

LXXVII.

QUEEN ELIZABETH'S PROCLAMATION TO
FORBID PREACHING, ETC., A. D. 1558.

THE following proclamation was issued by the queen at Westminster, December 27, 1558, and has reference to the mitigation of religious acrimony pending the formulation of her religious policy which appeared in the Supremacy and Uniformity Acts of the following April.

[Transcr. H. Dyson's Collection of Proclamations, A.D. 1618, f. 3.]

By the Queen.

The queen's majesty understanding that there be certain persons having in times past the office of ministry in the Church, which now do purpose to use their former office in preaching and ministry, and partly have attempted the same, assembling specially in the city of London, in sundry places, great number of people, whereupon riseth among the common sort not only unfruitful dispute in matters of religion, but also contention and occasion to break common quiet, hath therefore, according to the authority committed to her highness for the quiet governance of all manner her subjects, thought it necessary to charge and command, like as hereby her highness doth charge and command, all manner of her subjects, as well those that be called to ministry in the Church as all others, that they do forbear to preach, or teach, or to give audience to any manner of doctrine or preaching other than to the Gospels and Epistles, commonly called the Gospel and Epistle of the day, and to the Ten Commandments in the vulgar tongue, without exposition or addition of any manner, sense, or meaning to be applied and added; or to use any other manner of public prayer, rite, or ceremony in the Church, but that which is already used and by law received; or the common Litany used at this present in her majesty's own chapel, and the Lord's Prayer, and the Creed in English; until consultation may be had by Parliament, by her majesty and her three estates of this realm, for the better conciliation and accord of such causes, as at this present are moved in matters and ceremonies of religion.

The true advancement whereof to the due honour of Almighty God, the increase of virtue and godliness, with universal charity and concord amongst her people, her majesty most desireth, and meaneth effectually, by all manner of means possible, to procure and to restore to this her realm. Whereunto as her majesty instantly requireth all her good, faithful, and loving subjects to be assenting and aiding with due obedience, so if any shall disobediently use themselves to the breach hereof, her majesty both must and will see the same duly punished, both for the quality of the offence, and for example to all others neglecting her majesty's so reasonable commandment. Given at her highness's palace of Westminster the twenty-seventh day of December, the first year of her majesty's reign.

God save the queen.

LXXVIII.

THE INJUNCTIONS OF ELIZABETH, A. D. 1559

(compared with those of Edward VI¹).

THESE Injunctions, which would appear to have been drawn up by Cecil and his advisers, were ready in June of 1559 for the visitors to take round. Their basis is the series of Injunctions published under Edward VI in 1547. They follow that series for the most part from 1 to 28. The more important changes are indicated in the notes. The number in the margin refers to the corresponding paragraph in the Edwardine document. The Injunctions of Edward, which have been dropped entirely, are Nos. 6, concerning the occupation of children and servants; 7, concerning the absence of clergy from their cures; 12, concerning the recantation of erroneous teaching about relics, &c.; 20, concerning unauthorized alteration of fasts, &c.; 27, concerning the preaching of dignitaries; 31, concerning sick visitation, &c.; 36, concerning chantry priests; and 37, concerning the omission of the Hours when there is a sermon. Those which follow the first 28, are chiefly new.

[Transcr. from contemporary print at British Museum, 5155, a. 14 (1).]

The queen's most royal majesty, by the advice of her most honourable council, intending the advancement of the true honour of Almighty God, the suppression of superstition throughout all her highness's realms and dominions, and to plant true religion to the extirpation of all hypocrisy, enormities, and abuses (as to her duty appertaineth), doth minister unto her loving subjects these godly Injunctions hereafter following. All which Injunctions her highness willeth and commandeth her loving subjects obediently to receive, and truly to observe and keep, every man in their offices, degrees, and states, as they will avoid her highness's displeasure, and pains of the same hereafter expressed.

I. The first is, that all deans, archdeacons, parsons, vicars, and all other ecclesiastical persons shall faithfully keep and observe, and as far as in them may lie, shall cause to be observed and kept of other, all and singular laws and statutes made [for the restoring to the crown, the ancient jurisdiction over the state ecclesiastical, and abolishing of all foreign power, repugnant to the same²]. And furthermore, all ecclesiastical persons having cure of souls shall, to the uttermost of their wit, knowledge, and learning, purely [and³] sincerely, and without any colour or dissimulation, declare, manifest, and open four times every year at the least, in their sermons and other collations, that [all usurped and foreign power⁴] having no establishment nor ground by the law of God, [is, for⁵] most just causes, taken away and abolished; and that therefore no manner of obedience [and⁶] subjection within [her⁷] highness's realms and dominions is due unto [any such foreign power⁸]. And that the [queen's⁹] power within [her¹⁰] realms and dominions is the highest power under God, to whom all men, within the same realms and dominions, by God's laws, owe most loyalty and obedience, afore and above all other powers and potentates in earth.

II. Besides this, to the intent that all superstition and hypocrisy crept into divers men's hearts may vanish away, they shall not set forth or extol [the dignity of¹¹] any images, relics, or miracles; [but,

¹ The Edwardine Injunctions of 1547 may be seen in Cardwell's *Documentary Annals* i. p. 4.

² as well for the abolishing and extirpation of the Bishop of Rome, his pretended and usurped power and jurisdiction, as for the establishment and confirmation of the king's authority, jurisdiction, and supremacy of the Church of England and Ireland.

³ Om.

⁴ the Bishop of Rome's usurped power and jurisdiction.

⁵ was of.

⁶ or.

⁷ his.

⁸ him.

⁹ king's.

¹⁰ his.

declaring the abuse of the same¹,] they shall teach that all goodness, health, and grace ought to be both asked and looked for only of God, as of the very Author and Giver of the same, and of none other.

III. Item, that they, the persons above rehearsed, shall [preach² in their churches, and every other cure they have, one sermon every [month³] of the year at the least, wherein they shall purely and sincerely declare the word of God, and in the same exhort their hearers to the works of faith, as⁴] mercy and charity especially prescribed and commanded in Scripture; and that [the⁵] works devised by man's fantasies, besides Scripture (as wandering [of⁶] pilgrimages, [setting up of candles⁷,] praying upon beads, or such like superstition), have not only no promise of reward in Scripture for doing of them, but contrariwise great threatenings and maledictions of God, for that they [being⁸] things tending to idolatry and superstition, which of all other offences God Almighty doth most detest and abhor, for that the same most diminish His honour and glory.

IV. Item, that they, the persons above rehearsed, shall preach in their own persons, once in every quarter of the year at the least, one sermon, being licensed especially thereunto, as is specified hereafter; or else shall read some homily prescribed to be used by the queen's authority every Sunday at the least, unless some other preacher sufficiently licensed, as hereafter, chance to come to the parish for the same purpose of preaching⁹.

V. Item, that every holy-day through the year, when they have no sermon, they shall immediately after the Gospel openly and plainly recite to their parishioners in the pulpit the Pater poster, the Creed, and the Ten Commandments, in English, to the intent that the people may learn the same by heart; exhorting all parents and house holders to teach their children and servants the same, as they are bound by the law of God and conscience to do¹⁰.

VI. Also, that they shall provide within three months next after this visitation [at the charges of the parish¹¹], one book of the whole Bible of the largest volume in English; and within one twelve months next after the said visitation, the Paraphrases of Erasmus also in English upon the Gospel, and the same set up in some convenient place within the said church that they have cure of, whereas their parishioners may most commodiously resort unto the same, and read the same, [out of the time of common service¹²]. The charges of [the Paraphrases¹³] shall be [by the parson or proprietary and parishioners borne by equal portions¹⁴]; and they shall discourage no man¹⁵ from the reading of any part of the Bible, either in Latin

¹¹ Om.

¹ for any superstition or lucre; nor allure the people by any enticements to the pilgrimage of any saint or image; but, reproving the same.

² make or cause to be made.

³ quarter.

⁴ Om.

⁵ Om.

⁶ to.

⁷ offering of money, candles or tapers to relics, or images, or kissing and licking of the same.

⁸ be.

⁹ This Injunction is new, and in the place of one which required the removal of all images, and the tapers or candles usually set before them, but expressly allowed 'two lights upon the high altar before the sacrament, which, for the signification that Christ is the very true light of the world, they shall suffer to remain still.' It appears however from the Injunctions of 1549 (No. 3), and the subsequent Injunctions of Bishop Ridley, 1550 (No. 2), that the permission had in the meantime been withdrawn.

¹⁰ Verbatim.

¹¹ Om.

¹² Om.

¹³ which books.

¹⁴ rateably borne between the parson and proprietary and parishioners aforesaid, that is to say the one half by the parson or proprietary, and the other half by the parishioners.

or in English, but shall rather¹ exhort every person to read the same with great humility and reverence, as the very lively word of God, and the especial food of man's soul, which all Christian persons are bound to embrace, believe, and follow, if they look to be saved; whereby they may the better know their duties to God, to their sovereign [lady the queens²,] and their neighbour; ever gently and charitably exhorting them, and in [her³] majesty's name straitly charging and commanding them, that in the reading thereof, no man to reason or contend, but quietly to hear the reader.

VII. Also, the said ecclesiastical persons shall in no wise at any unlawful time, nor for any other cause, than for their honest necessities, haunt or resort to any taverns or alehouses. And after their [meats⁴,] they shall not give themselves to drinking or riot, spending their time idly by day [and⁵] by night at dice, cards, or tables playing, or any other unlawful game; but at all times, as they shall have leisure, they shall hear or read somewhat of Holy Scripture, or shall occupy themselves with some other honest [study, or⁶] exercise; and that they always do the things which appertain to honesty, and endeavour to profit the commonwealth; having always in mind that they ought to excel all other in purity of life, and should be [examples⁷] to the people to live well and Christianly.

VIII. Also, that they shall admit no man to preach within any their cures, but such as shall appear unto them to be sufficiently licensed thereunto by the [queen's majesty, or⁸] the Archbishop of Canterbury or the Archbishop of York, in [either their provinces⁹,] or by the bishop of the diocese, [or by the queen's majesty's visitors¹⁰]. And such as shall be so licensed, they shall gladly receive to declare the word of God at convenient times, without any resistance or contradiction. [And that no other be suffered to preach out of his own cure or parish, than such as shall be licensed, as is above expressed¹¹.]

IX. Also, if they do or shall know any man within their parish or elsewhere, that is a letter of the word of God to be read in English, or sincerely preached, or of the execution of these the [queen's¹²] majesty's Injunctions, or a fautor of [any usurped and foreign¹³] power, now by the laws of this realm justly rejected and taken away, they shall detect and present the same to the [queen's majesty, or to her¹⁴] council, [or to the ordinary¹⁵,] or to the justice of peace next adjoining.

X. Also, that the parson, vicar, or curate, and parishioners of every parish within this realm, shall in their churches and chapels keep one book or register, wherein they shall write the day and year of every wedding, christening, and burial made within their parish for their time, and so every man succeeding them likewise; and also therein shall write every person's name that shall be so wedded, christened, and buried. And for the safe keeping of the same book, the parish shall be bound to provide of their common charges one sure coffer, with two locks and keys, whereof the one to remain with the parson, vicar, or curate, and the other with the wardens of every parish church or chapel, wherein the said book shall be

¹⁵ authorized and licensed thereto.

¹ comfort and.

² lord the king.

³ his.

⁴ dinner or supper.

⁵ or.

⁶ Om.

⁷ an example.

⁸ king's majesty the lord protector's grace.

⁹ his province.

¹⁰ Om.

¹¹ Om.

¹² king's

¹³ the Bishop of Rome's pretended.

¹⁴ king or.

¹⁵ Om.

laid up. Which book they shall every Sunday take forth, and in the presence of the said wardens, or one of them, write and record in the same all the weddings, christenings, and burials, made the whole week before; and that done, to lay up the book in the said coffer as before: and for every time that the same shall be omitted, the party that shall be in the fault thereof shall forfeit to the said church 3s. 4d., to be employed [the one half¹] to the poor men's box of that parish, [the other half towards the repairing of the church²].

XI. Furthermore, because the goods of the Church are called the goods of the poor, and at these days nothing is less seen, than the poor to be sustained with the same; all parsons, vicars, pensionaries, prebendaries, and other beneficed men within this deanery, not being resident upon their benefices, which may dispend yearly 20*l.* or above, either within this deanery, or elsewhere, shall distribute hereafter among their poor parishioners, or other inhabitants there, in the presence of the churchwardens, or some other honest man of the parish, the fortieth part of the fruits and revenues of their said [benefice³;] lest they be worthily noted of ingratitude, which reserving so many parts to themselves, cannot vouchsafe to impart the fortieth portion thereof among the poor people of that parish, that is so fruitful and profitable unto them.

