the upper house assembled and convocate by the king's writ in the convocation being or next ensuing within the province or provinces where the same matter of contention is or shall be begun; so that every such appeal be taken by the party grieved within fifteen days next after the judgment or sentence thereupon given or to be given. And ... whatsoever be done or shall be done and affirmed, determined, decreed, and adjudged by the foresaid prelates, abbots, and priors of the upper house of the said convocation as is aforesaid, appertaining, concerning, or belonging to the king, his heirs, or successors, in any of these foresaid causes of appeals, shall stand and be taken for a final decree, sentence, judgment, definition, and determination, and the same matter so determined never after to come in question and debate, to be examined in any other court or courts. ...

*Statutes of the Realm*, III, 427 f.: 24 Henry VIII, c. 12

(C) ACT FOR THE SUBMISSION OF THE CLERGY AND RESTRAINT OF APPEALS (1534)

... Be it therefore now enacted by authority of this present parliament, according to the said submission and petition of the said clergy, that [neither] they nor any of them from henceforth shall presume to attempt, allege, claim, or put in use<sup>2</sup> any constitutions or ordinances, provincial or synodal, or any other canons; nor shall enact, promulge, or execute any such canons, constitutions or ordinance provincial, by whatsoever name or names they may be called, in their convocations in time coming (which alway shall be assembled by authority of the king's writ), unless the same clergy may have one king's most royal assent and licence ..., upon pain ... to suffer imprisonment and make fine at the king's will. ... Provided alway that no canons, constitutions, or ordinance shall be made or put in execution within this realm by authority of the convocation of the clergy which shall be contrariant or repugnant to the king's prerogative royal or the customs, laws, or statutes of this realm—anything contained in this act to the contrary hereof notwithstanding. ...

And be it further enacted by authority aforesaid that, from the feast of Easter ... 1534, no manner of appeals shall be had, provoked, or made out of this realm ... to the bishop of Rome ... but that all manner of appeals ... shall be made and had ... after such manner, form, and condition as is limited for appeals to be had ... in causes of matrimony, tithes, oblations, and obventions by a statute thereof made and established since the beginning of this present parliament. ...<sup>3</sup>

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<sup>2</sup> Practice.

<sup>3</sup> The preceding document.

And for lack of justice at or in any the courts of the archbishops of this realm, or in any the king's dominions, it shall be lawful to the parties grieved to appeal to the king's majesty in the king's court of chancery; and that, upon every such appeal, a commission shall be directed under the great seal to such persons as shall be named by the king's highness, his heirs, or successors, like as in case of appeal from the admiral's court, to hear and definitively determine such appeals and the causes concerning the same. ...

*Ibid.*, III, 460 f.: 25 Henry VIII, c. 19.

(D) ACT CONCERNING ECCLESIASTICAL APPOINTMENTS AND ABSOLUTE RESTRAINT OF ANNATES (1534)

An act restraining the payment of annates, etc. ... And forasmuch as in the said act<sup>4</sup> 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: be it now therefore enacted ... that the said act and everything therein contained shall be and stand in strength, virtue, and effect; except only that no person nor 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, briefs, palls, or other things requisite for an archbishop or bishop, nor shall pay any sums of money for annates, first fruits, or otherwise, for expedition of any such bulls, briefs, 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, briefs, 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, briefs, 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—anything contained in the said act aforementioned, or any use, custom, or prescription to the contrary thereof notwithstanding.

And furthermore be it ordained and established by the authority aforesaid that, at every avoidance of any archbishopric or bishopric within this realm or in any other the king's dominions, the king our sovereign lord, his heirs, and successors, may grant unto the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see of such archbishopric or bishopric 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; by virtue of which licence the said dean and chapter, or prior and convent, to whom any such licence and letters missives shall be directed, shall with all speed and celerity in due form elect and choose the said person named in the said letters missives to the dignity and office of the archbishopric or bishopric so being void, and none other; and if they do defer or delay their election above twelve days next after such licence and letters missives 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. ...

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 any archbishop or bishop is within the king's dominions, after such licence as is afore rehearsed shall be delivered to them, proceed 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, or else ..., 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 ... within twenty days next after the king's letters patents of such signification or presentation shall come to their hands ..., that then every ... person ... so offending ... shall run into the dangers, pains, and penalties of the

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<sup>4</sup> 23 Henry VIII. c. 20, which had provisionally restrained the payment of annates.

Statute of the Provision and Praemunire made in the twenty-fifth year of the reign of King Edward III and in the sixteenth year of King Richard II.<sup>5</sup>

*Ibid.*, III, 462 f.: 25 Henry VIII, c. 20

(E) ACT CONCERNING PETER'S PENCE AND DISPENSATIONS (1534)

An act for the exoneration from exactions paid to the see of Rome. Most humbly beseech your most royal majesty your obedient and faithfull subjects the commons of this your present parliament, assembled by your most dread commandments that, where your subjects of this your realm, and of other countries and dominions being under your obeisance, 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 ... out of this your realm, and other your said countries and dominions, by the bishop of Rome called the pope ..., pretending ... that he hath full power to dispense with all human laws, uses, and customs of all realms in all causes which be called spiritual (which matter hath been usurped and practised by him and his predecessors by many years in great derogation of your imperial crown and authority royal, contrary to right and conscience, for where this your grace's realm, recognizing 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 ordained 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) ...; [and whereas], therefore, ... 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, 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 ... :—

It may therefore please your most noble majesty ..., 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, censes, portions, Peter pence, or any other impositions to the use of the said bishop or of the see of Rome ...; but that all such pensions [etc.] ... 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. ...

Provided always that [neither] this act nor any thing or things therein contained shall be hereafter interpreted or expounded that your grace, your nobles, and subjects, intend by the same to decline or vary from the congregation of Christ's Church in any things concerning the very articles of the catholic faith of Christendom, or in any other things declared by Holy Scripture and the word of God necessary for your and their salvations; but only to make an ordinance by policies necessary and convenient to repress vice and for good conservation of this realm in peace, unity, and tranquillity from ravin and spoil, ensuing much the old ancient customs of this realm in that behalf, not minding to seek for any reliefs, succours, or remedies for any worldly things or human laws in any cause of necessity but within this realm at the hands of your highness, your heirs, and successors, kings of this realm, which have and ought to have an imperial power and authority in the same and not [be] obliged in any worldly causes to any other superior. ...

*Ibid.*, III, 464 f.: 25 Henry VIII, c. 21.

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<sup>5</sup> No. 64F.

## (F) FIRST ACT OF SUCCESSION (1534)

An act for the establishment of the king's succession. ... Your said most humble and obedient subjects, the nobles and commons of this realm ..., do ... most humbly beseech your highness that it may be enacted ... that the marriage heretofore solemnized between your highness and the lady Katherine, being before 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, and also accepted, reputed, and taken of no value nor effect, but utterly void and annulled ...; 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. ...

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 dearly 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, pre-eminences, prerogatives, authorities, and jurisdictions to the same annexed or belonging, in as large and ample manner as your highness to this present time hath the same as king of this realm. ...<sup>6</sup>

And be it further enacted by authority aforesaid that ... proclamations shall be made in all shires within this realm of the tenor and contents of this act. And if any person or persons ..., subject or resident within this realm, or elsewhere within any the king's dominions ..., 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, or maliciously give occasion by writing, print, deed, or act whereby your highness might be disturbed or interrupted of the crown of this realm, 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 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—that then every such person and persons, of what estate, degree, or condition they be of, subject or resident within this realm, and their aiders, counsellors, maintainers, and abettors, and every of them, for every such offence shall be adjudged high traitors, and every offence shall be adjudged high treason, and the offender and their aiders [etc.] ..., being lawfully convict of such offence by presentment, verdict, confession, or process according to the laws and customs of this realm, shall suffer pains of death as in cases of high treason...

And be it further enacted by authority aforesaid that, if any person or persons ..., by any words without writing, or any exterior deed or act, maliciously and obstinately 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 or disherison of the issue and heirs of your body begotten and to be gotten of the said Queen Anne, or any other your lawful heirs which shall be inheritable to the crown of this realm, as is afore limited by this act, that then every such offence shall be taken and adjudged for misprision of treason. ...

*Ibid.*, III, 471 f.: 25 Henry VIII, c. 22.

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<sup>6</sup> The king's heirs are enumerated in exact order of succession: first the heirs male and then the heirs female, beginning with Elizabeth.

## (G) SUPREMACY ACT (1534)

An act concerning the king's highness to be supreme head of the Church of England and to have authority to reform and redress all errors, heresies, and abuses in the same. 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, and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same church belonging and appertaining; and that our said sovereign lord, his heirs, and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to the pleasure of almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm—any usage, custom, foreign laws, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

*Ibid.*, III, 492: 26 Henry VIII, c. 1.

## (H) STATUTE OF USES (1536)

[Reproduced below, Section 9E.]

## (I) BEGGARS ACT (1536)

[Reproduced above, Section 6F.]

## (J) ACT FOR THE GOVERNMENT OF WALES (1536)

An act for laws and justice to be ministered in Wales in like form as it is in this realm. Albeit the dominion, principality, and country of Wales justly and righteously is and ever hath been incorporated, annexed, united, and subject to and under the imperial crown of this realm as a very member and joint of the same, wherefore the king's most royal majesty of ... very right is very head, king, lord, and ruler; yet, notwithstanding because that in the same country, principality, and kingdom divers rights, usages, laws, and customs be far discrepant from the laws and customs of this realm, and also because that the people of the same dominion have and do daily use a speech nothing like nor consonant to the natural mother tongue used within this realm, some rude and ignorant people have made distinction and diversity between the king's subjects of this realm and his subjects of the said dominion ... of Wales, whereby great discord ... and sedition hath grown between his said subjects: his highness, therefore, of a singular zeal, love, and favour that he beareth towards his subjects of his said dominion of Wales, minding and intending to reduce them to the perfect order, notice, and knowledge of his laws of this his realm, and utterly to extirp all and singular the sinister uses and customs differing from the same, and to bring his said subjects of this his realm and of his said dominion of Wales to an amicable concord and unity, hath by the deliberate advice, consent, and agreement of the lords spiritual and temporal and the commons in this present parliament assembled, and by the authority of the same ..., established that his said country or dominion of Wales shall be, stand, and continue forever from henceforth incorporated, united, and annexed to and with this his realm of England; and that all and singular person and persons born and to be born in the said ... dominion of Wales shall have, enjoy, and inherit all and singular freedoms, liberties, rights, privileges, and laws within this realm and other the king's dominions, as other the king's subjects naturally born within the same have, enjoy, and inherit; and that all and singular person and persons inheritable to any manors, lands, tenements, rents, reversions, services, or other hereditaments which shall descend after the feast of All Saints next coming within the said

... dominion of Wales, or within any particular lordship part or parcel of the said ... dominion of Wales, shall forever from and after the said feast of All Saints inherit and be inheritable to the same manors [etc.] ... after the English tenure, without division or partition, and after the form of the laws of this realm of England, and not after any tenure nor after the form of any Welsh laws or customs; and that the laws, ordinances, and statutes of this realm of England forever, and none other laws ..., from and after the said feast of All Saints ..., shall be had, used, practised, and executed in the said ... dominion of Wales and every part thereof in like manner, form, and order as they are and shall be ... executed in this realm and in such like manner and form as hereafter by this act shall be further established and ordained. ...<sup>7</sup>

Also be it enacted ... that all justices, commissioners, sheriffs, coroners ..., and their lieutenants, and all other officers and ministers of the laws, shall proclaim and keep the sessions, courts, hundreds, leets, sheriff's courts, and all other courts in the English tongue, and all oaths of officers, juries, and inquests, and all other affidavits, verdicts, and wagers of law to be given and done in the English tongue; and also that from henceforth no person or persons that use the Welsh speech or language shall have or enjoy any manner office or fees within the realm of England, Wales, or other the king's dominions, upon pain of forfeiting the same offices or fees, unless he or they use and exercise the speech or language of English. ...<sup>8</sup>

*Ibid.*, III, 563 f.: 27 Henry VIII, c. 26.

(K) STATUTE OF PROCLAMATIONS (1539)<sup>9</sup>

An act that proclamations made by the king shall be obeyed. Forasmuch as the king's most royal majesty, for divers considerations, by the advice of his council hath heretofore set forth divers and sundry his grace's proclamations, as well for and concerning divers and sundry articles of Christ's religion as for an unity and concord to be had amongst the loving and obedient subjects of this his realm and other his dominions, and also concerning the advancement of his commonwealth and good quiet of his people (which nevertheless divers and many forward, wilful, and obstinate persons have wilfully contemned and broken, not considering what a king by his royal power may do, and for lack of a direct statute and law to coerce offenders to obey the said proclamations ...); considering also that sudden causes and occasions fortune many times which do require speedy remedies, and that by abiding for a parliament in the meantime might happen great prejudice to ensue to the realm; and weighing also that his majesty, which by the kingly and regal power given him by God may do many things in such cases, should not be driven to extend the liberty and supremacy of his regal power and dignity by wilfulness of forward subjects: it is therefore thought in manner more than necessary that the king's highness of this realm for the time being, with the advice of his honourable council, should make and set forth proclamations for the good and politic order and governance of this his realm of England, Wales, and other his dominions, from time to time for the defence of his regal dignity and the advancement of his commonwealth and good quiet of his people, as the cases of necessity shall require; and that an ordinary law should be provided, by the assent of his majesty and parliament, for the due punishment, correction, and reformation of such offences and disobediences. Be it therefore enacted ... that always the king for the time being, with the advice of his honourable council, whose names hereafter followeth, or with the advice of the more part of them, may set forth at all times by authority of this act his proclamations, under such penalties and pains and of such sort as to his highness and his said honourable council or the more part of them shall see[m] necessary and requisite; and that those same shall be obeyed, observed, and kept as though they were made by act of parliament for the time in them limited, unless the king's highness dispense with them or any of them under his great seal.

<sup>7</sup> The next fifteen sections describe the organization of counties, lordships, towns, parishes, and the like in the different parts of Wales.