XII. And, to the intent that learned men may hereafter spring, the more for the execution of the premises, every parson, vicar, clerk, or beneficed man within this deanery, having yearly to dispend in benefices and other promotions of the Church 100*l.*, shall give [3*l.* 6*s.* 8*d.* in⁴] exhibition to one scholar [in any of the universities⁵;] and for as many hundred pounds more as he may dispend, to so many scholars more shall give like exhibition in the University of Oxford or Cambridge, or some grammar school, which, after they have profited in good learning, may be partners of their patron's cure and charge, as well in preaching, as otherwise in executing of their offices, or may, when need shall be, otherwise profit the commonweal with their counsel and wisdom.

XIII. Also, that [all⁶] proprietaries, parsons, vicars, and clerks, having churches, chapels, or mansions within this deanery, shall bestow yearly hereafter upon the same mansions or chancels of their churches, being in decay, the fifth part of that their benefices, till they be fully repaired, and⁷ shall always keep and maintain in good estate.

XIV. Also, that the said parsons, vicars, and clerks shall once every quarter of the year read these Injunctions given unto them, openly and deliberately before all their parishioners at one time, or at two several times in one day; to the intent that both they may be the better admonished of their duty, and their said parishioners the more moved to follow the same for their part.

XV. Also, forasmuch as by [laws⁸] established, every man is bound to pay his tithes, no man shall by colour of duty omitted by their curates, detain their tithes and so⁹ requite one wrong with another, or be his own judge; but shall truly pay the same, as¹⁰ hath been accustomed, to their parsons, vicars, and curates, without any restraint or diminution; and such lack and default as they can justly find in their

¹ Om.

² competent.

³ benefices.

⁴ competent.

⁵ Om.

⁶ the.

⁷ the same so repaired.

⁸ a law.

⁹ redub and.

¹⁰ he.

parsons and curates, to call for reformation thereof at their ordinaries and other superiors¹¹, who, upon complaint and due proof thereof, shall reform the same accordingly.

21. XVI. Also, that every parson, vicar, curate, [and stipendiary priest²,] being under the degree of a [master of art³,] shall provide and have of his own, within three months after this visitation, the New Testament both in Latin and in English, with [paraphrases upon the same⁴,] conferring the one with the other. And the bishops and other ordinaries by themselves or their officers, in their synods and visitations, shall examine the said ecclesiastical persons, how they have profited in the study of Holy Scripture.

XVII. Also, that the vice of damnable despair may be clearly taken away, and that firm belief and steadfast hope may be surely conceived of all their parishioners, being in any danger; they shall learn and have always in a readiness such comfortable places and sentences of Scripture, as do set forth the mercy, benefits, and goodness of Almighty God towards all penitent and believing persons; that they may at all times when necessity shall require, promptly comfort their flock with the lively word of God, which is the only stay of man's conscience⁵.

XVIII. Also, to avoid all contention and strife, which heretofore hath risen among the queen's majesty's subjects in sundry places of her realms and dominions, by reason of fond courtesy, and challenging of places in procession; and also that they may the more quietly hear that which is said or sung to their edifying, they shall not from henceforth in any parish church at any time use any procession about the church or churchyard, or other place; but immediately before [the time of communion of the Sacrament⁶,] the priests with other of the quire shall kneel in the midst of the church, and sing or say plainly and distinctly the Litany, which is set forth in English, with all the suffrages following, to the intent the people may hear and answer; and none other procession or litany to be had or used, but the said Litany in English, adding nothing thereto, but as [it is now appointed⁷]. And in cathedral or collegiate churches the same shall be done in such places, and in such sort, as our commissioners in our visitation shall appoint. And in the time of the Litany, of the [common prayer⁸,] of the sermon, and when the priest readeth the Scripture to the parishioners, no manner of persons, without a just and urgent cause, shall [use any walking in the church, nor shall⁹] depart out of the church; and all ringing and knolling of bells shall be utterly forborne at that time, except one bell at convenient time to be rung or knolled before the sermon. [But yet for retaining of the perambulation of the circuits of parishes, they shall once in the year at the time accustomed, with the curate and substantial men of the parish, walk about their parishes, as they were accustomed, and at their return to the church, make their common prayers¹⁰.]

XIX. Provided, that the curate in their said common perambulations, used heretofore in the days of rogations, at certain convenient places shall admonish the people to give thanks to God, in the beholding of God's benefits, for the increase and abundance of His fruits upon the face of the earth, with the saying of the 103rd Psalm, '*Benedic anima mea,*' &c. At which time also the same minister shall inculcate these or such sentences: 'Cursed be he, which translateth the bounds and doles of his neighbour.' Or such other order of prayers, as shall be hereafter appointed¹¹.

¹ hands.

² chantry priest and stipendiary.

³ Bachelor of Divinity.

⁴ the Paraphrase upon the same of Erasmus.

⁵ Condensed from 23 Ed. VI.

⁶ high Mass.

⁷ our commissaries in our visitation shall appoint.

⁸ Mass.

⁹ Om.

¹⁰ Om.

¹¹ New.

XX. Item¹, all the [queen's²] faithful and loving subjects shall from henceforth celebrate and keep their holy day according to God's³ will and pleasure; that is, in hearing the word of God read and taught, in private and public prayers, in knowing their offences to God, and amendment of the same, in reconciling themselves charitably to their neighbours, where displeasure hath been, in oftentimes receiving the communion of the very Body and Blood of Christ, in visiting of the poor and sick, using all soberness and godly conversation. Yet notwithstanding, all parsons, vicars, and curates shall teach and declare unto their parishioners, that they may with a safe and quiet conscience, after their common prayer in the time of harvest, labour upon the holy and festival days, and save that thing which God hath sent; and if for any scrupulosity or grudge of conscience, men should superstitiously abstain from working upon those days, that then they should grievously offend and displease God.

XXI. Also, forasmuch as variance and contention is a thing that most displeases God, and is most contrary to the blessed communion of the Body and Blood of our Saviour Christ, curates shall in no wise admit to the receiving thereof any of their cure and flock, [which be openly known to live in sin notorious without repentance, or⁴] who hath maliciously and openly contended with his neighbour, unless the same do first charitably and openly reconcile himself again, remitting all rancour and malice, whatsoever controversy hath been between them. And nevertheless, their just titles and rights they may charitably prosecute before such as have authority to hear the same.

XXII. Also, that they shall instruct and teach in their cures, that no man ought obstinately and maliciously to break and violate the laudable ceremonies of the Church, [commanded by public authority to be observed⁵].

XXIII. Also, that they shall take away, utterly extinct, and destroy all shrines, coverings of shrines, all tables, candlesticks, trindals, and rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition, so that there remain no memory of the same in walls, glass windows, or elsewhere within their churches and houses; [preserving nevertheless, or repairing both the walls and glass windows⁶;] and they shall exhort all their parishioners to do the like within their several houses.

XXIV. And that the churchwardens, at the common charge of the parishioners, in every church shall provide a comely and honest pulpit, to be set in a convenient place within the same, [and to be there seemly kept⁷] for the preaching of God's word.

¹ Ed. VI adds, 'Like as the people be commonly occupied the work-day, with bodily labour, for their bodily sustenance, so was the holy day at the first beginning godly instituted and ordained, that the people should that day give themselves wholly to God. And whereas in our time, God is more offended than pleased, more dishonoured than honoured upon the holy day, because of idleness, pride, drunkenness, quarrelling and brawling, which are most used in such days, people nevertheless persuading themselves sufficiently to honour God on that day, if they hear Mass and service, though they understand nothing to their edifying: therefore.'

² king's.

³ holy.

⁴ Om.

⁵ Ed. VI adds, 'by the king commanded to be observed, and as yet not abrogated. And on the other side, that whosoever doth superstitiously abuse them, doth the same to the great peril and danger of his soul's health: as in casting holy water upon his bed, upon images, and other dead things, or bearing about him holy bread, or St. John's Gospel, or making of crosses of wood upon Palm Sunday, in time of reading of the Passion, or keeping of private holy days, as bakers, brewers, smiths, shoemakers, and such other do; or ringing of holy bells; or blessing with the holy candle, to the intent thereby to be discharged of the burden of sin, or to drive away devils, or to put away dreams and phantasies, or in putting trust and confidence of health and salvation in the same ceremonies, when they be only ordained, instituted, and made, to put us in remembrance of the benefits which we have received by Christ. And if he use them for any other purpose, he grievously offendeth God.'

⁶ Om.

⁷ to be set in a convenient place within the same.

XXV. Also, they shall provide and have within three months after this visitation, a strong chest with a hole in the upper part thereof, to be provided at the cost and charge of the parish, having three keys, whereof one shall remain in the custody of the parson, vicar, or curate, and the other two in the custody of the churchwardens, or any other two honest men, to be appointed by the parish from year to year; which chest you shall set and fasten [in a most convenient place¹,] to the intent the parishioners should put into it their oblations and alms for their poor neighbours. And the parson, vicar, and curate shall diligently from time to time, and especially when men make their testaments, call upon, exhort, and move their neighbours to confer and give, as they may well spare, to the said chest: declaring unto them, whereas heretofore they have been diligent to bestow much substance, otherwise than God commanded, upon pardons, pilgrimages, trentals, decking of images, offering of candles, giving to friars, and upon other like blind devotions, they ought at this time to be much more ready to help the poor and needy; knowing that to relieve the poor is a true worshipping of God, required earnestly upon pain of everlasting damnation; and that also whatsoever is given for their comfort, is given to Christ Himself, and so is accepted of Him, that He will mercifully reward the same with everlasting life. The which alms and devotion of the people the keepers of the keys shall at times convenient take out of the chest, and distribute the same in the presence of the whole parish, or six of them, to be truly and faithfully delivered to their most needy neighbours; and if they be provided for, then to the reparation of highways next adjoining, [or to the poor people of such parishes near, as shall be thought best to the said keepers of the keys²]. And also the money which rise of fraternities, guilds, and other stocks of the Church (except by the [queen's³] majesty's authority it be otherwise appointed) shall be put in the said chest, and converted to the said use; and also the rents of lands, the profit of cattle, and money given or bequeathed [to obits and dirges, and⁴] to the finding of torches, lights, tapers, and lamps, shall be converted to the said use; saving that it shall be lawful for them to bestow part of the said profits upon the reparation of the said church, if great need require, and whereas the parish is very poor, and not able otherwise to repair the same.

XXVI. Also, to avoid the detestable sin of simony, because buying and selling of benefices is execrable before God, therefore all such persons, as buy any benefices, or come to them by fraud or deceit, shall be deprived of such benefices, and be made unable at any time after to receive any other spiritual promotion; and such as do sell them, or by any colour do bestow them for their own gain and profit, shall lose their right and title of patronage and presentment for that time, and the gift thereof for that vacation shall appertain to the [queen's⁵] majesty.

XXVII. Also, because through lack of preachers in many places of the [queen's⁶] realms and dominions the people continue in ignorance and blindness, all parsons, vicars, and curates shall read in their churches every Sunday one of the Homilies, which are and shall be set forth for the same purpose by the [queen's⁷] authority, in such sort, as they shall be appointed to do in the preface of the same.

XXVIII. Item, whereas many indiscreet persons do at this day uncharitably contemn and abuse priests and ministers of the Church, because some of them (having small learning) have of long time favoured fond phantasies rather than God's truth; yet forasmuch as their office and function is appointed of God, the [queen's⁸] majesty willeth and chargeth all [her⁹] loving subjects, that from henceforth they shall use them charitably and reverently for their office and ministration sake, and especially such as labour in the setting forth of God's holy word.