<sup>8</sup> Section 22 provides for the representation of Welsh counties and boroughs in the English house of commons, allotting two knights to the county of Monmouth, one knight to each of the other counties, and one burgess to each of the county towns except Merioneth.

<sup>9</sup> Repealed immediately after the death of Henry VIII as a bid for popularity on the part of Edward VI's council. On the significance of the statute, see E. R. Adair, in the *English Historical Review*, XXXII, 34 f.; also Pickthorn, *Early Tudor Government*, Henry VIII, pp. 414 f.



Provided always that the words, meaning, and intent of this act be not understood, interpretate, construed, or extended that by virtue of it any of the king's liege people ... should have any of his or their inheritances, lawful possessions, offices, liberties, privileges, franchises, goods, or chattels taken from them ..., nor by virtue of the said act suffer any pains of death, other than shall be hereafter in this act declared; nor that, by any proclamation to be made by virtue of this act, any acts, common laws, standing at this present time in strength and force, nor yet any lawful or laudable customs of this realm ... shall be infringed, broken, or subverted; and specially all those acts standing this hour in force which have been made in the king's highness's time; but that every such person ... shall stand and be in the same state and condition, to every respect and purpose, as if this act or proviso had never been had or made ..., except such persons which shall offend any proclamation to be made by the king's highness, his heirs, or successors, for and concerning any kind of heresies against Christian religion. ...

And be it further enacted ... that, if any person or persons ... at any time hereafter do wilfully offend and break, or obstinately not observe and keep, any such proclamation ..., then all and every such offender or offenders—being thereof ... convicted by confession or lawful witness and proofs before the archbishop of Canterbury, metropolitan, the chancellor of England, the lord treasurer of England, the president of the king's most honourable council, the lord privy seal, the great chamberlain of England, [the] lord admiral, [the] lord steward or grand master, [the] lord chamberlain of the king's most honourable household, two other bishops being of the king's council (such as his grace shall appoint for the same), the secretary, the treasurer, and [the] controller of the king's most honourable household, the master of the horse, the two chief judges, and the master of the rolls for the time being, the chancellor of the augmentations, the chancellor of the duchy, the chief baron of the exchequer, the two general surveyors, the chancellor of the exchequer, the under-treasurer of the same, the treasurer of the king's chamber for the time being, in the star chamber at Westminster or elsewhere, or at least before the half of the number afore rehearsed, of which number the lord chancellor the lord treasurer, the lord president of the king's most honourable council, the lord privy seal the chamberlain of England, the lord admiral, the two chief judges for the time being, or two of them, shall be two—shall lose and pay such penalties, forfeitures of sums of money ..., and also suffer such imprisonment of his body, as shall be expressed, mentioned, and declared in any such proclamation. ...

*Ibid.*, III, 726 f.: 31 Henry VIII, c. 8.

#### (L) ACT DISSOLVING THE GREATER MONASTERIES (1539)

An act for dissolution of abbeyes. Where divers and sundry abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of divers monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places within this our sovereign lord the king's realm of England and Wales, of their own free and voluntary minds good wills, and assents, without constraint, coercion, or compulsion of any manner of person or persons, since the fourth day of February the twenty-seventh year of the reign of our now most dread sovereign lord, by the due order and course of the common laws of this his realm of England, and by their sufficient writings of record under their convent and common seals, have severally given, granted, and by the same their writings severally confirmed all their said monasteries [etc.] ..., and all their sites, circuits, and precincts of the same, and all and singular their manors, lordships, granges, meses, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, churches, chapels, advowsons, patronage, annuities, rights, entries, conditions, commons, leets, courts, liberties, privileges, and franchises, appertaining or in any wise belonging to any such monastery [etc.] ..., to have and to hold all the said monasteries [etc.] ..., and all other the premises, to our said sovereign lord, his heirs and successors, forever; and the same their said monasteries [etc.] ..., and other the premises, voluntarily, as is aforesaid, have renounced, left, and forsaken ...: be it therefore enacted ... that the king our sovereign lord, shall have, hold possess, and en joy to him, his heirs, and successors, forever all and singular such late monasteries [etc.] ..., which since the said fourth day of February... have been dissolved .... or by any other mean come to his highness; and by the same authority and in like manner shall have, hold, possess, and enjoy all the ... hereditaments which appertained or belonged to the said late monasteries [etc.] ... in as large and ample manner and form as the late abbots,

priors, abbesses, prioresses, and other ecclesiastical governors and governesses of such late monasteries [etc.] ... had, held, or occupied ... their said late monasteries [etc.] ... at the time of the said dissolution ..., or by any other manner of mean coming of the same to the king's highness since the fourth day of February above specified.

And it is further enacted by the authority abovesaid that, not only all the said late monasteries [etc.] ... but also all other monasteries [etc.] ... which hereafter shall happen to be dissolved ..., and also all the ... hereditaments, whatsoever they be, belonging or appertaining to the same or any of them, whensoever and as soon as they shall be dissolved ..., shall be vested, deemed, and adjudged by authority of this present parliament in the very actual and real seisin and possession of the king our sovereign lord, his heirs, and successors, forever. ...

And be it also enacted by authority aforesaid that all the said late monasteries [etc.] ... which be dissolved ..., except such thereof as be come to the king's hands by attainder or attainders of treason, and all the said monasteries [etc.] ... which hereafter shall happen to be dissolved ..., and all ... hereditaments, whatsoever they be, belonging to the same or to any of them, except such thereof which shall happen to come to the king's highness by attainder or attainders of treason, shall be in the order, survey, and governance of our said sovereign lord the king's court of augmentations of the revenues of his crown. ...

*Ibid.*, III, 733 f.: 31 Henry VIII, c. 13.

#### (M) STATUTE OF THE SIX ARTICLES (1539)

An act abolishing diversity in opinions. Where the king's most excellent majesty is by God's law supreme head immediately under Him of this whole Church and Congregation of England, intending the conservation of the same Church and Congregation in a true sincere, and uniform doctrine of Christ's religion ... and ... hath therefore caused and commanded this his most high court of parliament, for sundry and many urgent causes and considerations, to be at this time summoned, and also a synod and convocation of all the archbishops, bishops, and other learned men of the clergy of this his realm to be in like manner assembled; and forasmuch as in the said parliament, synod, and convocation there were certain articles, matters, and questions proponed and set forth touching Christian religion ...: whereupon, after a great and long deliberate and advised disputation and consultation had and made concerning the said articles, as well by the consent of the king's highness as by the assent of the lords spiritual and temporal and other learned men of his clergy in their convocation, and by the consent of the commons in this present parliament assembled, it was and is finally resolved accorded, and agreed in manner and form following—that is to say first, that in the most blessed sacrament of the altar, by the strength and efficacy of Christ's mighty word, it being spoken by the priest is present really, under the form of bread and wine, the natural body and blood of our Saviour Jesu Christ, conceived of the Virgin Mary and that after the consecration there remaineth no substance of bread and wine, nor any other substance but the substance of Christ God and man; secondly, that communion in both kinds is not necessary *ad salutem* by the law of God to all persons, and that it is to be believed and not doubted of but that in the flesh under form of bread is the very blood, and with the blood under form of wine is the very flesh, as well apart as though they were both together; thirdly, that priests, after the order of priesthood received as afore, may not marry by the law of God; fourthly, that vows of chastity or widowhood by man or woman made to God advisedly ought to be observed by the law of God, and that it exempteth them from other liberties of Christian people which without that they might enjoy; fifthly, that it is meet and necessary that private masses be continued and admitted in this the king's English Church and Congregation, as whereby good Christian people ordering themselves accordingly do receive both godly and goodly consolations and benefits, and it is agreeable also to God's law; sixthly, that auricular confession is expedient and necessary to be retained and continued, used, and frequented, in the Church of God. ...

And be it further enacted ... that, if any person or persons ... contemn or contemptuously refuse, deny, or abstain to be confessed at the time commonly accustomed within this realm and Church of England, or contemn or contemptuously refuse, deny, or abstain to receive the holy and blessed sacrament abovesaid at the time commonly used and accustomed for the same, that then every such offender ... shall suffer such

imprisonment and make such fine and ransom to the king our sovereign lord and his heirs as by his highness or by his or their council shall be ordered and adjudged in that behalf; and if any such offender ... do eftsoons<sup>10</sup> ... refuse ... to be confessed or to be communicate ..., that then every such offence shall be deemed and adjudged felony, and the offender ... shall suffer pains of death, and lose and forfeit all his ... goods, lands, and tenements, as in cases of felony. ...

*Ibid.*, III, 739 f.: 31 Henry VIII, c. 14.

(N) THIRD ACT OF SUCCESSION (1543)<sup>11</sup>

An act concerning the establishment of the king's majesty's succession in the imperial crown of the realm. ... Forasmuch as our said most dread sovereign lord the king, upon good and just grounds and causes, intendeth by God's grace to make a voyage royal in his majesty's most royal person into the realm of France against his ancient enemy the French king, his highness, most prudently and wisely considering and calling to his remembrance how this realm standeth at this present time in the case of succession ..., recognizing and knowledging also that it is the only pleasure and will of Almighty God how long his highness or his said entirely beloved son Prince Edward shall live, and whether the said prince shall have heirs of his body lawfully begotten or not, or whether his highness shall have heirs begotten and procreated between his majesty and his said most dear and entirely beloved wife, Queen Katherine that now is, or any lawful heirs and issues hereafter of his own body begotten by any other his lawful wife; and albeit that the king's most excellent majesty, for default of such heirs as be inheritable by the said act, might ... give and dispose the said imperial crown and other the premises by his letters patents under his great seal or by his last will in writing signed with his most gracious hand to any person or persons of such estate therein as should please his highness to limit and appoint; yet to the intent that his majesty's disposition and mind therein should be openly declared and manifestly known and notified as well to the lords spiritual and temporal as to all other his loving and obedient subjects of this his realm, to the intent that their assent and consent might appear to concur with thus far as followeth of his majesty's declaration in this behalf: his majesty therefore thinketh convenient, afore his departure beyond the seas, that it be enacted ... that, in case it shall happen to the king's majesty and the said excellent prince, his yet only son ... and heir apparent, to decease without heir of either of their bodies lawfully begotten (as God defend!) ..., that then the said imperial crown and all other the premises shall be to the lady Mary, the king's highness's daughter and to the heirs of the body of the same lady Mary lawfully begotten, with such conditions as by his highness shall be limited by his letters patents under his great seal, or by his majesty's last will in writing signed with his gracious hand; and for default of such issue, the said imperial crown and other the premises shall be to the lady Elizabeth, the king's second daughter, and to the heirs of the body of the said lady Elizabeth lawfully begotten, with such conditions [etc.] ...<sup>12</sup>

*Ibid.*, III, 955: 35 Henry VIII, c. 1.

## HENRY VIII: OTHER DOCUMENTS

### ORDER FOR THE COUNCIL OF THE NORTH (1545)<sup>13</sup>

S&M, pp. 321–3 (No. 75)

His majesty, much desiring the quietness and good governance of the people there, and for speedy and indifferent administration of justice to be had between party and party, intendeth to continue his right honourable council called the King's Council in the North Parts. And his highness, knowing the approved truth, wisdom, and experience of the said archbishop of York, with his assured discretion and dexterity in

<sup>10</sup> Again.

<sup>11</sup> A second Act of Succession (1536), necessitated by the king's marriage to Jane Seymour, had included additional provisions, some of which are here rehearsed.

<sup>12</sup> In default of the heirs mentioned, the king might determine the succession by his letters patent or will, as provided in the act of 1536 (cf. no. 76).

<sup>13</sup> See especially R. R. Reid, *The King's Council in the North*.

executing of justice, hath first appointed him to be president of the said council so established, and by these presents do give unto him the name and title of lord president of the said council; and with the said name, power and authority to call all such others as shall be named of the said council, at this time or hereafter, together, at all such seasons as he shall think the same expedient; and otherwise by his letters, when they shall be absent, to appoint them and every of them to do such things for the advancement of justice and for the repression and punishment of malefactors as, by the advice of such part of the said council as then shall be present with him, he shall think meet for the furtherance of his grace's affairs and the due administration of justice between his highness's subjects. And further, his majesty by these presents giveth unto the said lord president, in all counsel where things shall be debated at length for the bringing out of the most perfect sentence—which his majesty's pleasure is shall be observed in all cases where the same shall be such as may abide advisement and consultation—a voice negative, to the intent nothing shall pass but by his express commandment, consent, and order. And his highness also willet and commandeth that all and every of the said councillors to be hereafter named shall exhibit to the said lord president as much honour, obedience, and reverent behaviour in all things (kneeling only excepted) as they would exhibit unto his own person if he were there present amongst them; and in like sort receive and execute all his precepts and commandments to be addressed unto them or any of them, for any matter touching his majesty or any process or thing to be done or served in his grace's name.

And to the intent the said president, being thus established as head and director of such council as his highness hath erected and established there for the purposes abovesaid, may be furnished with such assistants and members as be of wisdom, experience, gravity, and truth, meet to have the name of his grace's councillors, his majesty upon good advisement and deliberation hath elected and chosen these persons whose names ensue hereafter to be his councillors joined in the said council in the north parts with the said president. ...<sup>14</sup>

His majesty ordaineth that [ten of these] ... shall give their attendance at their own pleasure; that is to say, go and come when their will is, unless they shall be otherwise by the said president appointed, saving only at four general sittings, where every of the said council shall be present unless they have some just necessary impediment to the contrary. And because it shall be convenient that a number shall be continually abiding with the said president, to whom he may commit the charge and hearing of such matters as shall be exhibited unto him for the more expedition of the same, by these presents his highness doth also ordain that [four of the sixteen] ... shall give their continual attendance upon the said president, or at the least two of them; so as none of this number appointed to give his continual attendance shall in any wise depart at any time from the said president without his special licence, and the same not to extend above six weeks at one season. ...<sup>15</sup>

And to furnish the said president and council in all things with authority sufficient and ready to execute justice, as well in causes criminal as in matters of controversy between party and party, his majesty hath commanded two commissions to be made out under his great seal of England, by virtue whereof they shall have full power and authority in either case to proceed as the matter occurrent shall require. And for the more speedy expedition to be used in all cases of justice, his majesty's pleasure is that the said president and council shall cause every complainant and defendant that shall have to do before them to put their whole matter in their bill of complaint and answer, without replication, rejoinder, or other delay to be had or used therein. ... To which president and council the king's majesty by these presents doth give full power and authority, as well to punish such persons as in anything shall neglect or contemn their commandments, as all other that shall speak any seditious words, invent rumours, or commit any such offences, not being treason, whereof any inconvenience might grow, by pillory, cutting their ears, wearing of papers, or otherwise at their discretions; and to poor suitors having no money, at their discretions to appoint counsel and other requisites without paying of any money for the same. And likewise his highness giveth full power and authority to the said president and council being with him, to cess fines of all persons that shall be convict of

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<sup>14</sup> Sixteen men are named.