XXIX¹⁰. Item, although there be no prohibition by the word of God, nor any example of the primitive Church, but that the priests and ministers of the Church may lawfully, for the avoiding of fornication, have an honest and sober wife, and that for the same purpose the same was by Act of Parliament in the time of our dear brother King Edward VI made lawful, whereupon a great number of the clergy of this realm were then married, and so yet continue; yet because there hath grown offence, and some slander

to the Church by lack of discreet and sober behaviour in many ministers of the Church, both in choosing of their wives and indiscreet living with them, the remedy whereof is necessary to be sought: it is thought, therefore, very necessary that no manner of priest or deacon shall hereafter take to his wife any manner of woman without the advice and allowance first had upon good examination by the bishop of the same diocese, and two justices of the peace of the same shire, dwelling next to the place where the same woman hath made her most abode before her marriage; nor without the good will of the parents of the said woman, if she have any living, or two of the next of her kinsfolks, or, for lack of knowledge of such, of her master or mistress, where she serveth. And before he shall be contracted in any place, he shall make a good and certain proof thereof to the minister, or to the congregation assembled for that purpose, which shall be upon some holy day, where divers may be present. And if any shall do otherwise, that then they shall not be permitted to minister either the word or the sacraments of the Church, nor shall be capable of any ecclesiastical benefice. And for the manner of marriages of any bishops, the same shall be allowed and approved by the metropolitan of the province, and also by such commissioners as the queen's majesty shall thereunto appoint. And if any master or dean, or any head of any college, shall purpose to marry, the same shall not be allowed, but by such to whom the visitation of the same doth properly belong, who shall in any wise provide that the same tend not to the hindrance of their house.

XXX. Item, her majesty being desirous to have the prelacy and clergy of this realm to be had as well in outward reverence, as otherwise regarded for the worthiness of their ministries, and thinking it necessary to have them known to the people in all places and assemblies, both in the church and without, and thereby to receive the honour and estimation due to the special messengers and ministers of Almighty God, wills and commands that all archbishops and bishops, and all other that be called or admitted to preaching or ministry of the sacraments, or that be admitted into any vocation ecclesiastical, or into any society of learning in either of the universities, or elsewhere, shall use and wear such seemly habits, garments, and such square caps, as were most commonly and orderly received in the latter year of the reign of King Edward VI; not thereby meaning to attribute any holiness or special worthiness to the said garments, but as St. Paul writeth: *Omnia decenter et secundum ordinem flant*. 1 Cor. 14 cap.

XXXI. Item, that no man shall wilfully and obstinately defend or maintain any heresies, errors, or false doctrine, contrary to the faith of Christ and His Holy Spirit.

XXXII. Item, that no persons shall use charms, sorceries, enchantments, witchcraft, soothsaying, or any such-like devilish device, nor shall resort at any time to the same for counsel or help.

XXXIII. Item, that no persons shall, neglecting their own parish church, resort to any other church in time of common prayer or preaching, except it be by the occasion of some extraordinary sermon in some parish of the same town.

XXXIV. Item, that no innholders or alehouse-keepers shall use to sell meat or drink in the time of common prayer, preaching, reading of the Homilies or Scriptures.

XXXV. Item, that no persons keep in their houses any abused images, tables, pictures, paintings, and other monuments of feigned miracles, pilgrimages, idolatry, and superstition.

¹ near unto the high altar.

² Om.

³ king's

⁴ Om.

⁵ king's

⁶ king's

⁷ king's

⁸ king's

⁹ his.

¹⁰ From this point the Injunctions are either new, or re-enactments of customs and regulations later than 1547.

XXXVI. Item, that no man shall willingly let or disturb the preacher in time of his sermon, or let or discourage any curate or minister to sing or say the divine service now set forth; nor mock or jest at the ministers of such service.

XXXVII. Item, that no man shall talk or reason of the Holy Scriptures rashly or contentiously, nor maintain any false doctrine or error, but shall commune of the same, when occasion is given, reverently, humbly, and in the fear of God, for his comfort and better understanding.

XXXVIII. Item, that no man, woman, or child shall be otherwise occupied in the time of the service, than in quiet attendance to hear, mark, and understand that is read, preached, and ministered.

XXXIX. Item, that every schoolmaster and teacher shall teach the Grammar set forth by King Henry VIII of noble memory, and continued in the time of King Edward VI, and none other.

XL. Item, that no man shall take upon him to teach, but such as shall be allowed by the ordinary, and found meet as well for his learning and dexterity in teaching, as for sober and honest conversation, and also for right understanding of God's true religion.

XLI. Item, that all teachers of children shall stir and move them to the love and due reverence of God's true religion now truly set forth by public authority.

XLII. Item, that they shall accustom their scholars reverently to learn such sentences of Scriptures as shall be most expedient to induce them to all godliness.

XLIII. Item, forasmuch as in these latter days many have been made priests, being children, and otherwise utterly unlearned, so that they could read to say Matins or Mass, the ordinaries shall not admit any such to any cure or spiritual function.

XLIV. Every parson, vicar, and curate shall upon every holy day, and every second Sunday in the year, hear and instruct all the youth of the parish for half an hour at the least before evening prayer, in the Ten Commandments, the Articles of the Belief, and in the Lord's Prayer, and diligently examine them, and teach the Catechism set forth in the book of public prayer.

XLV. Item, that the ordinary do exhibit unto our visitors their books, or a true copy of the same, containing the causes why any person was imprisoned, famished, or put to death for religion.

XLVI. Item, that in every parish three or four discreet men, which tender God's glory, and His true religion, shall be appointed by the ordinaries diligently to see that all the parishioners duly resort to their church upon all Sundays and holy days, and there to continue the whole time of the godly service; and all such as shall be found slack or negligent in resorting to the church, having no great nor urgent cause of absence, they shall straitly call upon them, and after due admonition if they amend not, they shall denounce them to the ordinary.

XLVII. Item, that the churchwardens of every parish shall deliver unto our visitors the inventories of vestments, copes, and other ornaments, plate, books, and specially of grails, couchers, legends, processions, manuals, hymnals, portasses, and such like appertaining to their church.

XLVIII. Item, that weekly upon Wednesdays and Fridays, not being holy days, the curate at the accustomed hours of service shall resort to church, and cause warning to be given to the people by knolling of a bell, and say the Litany and prayers.

XLIX. Item, because in divers collegiate and also some parish churches heretofore there have been livings appointed for the maintenance of men and children to use singing in the church, by means whereof the laudable science of music has been had in estimation, and preserved in knowledge; the queen's majesty neither meaning in any wise the decay of anything that might conveniently tend to the use and continuance of the said science, neither to have the same in any part so abused in the church, that thereby the common prayer should be the worse understood of the hearers, wills and commands, that first no alterations be made of such assignments of living, as heretofore has been appointed to the use of singing or music in the church, but that the same so remain. And that there be a modest and

distinct song so used in all parts of the common prayers in the church, that the same may be as plainly understood, as if it were read without singing; and yet nevertheless for the comforting of such that delight in music, it may be permitted, that in the beginning, or in the end of common prayers, either at morning or evening, there may be sung an hymn, or suchlike song to the praise of Almighty God, in the best sort of melody and music that may be conveniently devised, having respect that the sentence of the hymn may be understood and perceived.

L. Item, because in all alterations, and specially in rites and ceremonies, there happen discords amongst the people, and thereupon slanderous words and railings, whereby charity, the knot of all Christian society, is loosed; the queen's majesty being most desirous of all other earthly things, that her people should live in charity both towards God and man, and therein abound in good works, wills and straitly commands all manner her subjects to forbear all vain and contentious disputations in matters of religion, and not to use in despite or rebuke of any person these convicious words, papist or papistical heretic, schismatic or sacramentary, or any suchlike words of reproach. But if any manner of person shall deserve the accusation of any such, that first he be charitably admonished thereof; and if that shall not amend him, then to denounce the offender to the ordinary, or to some higher power having authority to correct the same.

LI. Item, because there is a great abuse in the printers of books, which for covetousness chiefly regard not what they print, so they may have gain, whereby ariseth great disorder by publication of unfruitful, vain, and infamous books and papers; the queen's majesty straitly charges and commands, that no manner of person shall print any manner of book or paper, of what sort, nature, or in what language soever it be, except the same be first licensed by her majesty by express words in writing, or by six of her privy council; or be perused and licensed by the archbishops of Canterbury and York, the Bishop of London, the chancellors of both universities, the bishop being ordinary, and the archdeacon also of the place, where any such shall be printed, or by two of them, whereof the ordinary of the place to be always one. And that the names of such as shall allow the same to be added in the end of every such work, for a testimony of the allowance thereof. And because many pamphlets, plays, and ballads be oftentimes printed, wherein regard would be had that nothing therein should be either heretical, seditious, or unseemly for Christian ears; her majesty likewise commands that no manner of person shall enterprise to print any such, except the same be to him licensed by such her majesty's commissioners, or three of them, as be appointed in the city of London to hear and determine divers causes ecclesiastical, tending to the execution of certain statutes made the last Parliament for uniformity of order in religion. And if any shall sell or utter any manner of books or papers, being not licensed as is above-said, that the same party shall be punished by order of the said commissioners, as to the quality of the fault shall be thought meet. And touching all other books of matters of religion, or policy, or governance that have been printed, either on this side the seas or on the other side, because the diversity of them is great, and that there needs good consideration to be had of the particularities thereof, her majesty refers the prohibition or permission thereof to the order which her said commissioners within the city of London shall take and notify. According to the which her majesty straitly commands all manner her subjects, and especially the wardens and company of Stationers, to be obedient.

Provided that these orders do not extend to any profane authors and works in any language, that have been heretofore commonly received or allowed in any the universities or schools, but the same may be printed and used as by good order they were accustomed.

LII. Item, although Almighty God is at all times to be honoured with all manner of reverence that may be devised; yet of all other times, in time of common prayer the same is most to be regarded; therefore it is to be necessarily received, that in time of the Litany, and all other collects and common supplications to Almighty God, all manner of people shall devoutly and humbly kneel upon their knees and give ear

thereunto; and that whensoever the name of Jesus shall be in any lesson, sermon, or otherwise in the church pronounced, that due reverence be made of all persons young and old, with lowliness of courtesy and uncovering of heads of the menkind, as thereunto does necessarily belong, and heretofore has been accustomed.

LIII. Item, that all ministers and readers of public prayers, chapters, and homilies shall be charged to read leisurely, plainly, and distinctly; and also such as are but mean readers shall peruse over before, once or twice, the chapters and homilies, to the intent they may read to the better understanding of the people, and the more encouragement to godliness.

An admonition to simple men deceived by malicious.

The queen's majesty being informed that in certain places of this realm, sundry of her native subjects, being called to ecclesiastical ministry of the Church, be by sinister persuasion and perverse construction induced to find some scruple in the form of an oath, which by an Act of the last Parliament is prescribed to be required of divers persons for their recognition of their allegiance to her majesty, which certainly never was ever meant, nor by any equity of words or good sense can be thereof gathered—would that all her loving subjects should understand that nothing was, is, or shall be meant or intended by the same oath to have any other duty, allegiance, or bond required by the same oath, than was acknowledged to be due to the most noble kings of famous memory, King Henry VIII, her majesty's father, or King Edward VI, her majesty's brother.

And further, her majesty forbids all manner her subjects to give ear or credit to such perverse and malicious persons, which most sinisterly and maliciously labour to notify to her loving subjects, how by the words of the said oath it may be collected, that the kings or queens of this realm, possessors of the crown, may challenge authority and power of ministry of divine offices in the church; wherein her said subjects be much abused by such evil-disposed persons. For certainly her majesty neither does nor ever will challenge any other authority than that was challenged and lately used by the said noble kings of famous memory, King Henry VIII and King Edward VI, which is and was of ancient time due to the imperial crown of this realm; that is, under God to have the sovereignty and rule over all manner persons born within these her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be, so as no other foreign power shall or ought to have any superiority over them. And if any person that has conceived any other sense of the form of the said oath shall accept the same oath with this interpretation, sense, or meaning, her majesty is well pleased to accept every such in that behalf, as her good and obedient subjects, and shall acquit them of all manner penalties contained in the said Act against such as shall peremptorily or obstinately refuse to take the same oath.

For tables in the church.

Whereas her majesty understands that in many and sundry parts of the realm the altars of the churches be removed, and tables placed for administration of the Holy Sacrament, according to the form of the law therefor provided; and in some other places the altars be not yet removed, upon opinion conceived of some other order therein to be taken by her majesty's visitors; in the order whereof, saving for an uniformity, there seems no matter of great moment, so that the Sacrament be duly and reverently ministered; yet for observation of one uniformity through the whole realm, and for the better imitation of the law in that behalf, it is ordered that no altar be taken down, but by oversight of the curate of the church, and the church-wardens, or one of them at the least, wherein no riotous or disordered manner to be used. And that the holy table in every church be decently made, and set in the place where the altar stood, and there commonly covered, as thereto belongs, and as shall be appointed by the visitors, and so

to stand, saving when the communion of the Sacrament is to be distributed; at which time the same shall be so placed in good sort within the chancel, as whereby the minister may be more conveniently heard of the communicants in his prayer and ministration, and the communicants also more conveniently and in more number communicate with the said minister. And after the communion done, from time to time the same holy table to be placed where it stood before.