<sup>15</sup> Salaries, lodgings, and servants are assigned to the councillors.

any riots, how many soever they be in number, unless the matter of such riot shall be thought unto them of such importance as the same shall be meet to be signified unto his majesty, and punished in such sort, by the order of his council attendant upon his person, as the same may be noted for an example to others, and semblably, his grace giveth full power and authority unto them by their discretions to award costs and damages, as well to the plaintiff as to the defendants, and execution of their decrees; all which decrees the said secretary shall be bounden, incontinently upon the promulgation of every of the same, to write or cause to be written fair in a book, which book shall remain in the hands and custody of the said president. ...

And if it shall chance that the said president and council shall be variant in opinion, either in law or for any order to be taken upon any fact, that like as if the case be not of very great importance, that part wherein shall be the greater number of the councillors appointed to give continual attendance shall determine, or else, if they be of like number, that part whereunto the president shall consent and lean, who in all causes as is aforesaid shall ever have a voice negative; so being the case of great importance, if the question be of the law, the said president and council shall signify the case to the judges at Westminster, who shall with diligence advertise them again of their opinions in it. And if it be an order to be taken upon the fact, the said president and council shall in that case advertise the king's majesty, or his council attendant upon his person, upon the same; whereupon they shall have knowledge how to use themselves in that behalf. ...

*State Papers, Henry VIII, V, 402 f.*

### **WILL OF HENRY VIII (1545)<sup>16</sup>**

S&M, pp. 323–24 (No. 76)

Henry R. In the name of God and of the glorious and blessed Virgin, our Lady Saint Mary, and of all the holy company of heaven, we, Henry, by the grace of God king of England, France, and Ireland, Defender of the Faith, and in earth immediately under God the supreme head of the Church of England and Ireland, of that name the eighth, calling to our remembrance the great gifts and benefits of Almighty God given to us in this transitory life, give unto Him our most lowly and humble thanks, acknowledging ourself insufficient in any part to deserve or recompense the same, but fear that we have not worthily received the same. ...

We will by these presents that, immediately after our departure out of this present life, our said son Edward shall have and enjoy the said imperial crown and realm of England and Ireland, our title to France, with all dignities, honours, pre-eminences, prerogatives, authorities, and jurisdictions, lands and possessions, to the same annexed or belonging to him and to his heirs of his body lawfully begotten.

And for default of such issue of our said son Prince Edward's body lawfully begotten, we will the said imperial crown and other the premises, after our two deceases, shall wholly remain and come to the heirs of our body lawfully begotten of the body of our entirely beloved wife, Queen Katherine, that now is, or of any other our lawful wife that we shall hereafter marry. And for lack of such issue and heirs ..., the said imperial crown and all other the premises shall wholly remain and come to our said daughter Mary and the heirs of her body lawfully begotten; upon condition that our said daughter Mary, after our decease, shall not marry nor take any person to her husband without the assent and consent of the privy councillors and others appointed by us to our dearest son Prince Edward aforesaid to be of council. ... We will that, after our decease, and for default of issue of ... our daughter Mary, the said imperial crown and other the premises shall wholly remain and come to our said daughter Elizabeth and to the heirs of her body lawfully begotten; upon condition [etc.] ...<sup>17</sup>

Also we, being now at this time (thanks be to Almighty God!) of perfect memory, do constitute and ordain these personages following our executors and performers of this our last will and testament. ...<sup>18</sup> And

<sup>16</sup> On the authenticity of this document, see Pollard, *Protector Somerset*, pp. 3 f.

<sup>17</sup> Here follow similar provisions establishing the succession to the crown in favour of his nieces, Frances and Eleanor; and, should they have no lawful issue, in favour of "the next rightful heirs."

<sup>18</sup> The archbishop of Canterbury, the lord chancellor and fourteen others.

all these we will to be our executors and councillors of the privy council with our said son Prince Edward, in all matters concerning both his private affairs and public affairs of the realm. ... Whom we ordain, name, and appoint, and by these presents signed with our hand do make and constitute of privy council with our said son; and will that they have the government of our most dear son Prince Edward and of all our realms, dominions, and subjects, and of all the affairs public and private, until he shall have fully completed the eighteenth year of his age. ...

Rymer, *Foedera*, XV, 110–15.

### **PROCEEDINGS OF THE PRIVY COUNCIL (1547)**

S&M, pp. 332–3 (No. 79B)

#### **(B) LETTERS OF THE COUNCIL (1547)**

[24 March.] Letters to my lord Wharton: that, being advertised by his letters of a late raid of the Scots ..., the lords here thought good ... to require him that, by one letter apart, he should inform them of the very certainty of their number and damage done by them at that time as truly as he himself was instructed therein; and by another letter to enlarge the matter, describing their number to have been upon seven hundred, and that they burned three or four villages on our borders, took notable Grays,<sup>19</sup> prisoners, and cattle away, with such other aggravations of that their raid as his wisdom in that behalf could set forth.

[28 August.] To Sir Thomas Chenye, lord warden of the Cinque Ports: to recommend Sir John Baker so to those that have the naming of knights of the shire as at the next parliament he may be made knight of the shire of Kent accordingly.

[28 September.] To the sheriff of Kent: that, where the lords wrote to him afore to the end to make his friends for the election of Sir John Baker to be knight of the shire, understanding that he did abuse towards those of the shire their request into a commandment, their lordships advertise him that, as they meant not nor mean to deprive the shire by any their commandment of their liberty of election whom they should think meet, so nevertheless if they would in satisfaction of their lordship's request grant their voices to Mr. Baker, they would take it thankfully. A like letter written to the lord warden of the Cinque Ports with this addition, that, being informed he should abuse their request to menace them of the shire of Kent, as they would not believe it, so they advised him to use things in such sort as the shire might have free election.

*Acts of the Privy Council*, NS, II, 461, 516, 518 f.

### **ELIZABETH: STATUTES**

S&M, pp. 344–58 (No. 81)

#### **(A) ACT OF SUPREMACY (1559)**

An act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual and abolishing all foreign power repugnant to the same. Most humbly beseech your most excellent majesty your faithful and obedient subjects, the lords spiritual and temporal and the commons in this your present parliament assembled, that, where in time of the reign of your most dear father of worthy memory King Henry VIII, divers good laws and statutes were made and established, as well for the utter extinguishment and putting away of all usurped and foreign powers and authorities out of this your realm and other your highness's dominions and countries, as also for the restoring and uniting to the imperial crown of this realm the ancient jurisdictions, authorities, superiorities, and pre-eminences to the same of right belonging and appertaining; by reason whereof we, your most humble and obedient subjects, from the five-and-twentieth year of the reign of your said dear father, were continually kept in good order, and were disburdened of divers great and intolerable charges and exactions before that time unlawfully taken and exacted by such foreign power and authority as before that was usurped, until such time as all the said good laws ... in the

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<sup>19</sup> Presumably men by that name.

first and second years of the reigns of the late King Philip and Queen Mary ... were ... repealed ...;<sup>20</sup> by reason of which act of repeal your said humble subjects were eftsoons brought under an usurped foreign power and authority, and yet do remain in that bondage, to the intolerable charges of your loving subjects, if some redress by the authority of this your high court of parliament with the assent of your highness be not had and provided: may it therefore please your highness, for the repressing of the said usurped foreign power and the restoring of the rights, jurisdictions, and pre-eminences appertaining to the imperial crown of this your realm, that it may be enacted by the authority of this present parliament that the said act ... and all and every branch, clauses, and articles therein contained, other than such branches, clauses, and sentences as hereafter shall be excepted may from the last day of this session of parliament, by authority of this present parliament, be repealed, and shall from thenceforth be utterly void and of none effect.<sup>21</sup>

And to the intent that all usurped and foreign power and authority, spiritual and temporal, may forever be clearly extinguished and never to be used nor obeyed within this realm or any other your majesty's dominions or countries, may it please your highness that it may be further enacted by the authority aforesaid that no foreign prince, person, prelate, state, or potentate, spiritual or temporal, shall at any time after the last day of this session of parliament use, enjoy, or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence, or privilege, spiritual or ecclesiastical, within this realm or within any other your majesty's dominions or countries that now be or hereafter shall be, but from thenceforth the same shall be clearly abolished out of this realm and all other your highness's dominions forever, any statute, ordinance, custom, constitutions, or any other matter or cause whatsoever to the contrary in any wise notwithstanding ...; and that your highness, your heirs, and successors, kings or queens of this realm, shall have full power and authority ... to exercise ... all manner of jurisdictions, privileges, and preeminences in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within these your realms. ...

And for the better observation and maintenance of this act, may it please your highness that it may be further enacted by the authority aforesaid that all and every archbishop, bishop, and all and every other ecclesiastical person and other ecclesiastical officer and minister, of what estate, dignity, pre-eminence, or degree soever he or they be or shall be, and all and every temporal judge, justicer, mayor, and other lay or temporal officer and minister, and every other person having your highness's fee or wages within this realm or any your highness's dominions shall make, take, and receive a corporal oath upon the Evangelist, before such person or persons as shall please your highness, your heirs or successors, under the great seal of England to assign and name to accept and take the same, according to the tenor and effect hereafter following, that is to say—

“I, A. B., do utterly testify and declare in my conscience that the queen's highness is the only supreme governor of this realm and of all other her highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal, and that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the queen's highness, her heirs, and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities granted or belonging to the queen's highness, her heirs, and successors, or united or annexed to the imperial crown of this realm: so help me God and by the contents of this Book.” ...<sup>22</sup>

And for the more sure observation of this act and the utter extinguishment of all foreign and usurped power and authority, may it please your highness that it may be further enacted by the authority aforesaid that, if any person or persons dwelling or inhabiting within this your realm or in any other your highness's realms or dominions ..., shall by writing, printing, teaching, preaching, express words, deed, or act,

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<sup>20</sup> No. 78C.

<sup>21</sup> The following three sections revive Henry VIII's statutes declaring the supremacy of the crown in ecclesiastical affairs.

<sup>22</sup> Persons refusing to take this oath were to be debarred from offices in church and state.

advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the authority, pre-eminence power, or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate whatsoever, heretofore claimed, used, or usurped within this realm or any dominion or country being within or under the power, dominion, or obeisance of your highness, or shall advisedly, maliciously, or directly put in ure or execute anything for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, or authority, or any part thereof, that then every such person and persons so doing and offending, their abettors, aiders procurers, and counsellors, being thereof lawfully convicted and attainted according to the due order and course of the common laws of this realm shall suffer specified penalties, culminating in punishment for high treason on the third offence]. ...

Provided always, and be it enacted by the authority aforesaid, that such person or persons to whom your highness, your heirs, or successors, shall hereafter by letters patents under the great seal of England give authority to have or execute any jurisdiction, power, or authority spiritual, or to visit, reform, order, or correct any errors, heresies schisms, abuses, or enormities by virtue of this act, shall not in any wise have authority or power to order, determine, or adjudge any matter or cause to be heresy but only such as heretofore have been determined, ordered, or adjudged to be heresy by the authority of the canonical Scriptures, or by the first four general councils or any of them, or by any other general council wherein the same was declared heresy by the express and plain words of the said canonical Scriptures or such as hereafter shall be ordered, judged, or determined to be heresy by the high court of parliament of this realm with the assent of the clergy in their convocation—anything in this act contained to the contrary notwithstanding. ...

*Statutes of the Realm*, IV, 350 f.: 1 Elizabeth, c. 1.

#### (B) ACT OF UNIFORMITY (1559)

An act for the uniformity of common prayer and divine service in the Church, and the administration of the sacraments. ... And further be it enacted ...<sup>23</sup> that all and singular ministers in any cathedral or parish church or other place within this realm of England, Wales, and the marches of the same, or other the queen's dominions, shall from and after the feast of the Nativity of St. John Baptist next coming, be bounden to say and use the matins, evensong, celebration of the Lord's Supper and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the ... book so authorized by parliament in the ... fifth and sixth year of the reign of King Edward VI,<sup>24</sup> with one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants, and none other or otherwise; and that, if any manner of parson, vicar, or other whatsoever minister that ought or should sing or say common prayer mentioned in the said book or minister the sacraments ... refuse to use the said common prayers or to minister the sacraments ... in such order and form as they be mentioned and set forth in the said book, or shall wilfully or obstinately ... use any other rite, ceremony, order, form, or manner of celebrating of the Lord's Supper openly or privily, or matins, evensong, administration of the sacraments, or other open prayers, than is mentioned and set forth in the said book ..., or shall preach, declare, or speak anything in the derogation or depraving of the said book or anything therein contained, or of any part thereof, and shall be thereof lawfully convicted according to the laws of this realm by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact ..., [he shall suffer fine or imprisonment—life imprisonment for the third offence].

And it is ordained and enacted by the authority abovesaid that, if any person or persons whatsoever after the said feast ... shall in any interludes, plays, songs, rhymes, or by other open words, declare or speak anything in the derogation, depraving, or despising of the same book, or of anything therein contained, or

<sup>23</sup> The first section repeals Mary's statute of 1553 (no. 78A).