Item, where also it was in the time of King Edward VI used to have the sacramental bread of common fine bread, it is ordered for the more reverence to be given to these holy mysteries, being the sacraments of the Body and Blood of our Saviour Jesus Christ, that the same sacramental bread be made and formed plain, without any figure thereupon, of the same fineness and fashion round, though somewhat bigger in compass and thickness, as the usual bread and water, heretofore named singing cakes, which served for the use of the private Mass.

*The form of bidding the prayers to be used generally in
this uniform sort.*

Ye shall pray for Christ's Holy Catholic Church, that is for the whole congregation of Christian people dispersed throughout the whole world, and especially for the Church of England and Ireland. And herein I require you most specially to pray for the queen's most excellent majesty, our sovereign lady Elizabeth, queen of England, France, and Ireland, defender of the faith, and supreme governor of this realm as well in causes ecclesiastical as temporal. You shall also pray for the ministers of God's holy word and sacraments, as well archbishops and bishops, as other pastors and curates. You shall also pray for the queen's most honourable council and for all the nobility of this realm, that all and every of these in their calling, may serve truly and painfully to the glory of God and edifying of His people, remembering the account that they must make. Also ye shall pray for the whole Commons of this realm, that they may live in true faith and fear of God, in humble obedience and brotherly charity one to another. Finally, let us praise God for all those that are departed out of this life in the faith of Christ, and pray unto God that we have grace for to direct our lives after their good example, that after this life we with them may be made partakers of the glorious resurrection in the life ever-lasting.

And this done, show the holy-days and fasting days.

All which and singular Injunctions¹ the queen's majesty ministers unto her clergy and to all other her loving subjects, straitly charging and commanding them to observe and keep the same upon pain of deprivation, sequestration of fruits and benefices, suspension, excommunication, and such other coercion, as to ordinaries, or other having ecclesiastical jurisdiction, whom her majesty has appointed, or shall appoint for the due execution of the same, shall be seen convenient; charging and commanding them to see these Injunctions observed and kept of all persons being under their jurisdiction, as they will answer to her majesty for the contrary. And her highness's pleasure is, that every justice of peace being required, shall assist the ordinaries, and every of them, for the due execution of the said Injunctions.

¹ The archbishops and bishops afterwards drew up 'Interpretations and further Considerations' of these Injunctions for the better direction of the clergy, which may be seen collated with the text of the Injunctions here given in Cardwell's *Documentary Annals*, i. 203-209.

LXXIX.

ELIZABETH'S SUPREMACY ACT, RESTORING ANCIENT JURISDICTION, A. D. 1559.

1 ELIZABETH, CAP. 1.

THIS Act—frequently referred to in the introductory words to previous documents—was passed in April, 1559. It *revives* ten Acts subsequent to 22 Hen. VIII, and one of Edward VI; it *confirms* the repeal of six Acts of Henry VIII, and *repeals* the Heresy Act of Philip and Mary (*ante*, No. LXXV) and the repealing Statute of those sovereigns (*ante*, No. LXXVI).

[Transcr. Statutes of the Realm, iv. pt. i. p. 350.]

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 and statutes, by one Act of Parliament made in the first and second years of the reigns of the late King Philip and Queen Mary, your highness's sister, intituled an Act repealing all statutes, articles, and provisions made against the See Apostolic of Rome since the twentieth year of King Henry VIII, and also for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity, were all clearly repealed and made void, as by the same Act of repeal more at large does and may appear; by reason of which Act of repeal, your said humble subjects were eftsoons brought under an usurped foreign power and authority, and do yet 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 rites, 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 made in the said first and second years of the reigns of the said late King Philip and Queen Mary, 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.

And that also for the reviving of divers of the said good laws and statutes made in the time of your said dear father, it may also please your highness, that one Act and statute made in the twenty-third year of the reign of the said late King Henry VIII, intituled, An Act that no person shall be cited out of the diocese wherein he or she dwells, except in certain cases;

And one other Act made in the twenty-fourth year of the reign of the said late King, intituled, An Act that 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;

And one other Act made in the twenty-fifth¹ year of the said late King, concerning restraint of payment of annates and firstfruits of archbishoprics and bishoprics to the see of Rome;

And one other Act in the said twenty-fifth year, intituled, An Act concerning the submission of the clergy to the king's majesty;

And also one Act made in the said twenty-fifth year, intituled, An Act restraining the payment of annates or firstfruits to the Bishop of Rome, and of the electing and consecrating of archbishops and bishops within this realm;

And one other Act made in the said twenty-fifth year, intituled, An Act concerning the exoneration of the king's subjects from exactions and impositions heretofore paid to the see of Rome, and for having licences and dispensations within this realm, without suing further for the same;

And one other Act made in the twenty-sixth year of the said late king, intituled, An Act for nomination and consecration of suffragans within this realm;

And also one other Act made in the twenty-eighth year of the reign of the said late king, intituled, An Act for the release of such as have obtained pretended licences and dispensations from the see of Rome;

And all and every branches, words, and sentences in the said several Acts and statutes contained, by authority of this present Parliament, from and at all times after the last day of this session of Parliament, shall be revived, and shall stand and be in full force and strength, to all intents, constructions, and purposes.

And that the branches, sentences, and words of the said several Acts, and every of them, from thenceforth shall and may be judged, deemed, and taken to extend to your highness, your heirs and successors, as fully and largely as ever the same Acts, or any of them, did extend to the said late King Henry VIII, your highness's father.

And that it may also please your highness, that it may be enacted by the authority of this present Parliament, that so much of one Act or statute made in the thirty-second year of the reign of your said dear father King Henry VIII, intituled, An Act concerning precontracts of marriages, and touching degrees of consanguinity, as in the time of the late King Edward VI, your highness's most dear brother, by one other Act or statute, was not repealed; and also one Act made in the thirty-seventh year of the reign of the said late King Henry VIII, intituled, An Act that doctors of the civil law, being married, may exercise ecclesiastical jurisdiction; and all and every branches and articles in the said two Acts last mentioned, and not repealed in the time of the said late King Edward VI, may from henceforth likewise stand and be revived, and remain in their full force and strength, to all intents and purposes; anything contained in the said Act of repeal before mentioned, or any other matter or cause to the contrary notwithstanding.

And that it may also please your highness, that it may be further enacted by the authority aforesaid, that all other laws and statutes, and the branches and clauses of any Act or statute, repealed and made void by the said Act of repeal, made in the time of the said late King Philip and Queen Mary, and not in this present Act specially mentioned and revived, shall stand, remain, and be repealed and void, in such like manner and form as they were before the making of this Act; anything herein contained to the contrary notwithstanding.

And that it may also please your highness, that it may be enacted by the authority aforesaid, that one Act and statute made in the first year of the reign of the late King Edward VI, your majesty's most dear brother, intituled, An Act against such persons as shall unreverently speak against the Sacrament of the

¹ This Act, printed as 23 Hen. VIII, cap. 20, did not receive the Royal Assent till 25 Hen. VIII.

Body and Blood of Christ, commonly called the Sacrament of the altar, and for the receiving thereof under both kinds, and all and every branches, clauses, and sentences therein contained, shall and may likewise, from the last day of this session of Parliament, be revived, and from thenceforth shall and may stand, remain, and be in full force, strength, and effect, to all intents, constructions, and purposes, in such like manner and form as the same was at any time in the first year of the reign of the said late King Edward VI; any law, statute, or other matter to the contrary in any wise notwithstanding.

And that also it may please your highness, that it may be further established and enacted by the authority aforesaid, that one Act and statute made in the first and second years of the said late King Philip and Queen Mary, intituled, An Act for the reviving of three statutes made for the punishment of heresies, and also the said three statutes mentioned in the said Act, and by the same Act revived, and all and every branches, articles, clauses, and sentences contained in the said several Acts and statutes, and every of them, shall be from the last day of this session of Parliament deemed and remain utterly repealed, void, and of none effect, to all intents and purposes; anything in the said several Acts or any of them contained, or any other matter or cause to the contrary notwithstanding.

And to the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished, and never to be used or 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 for ever; any statute, ordinance, custom, constitutions, or any other matter or cause whatsoever to the contrary in any wise notwithstanding.

And that also it may likewise please your highness, that it may be established and enacted by the authority aforesaid, that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority have heretofore been, or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm.

And that your highness, your heirs and successors, kings or queens of this realm, shall have full power and authority by virtue of this Act, by letters patent under the great seal of England, to assign, name, and authorize, when and as often as your highness, your heirs or successors, shall think meet and convenient, and for such and so long time as shall please your highness, your heirs or successors, such person or persons being natural-born subjects to your highness, your heirs or successors, as your majesty, your heirs or successors, shall think meet, to exercise, use, occupy, and execute under your highness, your heirs and successors, all manner of jurisdictions, privileges, and pre-eminences, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction, within these your realms of England and Ireland, or any other your highness's dominions or countries; and to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever, which by any manner spiritual or ecclesiastical power, authority, or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm, and that such person or persons so to be named, assigned, authorized, and appointed by your highness, your heirs or successors, after the said letters patent to him or them made and delivered, as is aforesaid, shall have full power and authority, by virtue of this

Act, and of the said letters patent, under your highness, your heirs and successors, to exercise, use, and execute all the premises, according to the tenor and effect of the said letters patent; any matter or cause to the contrary in any wise notwithstanding.

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, justice, 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 to 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, has, 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 and annexed to the imperial crown of this realm. So help me God, and by the contents of this book.'

And that it may be also enacted, that if any such arch-bishop, bishop, or other ecclesiastical officer or minister, or any of the said temporal judges, justiciaries, or other lay officer or minister, shall peremptorily or obstinately refuse to take or receive the said oath, that then he so refusing shall forfeit and lose, only during his life, all and every ecclesiastical and spiritual promotion, benefice, and office, and every temporal and lay promotion and office, which he has solely at the time of such refusal made; and that the whole title, interest, and incumbency, in every such promotion, benefice, and other office, as against such person only so refusing, during his life, shall clearly cease and be void, as though the party so refusing were dead.

And that also all and every such person and persons so refusing to take the said oath, shall immediately after such refusal be from thenceforth, during his life, disabled to retain or exercise any office or other promotion which he, at the time of such refusal, has jointly, or in common, with any other person or persons.

And that all and every person and persons, that at any time hereafter shall be preferred, promoted, or collated to any archbishopric or bishopric, or to any other spiritual or ecclesiastical benefice, promotion, dignity, office, or ministry, or that shall be by your highness, your heirs or successors, preferred or promoted to any temporal or lay office, ministry, or service within this realm, or in any your highness's dominions, before he or they shall take upon him or them to receive, use, exercise, supply, or occupy any such archbishopric, bishopric, promotion, dignity, office, ministry, or service, shall likewise make, take, and receive the said corporal oath before mentioned, upon the evangelist, before such persons as have or shall have authority to admit any such person to any such office, ministry, or service, or else before such person or persons as by your highness, your heirs or successors, by commission under the great seal of England, shall be named, assigned, or appointed to minister the said oath.

And that it may likewise be further enacted by the authority aforesaid, that if any such person or persons, as at any time hereafter shall be promoted, preferred, or collated to any such promotion spiritual

or ecclesiastical, benefice, office, or ministry, or that by your highness, your heirs or successors, shall be promoted or preferred to any temporal or lay office, ministry, or service, shall and do peremptorily and obstinately refuse to take the same oath so to him to be offered; that then he or they so refusing shall presently be judged disabled in the law to receive, take, or have the same promotion spiritual or ecclesiastical, the same temporal office, ministry, or service within this realm, or any other your highness's dominions, to all intents, constructions, and purposes.

And that it may be further enacted by the authority aforesaid, that all and every person and persons temporal, suing livery or *ouster le main* out of the hands of your highness, your heirs or successors, before his or their livery or *ouster le main* sued forth and allowed, and every temporal person or persons doing any homage to your highness, your heirs or successors, or that shall be received into service with your highness, your heirs or successors, shall make, take, and receive the said corporal oath before mentioned, before the lord chancellor of England, or the lord keeper of the great seal for the time being, or before such person or persons as by your highness, your heirs or successors, shall be named and appointed to accept or receive the same.

And that also all and every person and persons taking orders, and all and every other person and persons which shall be promoted or preferred to any degree of learning in any university within this your realm or dominions, before he shall receive or take any such orders, or be preferred to any such degree of learning, shall make, take, and receive the said oath by this Act set forth and declared as is aforesaid, before his or their ordinary, commissary, chancellor or vice-chancellor, or their sufficient deputies in the said university.

Provided always, and that it may be further enacted by the authority aforesaid, that if any person, having any estate of inheritance in any temporal office or offices, shall hereafter obstinately and peremptorily refuse to accept and take the said oath as is aforesaid, and after, at any time during his life, shall willingly require to take and receive the said oath, and so do take and accept the same oath before any person or persons that shall have lawful authority to minister the same; that then every such person, immediately after he has so received the same oath, shall be vested, deemed, and judged in like estate and possession of the said office, as he was before the said refusal, and shall and may use and exercise the said office in such manner and form as he should or might have done before such refusal, anything in this Act contained to the contrary in any wise notwithstanding.

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, of what estate, dignity, or degree soever he or they be, after the end of thirty days next after the determination of this session of this present Parliament, shall by writing, printing, teaching, preaching, express words, deed or act, 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, and 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, for his or their first offence shall forfeit and lose unto your highness, your heirs and successors, all his and their goods and chattels, as well real as personal.

And if any such person so convicted or attainted shall not have or be worth of his proper goods and chattels to the value of twenty pounds, at the time of his conviction or attainder, that then every such person so convicted and attainted, over and besides the forfeiture of all his said goods and chattels, shall have and suffer imprisonment by the space of one whole year, without bail or mainprize.

And that also all and every the benefices, prebends, and other ecclesiastical promotions and dignities whatsoever, of every spiritual person so offending, and being attainted, shall immediately after such attainder be utterly void to all intents and purposes, as though the incumbent thereof were dead; and that the patron and donor of every such benefice, prebend, spiritual promotion and dignity, shall and may lawfully present unto the same, or give the same, in such manner and form as if the said incumbent were dead.

And if any such offender or offenders, after such conviction or attainder, do eftsoons commit or do the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid; that then every such offender and offenders shall for the same second offence incur into the dangers, penalties, and forfeitures ordained and provided by the statute of Provision and *Præmunire*, made in the sixteenth year of the reign of King Richard II.

And if any such offender or offenders, at any time after the said second conviction and attainder, do the third time commit and do the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid; that then every such offence or offences shall be deemed and adjudged high treason, and that the offender and offenders therein, being thereof lawfully convicted and attainted, according to the laws of this realm, shall suffer pains of death, and other penalties, forfeitures, and losses, as in cases of high treason by the laws of this realm.

And also that it may likewise please your highness, that it may be enacted by the authority aforesaid, that no manner of person or persons shall be molested or impeached for any of the offences aforesaid committed or perpetrated only by preaching, teaching, or words, unless he or they be thereof lawfully indicted within the space of one half-year next after his or their offences so committed; and in case any person or persons shall fortune to be imprisoned for any of the said offences committed by preaching, teaching, or words only, and be not thereof indicted within the space of one half-year next after his or their such offence so committed and done, that then the said person so imprisoned shall be set at liberty, and be no longer detained in prison for any such cause or offence.

Provided always, and be it enacted by the authority aforesaid, that this Act, or anything therein contained, shall not in any wise extend to repeal any clause, matter, or sentence contained or specified in the said Act of repeal made in the said first and second years of the reigns of the said late King Philip and Queen Mary, as does in any wise touch or concern any matter or case of *Præmunire*, or that does make or ordain any matter or cause to be within the case of *Præmunire*; but that the same, for so much only as touches or concerns any case or matter of *Præmunire*, shall stand and remain in such force and effect as the same was before the making of this Act, anything in this Act contained to the contrary in any wise notwithstanding.

Provided also, and be it enacted by the authority aforesaid, that this Act, or anything therein contained, shall not in any wise extend or be prejudicial to any person or persons for any offence or offences committed or done, or hereafter to be committed or done, contrary to the tenor and effect of any Act or statute now revived by this Act, before the end of thirty days next after the end of the session of this present Parliament; anything in this Act contained or any other matter or cause to the contrary notwithstanding.

And if it happen that any peer of this realm shall fortune to be indicted of and for any offence that is revived or made *Præmunire* or treason by this Act, that then he so being indieted shall have his trial by his peers, in such like manner and form as in other cases of treason has been used.

¹Provided always, and be it enacted as is aforesaid, that no manner of order, Act, or determination, for any matter of religion or cause ecclesiastical, had or made by the authority of this present Parliament, shall be accepted, deemed, interpreted, or adjudged at any time hereafter, to be any error, heresy, schism, or schismatical opinion; any order, decree, sentence, constitution, or law, whatsoever the same be, to the contrary notwithstanding.

Provided always, and be it enacted by the authority afore-said, that such person or persons to whom your highness, your heirs or successors, shall hereafter, by letters patent, 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.

And be it further enacted by the authority aforesaid, that no person or persons shall be hereafter indicted or arraigned for any the offences made, ordained, revived, or adjudged by this Act, unless there be two sufficient witnesses, or more, to testify and declare the said offences whereof he shall be indicted or arraigned; and that the said witnesses, or so many of them as shall be living and within this realm at the time of the arraignment of such person so indicted, shall be brought forth in person, face to face, before the party so arraigned, and there shall testify and declare what they can say against the party so arraigned, if he require the same.

Provided also, and be it further enacted by the authority aforesaid, that if any person or persons shall hereafter happen to give any relief, aid, or comfort, or in any wise be aiding, helping, or comforting to the person or persons of any that shall hereafter happen to be an offender in any matter or case of *Præmunire* or treason, revived or made by this Act, that then such relief, aid, or comfort given shall not be judged or taken to be any offence, unless there be two sufficient witnesses at the least, that can and will openly testify and declare that the person or persons that so gave such relief, aid, or comfort had notice and knowledge of such offence committed and done by the said offender, at the time of such relief, aid, or comfort so to him given or ministered; anything in this Act contained, or any other matter or cause to the contrary in any wise notwithstanding.

And where one pretended sentence has heretofore been given in the Consistory in Paul's before certain judges delegate, by the authority legatine of the late Cardinal Pole, by reason of a foreign usurped power and authority, against Richard Chetwood, Esq., and Agnes his wife, by the name of Agnes Woodhall, at the suit of Charles Tyrrel, gentleman, in a cause of matrimony solemnized between the said Richard and Agnes, as by the same pretended sentence more plainly doth appear, from which sentence the said Richard and Agnes have appealed to the Court of Rome, which appeal does there remain, and yet is not determined: may it therefore please your highness, that it may be enacted by the authority aforesaid, that if sentence in the said appeal shall happen to be given at the said Court of Rome for and in the behalf of the said Richard and Agnes, for the reversing of the said pretended sentence, before the end of threescore days next after the end of this session of this present Parliament, that then the same shall be judged and taken to be good and effectual in the law, and shall and may be used, pleaded, and allowed in any court or place within this realm; anything in this Act or any other Act or statute contained to the contrary notwithstanding.

¹ This and the following provisoes are annexed to the Parliament Roll in four separate schedules.

And if no sentence shall be given at the Court of Rome in the said appeal for the reversing of the said pretended sentence before the end of the said threescore days, that then it shall and may be lawful for the said Richard and Agnes, and either of them, at any time hereafter, to commence, take, sue, and prosecute their said appeal from the said pretended sentence, and for the reversing of the said pretended sentence, within this realm, in such like manner and form as was used to be pursued, or might have been pursued, within this realm, at any time since the twenty-fourth year of the reign of the said late King Henry VIII, upon any sentences given in the court or courts of any archbishop within this realm.

And that such appeal as so hereafter shall be taken or pursued by the said Richard Chetwood and Agnes, or either of them, and the sentence that herein or thereupon shall hereafter be given, shall be judged to be good and effectual in the law to all intents and purposes; any law, custom, usage, canon, constitution, or any other matter or cause to the contrary notwithstanding.

Provided also, and be it enacted by the authority aforesaid, that where there is the like appeal now depending in the said Court of Rome between one Robert Harcourt, merchant of the staple, and Elizabeth Harcourt, otherwise called Elizabeth Robins, of the one part, and Anthony Fydell, merchant-stranger, on the other part, that the said Robert, Elizabeth, and Anthony, and every of them, shall and may, for the prosecuting and trying of their said appeal, have and enjoy the like remedy, benefit, and advantage, in like manner and form as the said Richard and Agnes, or any of them, has, may, or ought to have and enjoy; this Act or anything therein contained to the contrary in any wise notwithstanding.

ELIZABETH'S ACT OF UNIFORMITY, A. D. 1559.

1 ELIZABETH, CAP. 2.

THIS Act—distinguished among the several Uniformity Acts by the stringency of its penalties—was passed immediately after the foregoing, in April of the year 1559.

[Transcr. Statutes of the Realm iv. pt. i. p. 355.]

Where at the death of our late sovereign lord King Edward VI there remained one uniform order of common service and prayer, and of the administration of sacraments, rites, and ceremonies in the Church of England, which was set forth in one book, intituled: The Book of Common Prayer, and Administration of Sacraments, and other rites and ceremonies in the Church of England; authorized by Act of Parliament holden in the fifth and sixth years of our said late sovereign lord King Edward VI, intituled: An Act for the uniformity of common prayer, and administration of the sacraments; the which was repealed and taken away by Act of Parliament in the first year of the reign of our late sovereign lady Queen Mary, to the great decay of the due honour of God, and discomfort to the professors of the truth of Christ's religion:

Be it therefore enacted by the authority of this present Parliament, that the said statute of repeal, and everything therein contained, only concerning the said book, and the service, administration of sacraments, rites, and ceremonies contained or appointed in or by the said book, shall be void and of none effect, from and after the feast of the Nativity of St. John Baptist next coming; and that the said book, with the order of service, and of the administration of sacraments, rites, and ceremonies, with the alterations and additions therein added and appointed by this statute, shall stand and be, from and after the said feast of the Nativity of St. John Baptist, in full force and effect, according to the tenor and effect of this statute; anything in the aforesaid statute of repeal to the contrary notwithstanding.

And further be it enacted by the queen's highness, with the assent of the Lords (*sic*) and Commons in this present Parliament assembled, and by authority of the same, 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 said book, so authorized by Parliament in the said fifth and sixth years of the reign of King Edward VI, 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, from and after the feast of the nativity of St. John Baptist next coming, refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church, or other places as he should use to minister the same, in such order and form as they be mentioned and set forth in the said book, or shall wilfully or obstinately standing in the same, 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 (open prayer in and throughout this Act, is meant that

prayer which is for other to come unto, or hear, either in common churches or private chapels or oratories, commonly called the service of the Church), 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, shall lose and forfeit to the queen's highness, her heirs and successors, for his first offence, the profit of all his spiritual benefices or promotions coming or arising in one whole year next after his conviction; and also that the person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprize.

And if any such person once convicted of any offence concerning the premises, shall after his first conviction eftsoons offend, and be thereof, in form aforesaid, lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, and also shall therefor be deprived, *ipso facto*, of all his spiritual promotions; and that it shall be lawful to all patrons or donors of all and singular the same spiritual promotions, or of any of them, to present or collate to the same, as though the person and persons so offending were dead.

And that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premises the third time, and shall be thereof, in form aforesaid, lawfully convicted, that then the person so offending and convicted the third time, shall be deprived, *ipso facto*, of all his spiritual promotions, and also shall suffer imprisonment during his life.

And if the person that shall offend, and be convicted in form aforesaid, concerning any of the premises, shall not be beneficed, nor have any spiritual promotion, that then the same person so offending and convicted shall for the first offence suffer imprisonment during one whole year next after his said conviction, without bail or mainprize. And if any such person, not having any spiritual promotion, after his first conviction shall eftsoons offend in anything concerning the premises, and shall be, in form aforesaid, thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

And it is ordained and enacted by the authority aforesaid, that if any person or persons whatsoever, after the said feast of the Nativity of St. John Baptist next coming, 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 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 aforesaid, shall forfeit to the queen our sovereign lady, her heirs and successors, for the first offence a hundred marks.