<sup>24</sup> No. 77B.



any part thereof, or shall by open fact, deed, or by open threatenings, compel or cause or otherwise procure or maintain any parson, vicar, or other minister in any cathedral or parish church or in chapel or in any other place to sing or say any common or open prayer or to minister any sacrament otherwise or in any other manner and form than is mentioned in the said book, or that by any of the said means shall unlawfully interrupt or let any parson, vicar, or other minister in any cathedral or parish church, chapel, or any other place to sing or say common and open prayer, or to minister the sacraments or any of them, in such manner and form as is mentioned in the said book, that then every such person, being thereof lawfully convicted in form abovesaid ..., [shall suffer fine or imprisonment—life imprisonment for the third offence].

And ... from and after the said feast ... all and every person and persons inhabiting within this realm or any other the queen's majesty's dominions shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday and other days ordained and used to be kept as holy days; and then and there ... abide orderly and soberly during the time of the common prayer, preachings, or other service of God there to be used and ministered, upon pain of punishment by the censures of the Church and also upon pain that every person so offending shall forfeit for every such offence 12d., to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish. ...

Provided always, and be it enacted, that such ornaments of the Church and of the ministers thereof shall be retained and be in use as was in the Church of England by authority of parliament in the second year of the reign of King Edward VI, until other order shall be therein taken by the authority of the queen's majesty, with the advice of her commissioners appointed and authorized under the great seal of England for causes ecclesiastical or of the metropolitan of this realm; and also that, if there shall happen any contempt or irreverence to be used in the ceremonies or rites of the Church by the misusing of the orders appointed in this book, the queen's majesty may, by the like advice of the said commissioners or metropolitan ordain and publish such further ceremonies or rites as may be most for the advancement of God's glory, the edifying of His Church, and the due reverence of Christ's holy mysteries and sacraments.

And be it further enacted by the authority aforesaid that all laws statutes, and ordinances wherein or whereby any other service, administration of sacraments, or common prayer is limited, established or set forth to be used within this realm, or any other the queen's dominions or countries, shall from henceforth be utterly void and of none effect.

*Ibid.*, IV, 355 f.: 1 Elizabeth, c. 2.

(C) STATUTE OF ARTIFICERS (1563)

[Reproduced above, Section 6F.]

(D) TREASONS ACT (1571)<sup>25</sup>

An act whereby certain offences be made treason. ... Be it enacted, declared, and established ... that, if any person or persons whatsoever, at any time after the last day of June next coming during the natural life of our most gracious sovereign lady, Queen Elizabeth ..., shall, within the realm or without, compass, imagine, invent, devise, or intend the death or destruction, or any bodily harm tending to death, destruction, maim, or wounding of the royal person of the same our sovereign lady, Queen Elizabeth; or to deprive or depose her of or from the style, honour, or kingly name of the imperial crown of this realm or of any other realm or dominion to her majesty belonging, or to levy war against her majesty within this realm or without, or to move or to stir any foreigners or strangers with force to invade this realm or the realm of Ireland or any other her majesty's dominions being under her majesty's obeisance, and such compasses, imaginations, inventions, devices, or intentions, or any of them, shall maliciously, advisedly, and expressly utter or declare by any printing, writing, ciphering, speech, words, or sayings; or if any person or persons whatsoever, after

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<sup>25</sup> Cf. no. 73E. For comment on the treason acts passed between 1495 and 1571, see Tanner, *Tudor Constitutional Documents*, pp. 378-81.

the said last day of June, shall maliciously, advisedly, and directly publish, declare, hold opinion, affirm or say by any speech, express words, or sayings that our said sovereign lady, Queen Elizabeth, during her life is not or ought not to be queen of this realm of England and also of the realms of France and Ireland, or that any other person or persons ought of right to be king or queen of the said realms ..., during her majesty's life, or shall by writing, printing, preaching, speech, express words, or sayings maliciously, advisedly, and directly publish, set forth, and affirm that ... our said sovereign lady, Queen Elizabeth, is an heretic, schismatic, tyrant, infidel, or an usurper of the crown of the said realms or any of them; that then all and every such said offence or offences shall be taken, deemed, and declared, by the authority of this act and parliament, to be high treason; and that as well the principal offender or offenders therein as all and every the abettors, counsellors, and procurers to the same offence or offences, and all and every aiders and comforters of the same offender or offenders ... shall suffer pains of death and also forfeit unto the queen's majesty, her heirs, and successors, all and singular lands, tenements, and hereditaments, goods, and chattels, as in cases of high treason by the laws and statutes of this realm at this day of right ought to be forfeited and lost. ...

And be it further enacted that, if any person shall in any wise hold and affirm or maintain that the common laws of this realm not altered by parliament ought not to direct the right of the crown of England; or that our said sovereign lady ..., with and by the authority of the parliament of England, is not able to make laws and statutes of sufficient force and validity to limit and bind the crown of this realm and the descent, limitation, inheritance, and government thereof; or that this present statute, or any part thereof, or any other statute to be made by the authority of the parliament of England with the royal assent of our said sovereign lady ... for limiting of the crown, or any statute for recognizing the right of the said crown and realm to be justly and lawfully in the most royal person of our said sovereign lady ... is not, are not, or shall not or ought not to be forever of good and sufficient force and validity to bind, limit, restrain, and govern all persons ... whatsoever, every such person, so holding, affirming, or maintaining during the life of the queen's majesty, shall be judged a high traitor, and suffer and forfeit as in cases of high treason is accustomed. ...

*Ibid.*, IV, 526 f.: 13 Elizabeth, c. 2.

(E) ACT PROHIBITING BULLS FROM ROME (1571)<sup>26</sup>

An act against the bringing in and putting in execution of bulls and other instruments from the see of Rome. Where, in the parliament holden at Westminster in the fifth year of the reign of our sovereign lady the queen's majesty that now is, by one act and statute then and there made ... it is among other things very well ordained and provided, for the abolishing of the usurped power and jurisdiction of the bishop of Rome and of the see of Rome heretofore unlawfully claimed and usurped within this realm and other the dominions to the queen's majesty belonging, that no person or persons shall hold or stand with to set forth, maintain, defend, or extol the same usurped power, or attribute any manner jurisdiction, authority, or pre-eminence to the same, to be had or used within this realm or any the said dominions, upon pain to incur the danger, penalties, and forfeitures ordained and provided by the Statute of Provision and Praemunire made in the sixteenth year of the reign of King Richard II ...; and yet, nevertheless, divers seditious and very evil-disposed people ... have lately procured and obtained to themselves from the said bishop of Rome and his said see divers bulls and writings, the effect whereof hath been and is to absolve and reconcile all those that will be contented to forsake their due obedience to our most gracious sovereign lady the queen's majesty, and to yield and subject themselves to the said feigned, unlawful, and usurped authority ...: be it enacted ... that, if any person or persons, after the first day of July next coming, shall use or put in ure in any place within this realm or in any the queen's dominions any such bull, writing, or instrument ... of absolution or reconciliation at any time heretofore obtained and gotten, or at any time hereafter to be obtained and gotten, from the said bishop of Rome or any his successors, or from any other person or persons authorized or claiming authority by or from the said bishop of Rome, his predecessors, or successors, or see of Rome; or if

<sup>26</sup> Passed in reply to Pius V's bull of the previous year declaring Elizabeth a usurper and freeing her subjects from their allegiance.