And if any person or persons, being once convicted of any such offence, eftsoons offend against any of the last recited offences, and shall, in form aforesaid, be thereof lawfully convicted, that then the same person so offending and convicted shall, for the second offence, forfeit to the queen our sovereign lady, her heirs and successors, four hundred marks.

And if any person, after he, in form aforesaid, shall have been twice convicted of any offence concerning any of the last recited offences, shall offend the third time, and be thereof, in form aforesaid, lawfully convicted, that then every person so offending and convicted shall for his third offence forfeit to our sovereign lady the queen all his goods and chattels, and shall suffer imprisonment during his life.

And if any person or persons, that for his first offence concerning the premises shall be convicted, in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction; that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said sum, suffer imprisonment by the space of six months, without bail or mainprize. And if any person or persons, that for his second offence concerning the premises shall be convicted in form aforesaid, do not pay the said sum to be paid by virtue of his conviction and this statute, in such manner and form as the same ought to be paid, within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall, for the same second offence, in the stead of the said sum, suffer imprisonment during twelve months, without bail or mainprize.

And that from and after the said feast of the Nativity of St. John Baptist next coming, 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 to 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 twelve pence, 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, of the goods, lands, and tenements of such offender, by way of distress.

And for due execution hereof, the queen's most excellent majesty, the Lords temporal (*sic*), and all the Commons, in this present Parliament assembled, do in God's name earnestly require and charge all the archbishops, bishops, and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledges, that the due and true execution hereof may be had throughout their dioceses and charges, as they will answer before God, for such evils and plagues wherewith Almighty God may justly punish His people for neglecting this good and wholesome law.

And for their authority in this behalf, be it further enacted by the authority aforesaid, that all and singular the same archbishops, bishops, and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within their dioceses, shall have full power and authority by this Act to reform, correct, and punish by censures of the Church, all and singular persons which shall offend within any their jurisdictions or dioceses, after the said feast of the Nativity of St. John Baptist next coming, against this Act and statute; any other law, statute, privilege, liberty, or provision heretofore made, had, or suffered to the contrary notwithstanding.

And it is ordained and enacted by the authority aforesaid, that all and every justices of *oyer* and *terminer*, or justices of assize, shall have full power and authority in every of their open and general sessions, to inquire, hear, and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present Act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

Provided always, and be it enacted by the authority afore-said, that all and every archbishop and bishop shall or may, at all time and times, at his liberty and pleasure, join and associate himself, by virtue of this Act, to the said justices of *oyer* and *terminer*, or to the said justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the inquiry, hearing, and determining of the offences aforesaid.

Provided also, and be it enacted by the authority aforesaid, that the books concerning the said services shall, at the cost and charges of the parishioners of every parish and cathedral church, be attained and gotten before the said feast of the Nativity of St. John Baptist next following; and that all such parishes and cathedral churches, or other places where the said books shall be attained and gotten before the said feast of the Nativity of St. John Baptist, shall, within three weeks next after the said books so attained and gotten, use the said service, and put the same in ure according to this Act.

And be it further enacted by the authority aforesaid, that no person or persons shall be at any time hereafter impeached or otherwise molested of or for any the offences above mentioned, hereafter to be committed or done contrary to this Act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such justices of *oyer* and *terminer* or justices of assize, next after any offence committed or done contrary to the tenor of this Act.

Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords of the Parliament, for the third offence above mentioned, shall be tried by their peers.

Provided also, and be it ordained and enacted by the authority aforesaid, that the mayor of London, and all other mayors, bailiffs, and other head officers of all and singular cities, boroughs, and towns corporate within this realm, Wales, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this Act to inquire, hear, and determine the offences abovesaid, and every of them, yearly within fifteen days after the feasts of Easter and St. Michael the Archangel, in like manner and form as justices of assize and *oyer* and *terminer* may do.

Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular archbishops and bishops, and every their chancellors, commissaries, archdeacons, and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this Act, as well to inquire in their visitation, synods, and elsewhere within their jurisdiction at any other time and place, to take occasions (*sic*) and informations of all and every the things above mentioned, done, committed, or perpetrated within the limits of their jurisdictions and authority, and to punish the same by admonition, excommunication, sequestration, or deprivation, and other censures and processes, in like form as heretofore has been used in like cases by the queen's ecclesiastical laws.

Provided always, and be it enacted, that whatsoever person offending in the premises shall, for the offence, first receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence eftsoons be convicted before the justices: and likewise receiving, for the said offence, first punishment by the justices, he shall not for the same offence eftsoons receive punishment of the ordinary; anything contained in this Act to the contrary notwithstanding.

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.

THE ADVERTISEMENTS, A. D. 1566.

THE Advertisements is a later title for Abp. Parker's Articles, which were drawn up by him probably at some time in 1564, in reference to the 'Vestiarian Controversy.' They were sent to Cecil for the queen's signature, March 3, 1565. This was refused, and nothing more is heard of them until March 12, 1566, when a second attempt to obtain the queen's signature was made without success. Parker therefore issued them under the title of Advertisements without royal sanction or authority. The difficult question of their authority is discussed by Mr. Aubrey Moore, *History of the Reformation*, p. 266.

[Transcr. from a contemporary copy in the British Museum,
printed by Wolfe, C. 25, c. 6; cf. Wilkins, iv. 247.]

The Preface.

The queen's majesty, of her godly zeal, calling to remembrance how necessary it is to the advancement of God's glory, and to the establishment of Christ's pure religion for all her loving subjects, especially the state ecclesiastical, to be knit together in one perfect unity of doctrine, and to be conjoined in one uniformity of rites and manners in the ministration of God's holy word, in open prayer and ministration of sacraments, as also to be of one decent behaviour in their outward apparel, to be known partly by their distinct habits to be of that vocation (who should be revered the rather in their offices, as ministers of the holy things whereunto they be called), hath by her letters directed unto the Archbishop of Canterbury and metropolitan, required, enjoined, and straitly charged, that with assistance and conference had with other bishops, namely, such as be in commission for causes ecclesiastical, some orders might be taken, whereby all diversities and varieties among them of the clergy and the people (as breeding nothing but contention, offence, and breach of common charity, and be against the laws, good usage, and ordinances of the realm) might be reformed and repressed, and brought to one manner of uniformity throughout the whole realm, that the people may thereby quietly honour and serve Almighty God in truth, concord, unity, peace, and quietness, as by her majesty's said letters more at large doth appear. Whereupon, by diligent conference and communication in the same, and at last by assent and consent of the persons beforesaid, these orders and rules ensuing have been thought meet and convenient to be used and followed: not yet prescribing these rules as laws equivalent with the eternal word of God, and as of necessity to bind the consciences of her subjects in the nature of them considered in themselves; or as they should add any efficacy or more holiness to the virtue of public prayer, and to the sacraments, but as temporal orders mere ecclesiastical, without any vain superstition, and as rules in some part of discipline concerning decency, distinction, and order for the time.

Articles for doctrine and preaching.

First, that all they, which shall be admitted to preach, shall be diligently examined for their conformity in unity of doctrine, established by public authority; and admonished to use sobriety and discretion in teaching the people, namely, in matters of controversy; and to consider the gravity of their office, and to foresee with diligence the matters which they will speak, to utter them to the edification of the audience.

Item, that they set out in their preaching the reverent estimation of the holy sacraments of Baptism and the Lord's Supper, exciting the people to the often and devout receiving of the Holy Communion of

the Body and Blood of Christ, in such form as is already prescribed in the Book of Common Prayer, and as it is further declared in a Homily concerning the virtue and efficacy of the said sacraments.

Item, that they move the people to all obedience, as well in observation of the orders appointed in the book of common service, as in the queen's majesty's Injunctions, as also of all other civil duties due for subjects to do.

Item, that all licences for preaching granted out by the archbishop and bishops within the province of Canterbury, bearing date before the first day of March, 1564, be void and of none effect, and nevertheless all such, as shall be thought meet for the office, to be admitted again without difficulty or charge, paying no more but fourpence for the writing, parchment, and wax.

Item, if any preacher or parson, vicar or curate, so licensed, shall fortune to preach any matter tending to dissension, or to the derogation of the religion and doctrine received, that the hearers denounce the same to the ordinaries, or the next bishop of the same place; but no man openly to contrary or to impugn the same speech so disorderly uttered, whereby may grow offence and disquiet of the people; but shall be convinced and reprov'd by the ordinary after such agreeable order, as shall be seen to him according to the gravity of the offence. And that it be presented within one month after the words spoken.

Item, that they use not to exact or receive unreasonable rewards or stipends of the poor pastors coming to their cures to preach, whereby they might be noted as followers of filthy lucre, rather than use the office of preaching of charity and good zeal to the salvation of men's souls.

Item, if the parson be able, he shall preach in his own person every three months, or else shall preach by another, so that his absence be approved by the ordinary of the diocese in respect of sickness, service, or study at the universities. Nevertheless yet for want of able preachers and parsons to tolerate them without penalty, so that they preach in their own persons, or by a learned substitute once in every three months of the year.

Articles for administration of prayer and sacraments.

First, that the common prayer be said or sung decently and distinctly, in such place as the ordinary shall think meet for the largeness and straitness of the church and choir, so that the people may be most edified.

Item, that no parson or curate, not admitted by the bishop of the diocese to preach, do expound in his own cure, or elsewhere, any Scripture or matter of doctrine, or by the way of exhortation, but only study to read gravely and aptly, without any glossing of the same, or any additions, the Homilies already set out, or other such necessary doctrine as is or shall be prescribed for the quiet instruction and edification of the people.

Item, that in cathedral churches and colleges the Holy Communion be administered upon the first or second Sunday of every month at the least. So that both dean, prebendaries, priests, and clerks do receive, and all other of discretion of the foundation do receive four times in the year at the least.

Item, in the ministration of the Holy Communion in cathedral and collegiate churches, the principal minister shall use a cope with gospeller and epistoler agreeably; and at all other prayers to be said at that Communion Table, to use no copes but surplices.

Item, that the dean and prebendaries wear a surplice with a silk hood in the choir; and when they preach in the cathedral or collegiate church, to wear their hood.

Item, that every minister saying any public prayers, or ministering the sacraments or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charges of the parish; and that the parish provide a decent table standing on a frame for the Communion Table.

Item, that they shall decently cover with carpet, silk, or other decent covering, and with a fair linen cloth (at the time of the ministration) the Communion Table, and to set the Ten Commandments upon the east wall over the said table.

Item, that all communicants do receive kneeling, and as is appointed by the laws of the realm and the queen's majesty's Injunctions.

Item, that the font be not removed, nor that the curate do baptize in parish churches in any basons, nor in any other form than is already prescribed, without charging the parent to be present or absent at the christening of his child, although the parent may be present or absent, but not to answer as godfather for his child.

Item, that no child be admitted to answer as godfather or godmother, except the child hath received the Communion.

Item, that there be none other holy days observed besides the Sundays, but only such as be set out for holy days, as in the statute *anno quinto et sexto Edwardi sexti*, and in the new calendar authorized by the queen's majesty.

Item, that when any Christian body is in passing, that the bell be tolled, and that the curate be specially called for to comfort the sick person, and after the time of his passing to ring no more but one short peal, and one before the burial, and another short peal after the burial.

Item, that on Sundays there be no shops open, nor artificers commonly going about their affairs worldly, and that in all fairs and common markets falling upon the Sunday, there be no showing of any wares before the service be done.

Item, that in the Rogation days of procession they sing or say in English the two psalms beginning, *Benedic anima mea*, &c., with the litany and suffrages thereunto, with one homily of thanksgiving to God, already devised and divided into four parts, without addition of any superstitious ceremonies heretofore used.

Articles for certain orders in ecclesiastical policy.

First, against the day of giving of orders appointed, the of bishop shall give open monitions to all men to except against such as they know not to be worthy either for life or conversation. And there to give notice that none shall sue for orders but within their own diocese where they were born, or had their long time of dwelling, except such as shall be of degree in the universities.

Item, that young priests or ministers made or to be made, be so instructed that they be able to make apt answers concerning the form of the catechism prescribed.

Item, that no curate or minister be permitted to serve without examination and admission of the ordinary or his deputy in writing, having respect to the greatness of the cure and the meetness of the party; and that the said ministers, if they remove from one diocese to another, be by no means admitted to serve without testimony of the diocesan, from whence they come, in writing of their honesty and ability.

Item, that the bishop do call home once in the year any prebendary in his church, or beneficed in the diocese, which studieth at the universities, to know how he profiteth in learning, and that he be not suffered to be a serving or a waiting man dissolutely.

Item, that at the archdeacon's visitation the archdeacon shall appoint the curates to certain taxes [texts] of the New Testament to be conned without book, and at their next synod to exact a rehearsal of them.

Item, that the churchwardens once in the quarter declare by their curates, in bills subscribed with their hands to the ordinary or to the next officer under him, who they be which will not readily pay their penalties for not coming to God's divine service accordingly.

Item, that the ordinaries do use good diligent examination to foresee all simoniacal pacts or covenants with the patrons or presenters for the spoil of their glebe, tithes, or mansion houses.

Item, that no persons be suffered to marry within the Levitical degrees mentioned in a table set forth by the Archbishop of Canterbury, in that behalf, anno Domini 1563; and if any such be, to be separated by order of law.

Articles for outward apparel of persons ecclesiastical.

First, that all archbishops and bishops do use and continue their accustomed apparel.

Item, that all deans of cathedral churches, masters of colleges, all archdeacons, and other dignities in cathedral churches, doctors, bachelors of divinity and law, having any ecclesiastical living, shall wear in their common apparel abroad a side gown with sleeves straight at the hand, without any cuts in the same; and that also without any falling cape; and to wear tippets of sarcenet, as is lawful for them by the Act of Parliament 24 Henry VIII.

Item, that all doctors of physic, or of any other faculty, having any living ecclesiastical, or any other that may dispense by the Church one hundred marks, so to be esteemed by the fruits or tenths of their promotions; and all prebendaries, whose promotions be valued at twenty pound or upward, wear the like apparel.

Item, that they and all ecclesiastical persons or other, having any ecclesiastical living, do wear the cap appointed by the Injunctions. And they to wear no hats but in their journeying.

Item, that they in their journeying do wear their cloaks with sleeves put on, and like in fashion to their gowns, without guards, welts, or cuts.

Item, that in their private houses and studies they use their own liberty of comely apparel.

Item, that all inferior ecclesiastical persons shall wear long gowns of the fashion aforesaid, and caps as afore is prescribed.

Item, that all poor parsons, vicars, and curates do endeavour themselves to conform their apparel in like sort so soon and as conveniently as their ability will serve to the same. Provided that their ability be judged by the bishop of the diocese. And if their ability will not suffer to buy their long gowns of the form afore prescribed, that then they shall wear their short gowns agreeable to the form before expressed.

Item, that all such persons as have been or be ecclesiastical, and serve not the ministry, or have not accepted, or shall refuse to accept the oath of obedience to the queen's majesty, do from henceforth abroad wear none of the said apparel of the form and fashion aforesaid, but to go as mere laymen, till they be reconciled to obedience; and who shall obstinately refuse to do the same, that they be presented by the ordinary to the commissioners in causes ecclesiastical, and by them to be reformed accordingly.

*Protestations to be made, promised, and subscribed by them
that shall hereafter be admitted to any office, room, or
cure in any church or other place ecclesiastical.*

Imprimis, I shall not preach or publicly interpret, but only read that which is appointed by public authority, without special licence of the bishop under his seal.

I shall read the service appointed plainly, distinctly, and audibly, that all the people may hear and understand.

I shall keep the register book according to the queen's majesty's Injunctions.

I shall use sobriety in apparel, and especially in the church at common prayers, according to order appointed.

I shall move the parishioners to quiet and concord, and not give them cause of offence, and shall help to reconcile them which be at variance, to my uttermost power.

I shall read daily at the least one chapter of the Old Testament, and one other of the New, with good advisement to the increase of my knowledge.

I do also faithfully promise in my person to use and exercise my office and place to the honour of God, to the quiet of the queen's subjects within my charge, in truth, concord, and unity; and also to observe, keep, and maintain such order and uniformity in all external policy, rites, and ceremonies of the Church, as by the laws, good usages, and orders are already well provided and established.

I shall not openly intermeddle with any artificer's occupations, as covetously to seek a gain thereby, having in ecclesiastical living to the sum of twenty nobles or above by year.

Agreed upon, and subscribed by—

MATTHAEUS CANTUARIENSIS

EDMUNDUS LONDINENSIS

RICHARDUS ELIENSIS

EDMUNDUS ROFFENSIS

ROBERTUS WINTONIENSIS

NICOLAUS LINCOLNIENSIS, *with others.*

*Commissioners in
causes ecclesiastical.*

LXXXII.

SELECTION FROM THE CANONS OF 1571.

THE Convocation of 1571, which revised the Articles of 1562, and ordered them to be printed, drew up a body of Canons about twelve in number. The queen however refused to sign them when complete, and so they practically became a dead letter. A summary of their contents may be inserted: 1. Concerning the duties of bishops. 2. Concerning the duties of cathedral chapters. 3. Concerning the duties of archdeacons. 4. Concerning the duties of chancellors, commissaries, officials, and parish clergy. 5. Concerning the duties of churchwardens, viz. term of office, care of church buildings, *i. e.* fabric and due appointment for service, recusancy presentment, and act of ministers. 6. Concerning preachers. 7. Concerning the residence of beneficed clergy. 8. Concerning plurality. 9. Concerning schoolmasters. 10. Concerning patrons and proprietaries. 11. Concerning illegal marriages. 12. Form of excommunication.

[Tr. contemporary print at the British Museum, 3505 e. 20(2).]

Canon 6. Concerning preachers.

No one without the bishop's permission shall publicly preach in his parish, nor shall he venture hereafter to preach (*concionari*) outside his cure and church, unless he has received permission so to preach, either from the queen through all the parts of the realm, or the archbishop through his province, or from the bishop through his diocese. And no power to preach shall be hereafter valid or have any authority save only such as shall be obtained after the last day of April of the year 1571. Preachers shall behave themselves modestly and soberly in every department of their life. But especially shall they see to it that they teach nothing in the way of a sermon, which they would have religiously held and believed by the people, save what is agreeable to the teaching of the Old or New Testament, and what the Catholic fathers and ancient bishops have collected from this selfsame doctrine. And since those Articles of the Christian religion to which assent was given by the bishops in lawful and holy synod convened and celebrated by command and authority of our most serene princess, Elizabeth, were without doubt collected from the holy books of Old and New Testament, and in all respects agree with the heavenly doctrine which is contained in them; since, too, the book of public prayers, and book of the consecration (*inauguratio*) of archbishops, bishops, priests, and deacons, contain nothing contrary to this same doctrine, whoever shall be sent to teach the people shall confirm the authority and faith of those Articles not only in their sermons but also by subscription. Whoever does otherwise, and perplexes the people with contrary doctrine, shall be excommunicated. In preaching they shall use such modest and grave apparel (*veste*) as may befit and adorn the minister of God, and such as was described in the book of the Admonitions. And they shall not demand money or any fee for a sermon, but shall be content with merely food and equipment (*apparatu*), and one night's hospitality. They shall not teach vain and old wives' opinions and heresies, and papal errors, abhorrent to the teaching and faith of Christ, nor anything at all whereby the unlearned multitude be inflamed to love of novelty or contention. Moreover they shall always put forward such things as make to edification, and reconcile the hearers by Christian concord and love.

LXXXIII.

THE SUBSCRIPTION (THIRTY-NINE ARTICLES)
ACT, A. D. 1571.

13 ELIZABETH, CAP. 12.

THIS Act was introduced and passed by Parliament in 1571, in spite of the queen's well-known objection to such legislation. An historical notice of subscription to the Articles will be found in Hardwick on the Articles, chap. xi.

[Transcr. Statutes of the Realm, iv. pt. i. p. 546.]

That the churches of the queen's majesty's dominions may be served with pastors of sound religion, be it enacted by the authority of this present Parliament, that every person under the degree of a bishop, which does or shall pretend to be a priest or minister of God's holy word and sacraments, by reason of any other form of institution, consecration, or ordering, than the form set forth by Parliament in the time of the late king of most worthy memory, King Edward VI, or now used in the reign of our most gracious sovereign lady, before the feast of the Nativity of Christ next following, shall in the presence of the bishop or guardian of the spiritualities of some one diocese where he has or shall have ecclesiastical living, declare his assent, and subscribe to all the articles of religion, which only concern the confession of the true Christian faith and the doctrine of the sacraments, comprised in a book imprinted, intituled: Articles, whereupon it was agreed by the archbishops and bishops of both provinces, and the whole clergy in the Convocation holden at London in the year of our Lord God one thousand five hundred sixty and two, according to the computation of the Church of England, for the avoiding of the diversities of opinions, and for the establishing of consent touching true religion put forth by the queen's authority; and shall bring from such bishop or guardian of spiritualities, in writing, under his seal authentic, a testimonial of such assent and subscription; and openly, on some Sunday, in the time of the public service afore noon, in every church where by reason of any ecclesiastical living he ought to attend, read both the said testimonial and the said Articles; upon pain that every such person which shall not before the said feast do as is above appointed, shall be *ipso facto* deprived, and all his ecclesiastical promotions shall be void, as if he then were naturally dead.

And that if any person ecclesiastical, or which shall have ecclesiastical living, shall advisedly maintain or affirm any doctrine directly contrary or repugnant to any of the said Articles, and being convented before the bishop of the diocese or the ordinary, or before the queen's highness's commissioners in causes ecclesiastical, shall persist therein, or not revoke his error, or after such revocation eftsoon affirm such untrue doctrine, such maintaining or affirming and persisting, or such eftsoon affirming, shall be just cause to deprive such person of his ecclesiastical promotions; and it shall be lawful to the bishop of the diocese or the ordinary, or the said commissioners, to deprive such person so persisting, or lawfully convicted of such eftsoons affirming, and upon such sentence of deprivation pronounced he shall be indeed deprived.

And that no person shall hereafter be admitted to any benefice with cure, except he then be of the age of three and twenty years at the least and a deacon, and shall first have subscribed the said Articles in presence of the ordinary, and publicly read the same in the parish church of that benefice, with declaration of his unfeigned assent to the same: and that every person after the end of this session of Parliament, to be admitted to a benefice with cure, except that within two months after his induction he do publicly read the said Articles in the same church whereof he shall have cure, in the time of common prayer there, with declaration of his unfeigned assent thereunto, and be admitted to minister the

sacraments within one year after his induction, if he be not so admitted before, shall be upon every such default, *ipso facto*, immediately deprived.

And that no person now permitted, by any dispensation or otherwise, shall retain any benefice with cure, being under the age of one and twenty years, or not being deacon at the least, or which shall not be admitted as is aforesaid, within one year next after the making of this Act, or within six months after he shall accomplish the age of four and twenty years, on pain that such his dispensation shall be merely void.

And that none shall be made minister, or admitted to preach or administer the sacraments, being under the age of four and twenty years; nor unless he first bring to the bishop of that diocese, from men known to the bishop to be of sound religion, a testimonial both of his honest life and of his professing the doctrine expressed in the said Articles; nor unless he be able to answer and render to the ordinary an account of his faith, in Latin according to the said Articles, or have special gift and ability to be a preacher; nor shall be admitted to the order of deacon or ministry, unless he shall first subscribe to the said Articles.

And that none hereafter shall be admitted to any benefice with cure, of or above the value of thirty pounds yearly in the queen's books, unless he shall then be a bachelor of divinity, or a preacher lawfully allowed by some bishop within this realm, or by one of the universities of Cambridge or Oxford.

And that all admissions to benefices, institutions, and inductions, to be made of any person contrary to the form or any provision of this Act, and all tolerations, dispensations, qualifications, and licences whatsoever to be made to the contrary hereof, shall be merely void in law, as if they never were.

Provided alway, that no title to confer or present by lapse, shall accrue upon any deprivation *ipso facto*, but after six months after notice of such deprivation given by the ordinary to the patron.

ARTICLES TOUCHING PREACHERS AND OTHER
ORDERS FOR THE CHURCH, A.D. 1583.

WHITGIFT was elected archbishop on August 24, 1583. He was con-firmed a month later. The first act of his episcopate was to issue, after consultation with the bishops of the province, the following Articles. They were sent to the bishops October 19, who were required to supply the archbishop with information as to conformity in their dioceses.

(Reg. I. Whitgift, fol. 97 a.)