any person or persons, after the said first day of July, shall take upon him or them, by colour of any such bull [etc.] ..., to grant or promise to any person or persons within this realm or any other the queen's majesty's dominions any such absolution or reconciliation by any speech, preaching, teaching, writing, or any other open deed; or if any person or persons within this realm or any the queen's dominions, after the said first day of July, shall willingly receive and take any such absolution or reconciliation; or else if any person or persons have obtained or gotten, since the last day of parliament holden in the first year of the queen's majesty's reign, or after the said first day of July shall obtain or get from the said bishop of Rome or any his successors or see of Rome any manner of bull [etc.] ... containing any thing, matter, or cause whatsoever, or shall publish or by any ways or means put in ure any such bull [etc.] ...; that then all and every such act and acts, offence and offences, shall be deemed and adjudged by the authority of this act to be high treason, and the offender and offenders therein, their procurers, abettors, and counsellors ..., shall be deemed and adjudged high traitors to the queen and the realm, and, being thereof lawfully indicted and attainted ..., shall suffer pains of death, and also lose and forfeit all their lands, tenements, hereditaments, goods, and chattels, as in cases of high treason by the laws of this realm ought to be lost and forfeited.

And be it further enacted by the authority aforesaid that, if any person or persons shall at any time after the said first day of July bring into this realm of England or any the dominions of the same any token or tokens ..., crosses, pictures, beads, or suchlike vain and superstitious things from the bishop or see of Rome ... and ... shall deliver or offer or cause to be delivered the same or any of them to any subject of this realm, or of any the dominions of the same, to be worn or used in any wise; that then as well the same person and persons so doing as also all and every other person or persons which shall receive and take the same to the intent to use or wear the same, being thereof lawfully convicted and attainted ..., shall incur into the dangers, penalties, pains, and forfeitures ordained and provided by the Statute of Praemunire and Provision made in the sixteenth year of the reign of King Richard II. ...

*Ibid.*, IV, 528 f.: 13 Elizabeth, c. 2.

(F) ACT AGAINST SECTARIES (1593)

An act to retain the queen's subjects in obedience. For the preventing and avoiding of such great inconveniences and perils as might happen and grow by the wicked and dangerous practices of seditious sectaries and disloyal persons: be it enacted by the queen's most excellent majesty, and by the lords spiritual and temporal and the commons in this present parliament assembled, and by the authority of the same, that, if any person or persons above the age of sixteen years ... shall obstinately refuse to repair to some church, chapel, or usual place of common prayer to hear divine service established by her majesty's laws and statutes in that behalf made ..., [and] shall ... by printing, writing, or express words or speeches advisedly and purposely practise or go about to move or persuade any of her majesty's subjects ... to deny, withstand, and impugn her majesty['s] power and authority in causes ecclesiastical, united and annexed to the imperial crown of this realm, or to that end or purpose shall advisedly and maliciously move or persuade any other person whatsoever to forbear or abstain from coming to church to hear divine service, or to receive the communion according to her majesty's laws and statutes aforesaid, or to come to or to be present at any unlawful assemblies, conventicles, or meetings under colour or pretence of any exercise of religion contrary to her majesty's said laws and statutes; or if any person or persons ... shall ... willingly join or be present at any such assemblies, conventicles, or meetings ...; that then every such person so offending as aforesaid and being thereof lawfully convicted shall be committed to prison, there to remain without bail or mainprise until they shall conform and yield themselves to come to some church, chapel, or usual place of common prayer and hear divine service according to her majesty's laws and statutes aforesaid. ...<sup>27</sup>

*Ibid.*, IV, 841: 35 Elizabeth, c. 1.

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<sup>27</sup> The subsequent articles, among other provisions, establish penalties for offenders who refuse to conform, and an oath to be taken by those who submit to the law.

(G) ACT AGAINST PAPISTS (1593)<sup>28</sup>

An act against popish recusants. For the better discovering and avoiding of all such traitorous and most dangerous conspiracies and attempts as are daily devised and practised against our most gracious sovereign lady, the queen's majesty, and the happy estate of this commonweal by sundry wicked and seditious persons, who, terming themselves Catholics and being indeed spies and intelligencers, not only for her majesty's foreign enemies, but also for rebellious and traitorous subjects born within her highness's realms and dominions, and hiding their most detestable and devilish purposes under a false pretext of religion and conscience, do secretly wander and shift from place to place within this realm to corrupt and seduce her majesty's subjects and to stir them to sedition and rebellion: be it ordained and enacted ... that every person above the age of sixteen years, born within any the queen's majesty's realms or dominions or made denizen, being a popish recusant ... and having any certain place of dwelling and abode within this realm, shall within forty days next after the end of this session of parliament ... repair to their place of dwelling where they usually heretofore made their common abode, and shall not any time after pass or remove above five miles from thence. ...

Provided always, and be it further enacted by the authority aforesaid, that all such persons as ... aforesaid shall within twenty days next after their coming to any of the said places, as the case shall happen, notify their coming thither and present themselves and deliver their true names in writing to the minister or curate of the same parish and to the constable, headborough, or tithingman of the town; and thereupon the said minister or curate shall presently enter the same into a book to be kept in every parish for that purpose. And afterward the said minister or curate and the said constable, headborough, or tithingman shall certify the same in writing to the justices of the peace of the same county at the next general or quarter sessions to be holden in the said county; and the said justices shall cause the same to be entered by the clerk of the peace in the rolls of the same sessions.

And to the end that the realm be not pestered and overcharged with the multitude of such seditious and dangerous people as is aforesaid, who, having little or no ability to answer or satisfy any competent penalty for their contempt and disobedience of the said laws and statutes and being committed to prison for the same, do live for the most part in better case there than they could if they were abroad at their own liberty ...: if any such person or persons, being a popish recusant ..., shall not ... repair to their place of usual dwelling [etc.] ... as is aforesaid ..., and shall not ... conform themselves to the obedience of the laws and statutes of this realm in coming usually to the church to hear divine service, and in making such public confession and submission as hereafter in this act is appointed ..., such offender ... shall, upon his ... corporal oath before any two justices of the peace or coroner of the same county, abjure this realm of England and all other the queen's majesty's dominions forever.

*Ibid.*, IV, 843 f.: 35 Elizabeth, c. 2.

## (H) POOR RELIEF ACT (1598)

[Reproduced above, Section 6F.]

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<sup>28</sup> An earlier act, 1585, had banished Jesuits and seminary priests.

## B. TUDOR-STUART ABSOLUTISM, 1485–1637

in M. KNAPPEN, CONSTITUTIONAL AND LEGAL HISTORY OF ENGLAND (1942) 307–48)

### HENRY VIII AND THE MOVEMENT FOR CHURCH REFORM

**The Succession of Henry VIII (1509–47) and the Continuation of His Father's Policy.** If there were any hopes that th[e] diminution of the strength of the aristocracy was merely a temporary thing, the work of one extraordinary genius that would end with his death, they were dispelled by the actions of his successor, Henry VIII, who came to the throne in 1509. In 1513 the King had the imprisoned Earl of Suffolk (page 311) executed without any further legal steps beyond an old attain (condemnation without trial) in