1. That the laws late made against the recusants be put in more due execution considering the benefit that hath grown unto the Church thereby, where they have been so executed, and the encouragement which they and others do receive by remiss executing thereof.

2. That all preaching, reading, catechizing, and other such-like exercises in private places and families, whereunto others do resort, being not of the same family, be utterly inhibited, seeing the same was never permitted as lawful, under any Christian magistrate, but is a manifest sign of schism, and a cause of contention in the Church.

3. That none be permitted to preach, read, or catechize in the church or elsewhere, unless he do, four times in the year at the least, say service, and minister the sacraments, according to the Book of Common Prayer.

4. That all preachers, and others in ecclesiastical orders, do at all times wear and use such kind of apparel as is prescribed unto them by the book of Advertisements and her majesty's Injunctions *anno primo*.

5. That none be permitted to preach, or interpret the Scriptures, unless he be a priest, or deacon at the least, admitted thereunto according to the laws of this realm.

6. That none be permitted to preach, read, catechize, minister the sacraments, or to execute any other ecclesiastical function, by what authority soever he be admitted thereunto, unless he consent and subscribe to these Articles following, before the ordinary of the diocese wherein he preacheth, readeth, catechizeth, or ministereth the sacraments, viz.:

(1) That her majesty, under God, hath, and ought to have, the sovereignty and rule over all manner of persons born within her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be; and that no foreign power, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within her majesty's said realms, dominions, and countries.

(2) That the Book of Common Prayer, and of ordering bishops, priests, and deacons, containeth nothing in it contrary to the word of God, and that the same may lawfully be used, and that he himself will use the form of the said book prescribed in public prayer and administration of the sacraments, and none other.

(3) That he alloweth the book of Articles of religion, agreed upon by the archbishops and bishops of both provinces, and the whole clergy in the Convocation holden at London in the year of our Lord God 1562, and set forth by her majesty's authority, and that he believeth all the Articles therein contained to be agreeable to the word of God.

7. That from henceforth none be admitted to any orders ecclesiastical, unless he do then presently show to the bishop a true presentation of himself to a benefice then void within the diocese or jurisdiction of the said bishop, or unless he show unto the same bishop a true certificate, where presently he may be

placed to serve some cure within the same diocese or jurisdiction, or unless he be placed in some cathedral or collegiate church, or college in Cambridge or Oxford, or unless the said bishop shall then forthwith place him in some vacant benefice or cure.

8. And that no bishop henceforth do admit any into orders, but such as shall be of his own diocese, unless he be of one of the universities, or bring his letters dimissory from the bishop of the diocese, and be of age full twenty-four years, and a graduate of the university, or at the least able in the Latin tongue to yield an account of his faith, according to the Articles of religion agreed upon in Convocation, and that in such sort as that he can note the sentences of Scripture whereupon the truth of the said Articles is grounded, and bring a sufficient testimonial with him of his honest life and conversation, either under the seal of some college in the universities, where he hath remained, or from some justice of the peace, with other honest men of that parish, where he hath made his abode for three years before; and that the bishop, which shall admit any into orders being not in this manner qualified, be by the archbishop, with the assistance of some one other bishop, suspended from admitting any into orders for the space of two years.

9. And that no bishop institute any into a benefice, but such as be of the ability before prescribed: and if the Arches, by double quarrel or otherwise, proceed against the said bishop, for refusal of such as be not of that ability, that the Archbishop of Canterbury, either by his own authority or by means procured from her majesty, may stay such process, that the endeavour of the bishop may take place.

10. That one kind of translation of the Bible be only used in public service, as well in churches as chapels, and that to be the same which is now authorized by the consent of the bishops.

11. That from henceforth there be no commutation of penance, but in rare respects and upon great consideration, and when it shall appear to the bishop himself that that shall be the best way for winning and reforming of the offender, and that the penalty be employed either to the relief of the poor of that parish or to other godly uses, and the same well witnessed and made manifest to the congregation; and yet, if the fault be notorious, that the offender make some satisfaction, either in his own person, with declarations of his repentance openly in the church, or else that the minister of the church openly in the pulpit signify to his people his submission and declaration of his repentance done before the ordinary, and also in token of his repentance what portion of money he hath given to be employed to the uses above named.

As persons of honest, worshipful, and honourable calling may necessarily and reasonably have occasions sometimes to solemnize marriage by licence for the banns asking or for once or twice without any great harm, so for avoiding generally of inconveniences noted in this behalf, it is thought expedient that no dispensations be granted for marriage without banns, but under sufficient and large bonds, with these conditions following:

First, that there shall not afterwards appear any lawful let or impediment by reason of any pre-contract, consanguinity, affinity, or any other lawful means whatsoever.

Secondly, that there be not at that present time of granting such dispensation any suit, plaint, quarrel, or demand moved or depending before any judge, ecclesiastical or temporal, for and concerning any such lawful impediment between such the parties; and

Thirdly, they proceed not to the solemnization of the marriage without the consent of the parents or governors.

Lastly, that the marriage be openly solemnized in the church. The copy of which bond is to be set down and given in charge for every bishop in his diocese to follow; provided that whosoever offendeth against this order be suspended *ab executione officii* for one half-year.

LXXXV.

ACT AGAINST JESUITS AND SEMINARISTS,

A. D. 1585.

27 ELIZABETH, CAP. 2.

THIS Act was the first passed directly against Jesuits and Seminarists, although they virtually came under the penalties of the Elizabethan Supremacy Act (*ante*, No. LXXIX, and also under the Acts 5 Eliz. cap. 1, and 13 Eliz. cap. 1, sec. 1. The present Act was stringently reinforced by 1 Jac. I, cap. 4, 'For the due execution of the Statutes against Jesuits, Seminary Priests,' &c. Proclamations were issued expelling Roman Catholic priests in 1604, 1606, and 1625. After this time the special anti-Jesuit laws slumbered until 13 Anne, cap. 13, vested the punishment of Jesuits in Scotland in the Lords of Justiciary.

[Transcr. Statutes of the Realm, iv. pt. i. p. 706.]

Whereas divers persons called or professed Jesuits, seminary priests, and other priests, which have been, and from time to time are made in the parts beyond the seas, by or according to the order and rites of the Romish Church, have of late years come and been sent, and daily do come and are sent, into this realm of England and other the queen's majesty's dominions, of purpose (as has appeared, as well by sundry of their own examinations and confessions, as by divers other manifest means and proofs) not only to withdraw her highness's subjects from their due obedience to her majesty, but also to stir up and move sedition, rebellion, and open hostility within the same her highness's realms and dominions, to the great endangering of the safety of her most royal person, and to the utter ruin, desolation, and overthrow of the whole realm, if the same be not the sooner by some good means foreseen and prevented:

For reformation whereof be it ordained, established, and enacted by the queen's most excellent majesty, and the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same Parliament, that all and every Jesuits, seminary priests, and other priests whatsoever made or ordained out of the realm of England or other her highness's dominions, or within any of her majesty's realms or dominions, by any authority, power, or jurisdiction derived, challenged, or pretended from the see of Rome, since the feast of the Nativity of St. John Baptist in the first year of her highness's reign, shall within forty days next after the end of this present session of Parliament depart out of this realm of England, and out of all other her highness's realms and dominions, if the wind, weather, and passage shall serve for the same, or else so soon after the end of the said forty days as the wind, weather, and passage shall so serve.

And be it further enacted by the authority aforesaid, that it shall not be lawful to or for any Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person whatsoever, being born within this realm, or any other her highness's dominions, and heretofore since the said feast of the Nativity of St. John Baptist, in the first year of her majesty's reign, made, ordained, or professed, or hereafter to be made, ordained, or professed, by any authority or jurisdiction derived, challenged, or pretended from the see of Rome, by or of what name, title, or degree soever the same shall be called or known, to come into, be, or remain in any part of this realm, or any other her highness's dominions, after the end of the same forty days, other than in such special cases, and upon such special occasions only, and for such time only, as is expressed in this Act; and if he do, that then every such offence shall be taken and adjudged to be high treason; and every person so offending shall for his offence be adjudged a traitor, and shall suffer, lose, and forfeit, as in case of high treason.

And every person which after the end of the same forty days, and after such time of departure as is before limited and appointed, shall wittingly and willingly receive, relieve, comfort, aid, or maintain any

such Jesuit, seminary priest, or other priest, deacon, or religious or ecclesiastical person, as is aforesaid, being at liberty, or out of hold, knowing him to be a Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person, as is aforesaid, shall also for such offence be adjudged a felon, without benefit of clergy, and suffer death, lose, and forfeit, as in case of one attainted of felony.

And be it further enacted by the authority aforesaid, if any of her majesty's subjects (not being a Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person, as is before mentioned) now being, or which hereafter shall be of, or brought up in, any college of Jesuits, or seminary already erected or ordained, or hereafter to be erected or ordained, in the parts beyond the seas, or out of this realm in any foreign parts, shall not within six months next after proclamation in that behalf to be made in the city of London, under the great seal of England, return into this realm, and thereupon within two days next after such return, before the bishop of the diocese, or two justices of peace of the county where he shall arrive, submit himself to her majesty and her laws, and take the oath set forth by Act in the first year of her reign; that then every such person which shall otherwise return, come into, or be in this realm or any other her highness's dominions, for such offence of returning or being in this realm or any other her highness's dominions, without submission, as aforesaid, shall also be adjudged a traitor, and suffer, lose and forfeit, as in case of high treason.

And be it further enacted by the authority aforesaid, if any person under her majesty's subjection or obedience shall at any time after the end of the said forty days, by way of exchange, or by any other shift, way, or means whatsoever, wittingly and willingly, either directly or indirectly, convey, deliver or send, or cause or procure to be conveyed or delivered, to be sent over the seas, or out of this realm, or out of any other her majesty's dominions or territories, into any foreign parts, or shall otherwise wittingly or willingly yield, give, or contribute any money or other relief to or for any Jesuit, seminary priest, or such other priest, deacon, or religious or ecclesiastical person, as is aforesaid, or to or for the maintenance or relief of any college of Jesuits, or seminary already erected or ordained, or hereafter to be erected or ordained, in any the parts beyond the seas, or out of this realm in any foreign parts, or of any person then being of or in any the same colleges or seminaries, and not returned into this realm with submission, as in this Act is expressed, and continuing in the same realm: that then every such person so offending, for the same offence shall incur the danger and penalty of a *Præmunire*, mentioned in the Statute of *Præmunire*, made in the sixteenth year of the reign of King Richard II.

And be it further enacted by the authority aforesaid, that it shall not be lawful for any person of or under her highness's obedience, at any time after the said forty days, during her majesty's life (which God long preserve) to send his or her child, or other person, being under his or her government, into any the parts beyond the seas out of her highness's obedience, without the special licence of her majesty, or of four of her highness's privy council, under their hands in that behalf first had or obtained (except merchants, for such only as they or any of them shall send over the seas only for or about his, her, or their trade of merchandise, or to serve as mariners, and not otherwise) upon pain to forfeit and lose for every such their offence the sum of one hundred pounds.

And be it also enacted by the authority aforesaid, that every offence to be committed or done against the tenor of this Act shall and may be inquired of, heard and determined, as well in the court commonly called the king's bench in the county where the same court shall for the time be, as also in any other county within this realm, or any other her highness's dominions where the offence is or shall be committed, or where the offender shall be apprehended and taken.

Provided also, and be it enacted by the authority aforesaid, that it shall and may be lawful for and to every owner and master of any ship, bark or boat, at any time within the said forty days, or other time before limited for their departure, to transport into any the parts beyond the seas, any such Jesuit, seminary priest, or other priest aforesaid, so as the same Jesuit, seminary priest, or other priest aforesaid

so to be transported, do deliver unto the mayor or other chief officer of the town, port or place, where he shall be taken in to be transported, his name, and in what place he received such order, and how long he has remained in this realm, or in any other her highness's dominions, being under her obedience.

Provided also, that this Act, or anything therein contained, shall not in anywise extend to any such Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person as is before mentioned, as shall at any time within the said forty days, or within three days after that he shall hereafter come into this realm, or any other her highness's dominions, submit himself to some archbishop or bishop of this realm, or to some justice of peace within the county where he shall arrive or land, and do thereupon truly and sincerely, before the same archbishop, bishop, or such justice of peace, take the said oath set forth in *anno primo*, and by writing under his hand confess and acknowledge, and from thenceforth continue, his due obedience unto her highness's laws, statutes and ordinances, made and provided or to be made or provided in causes of religion.

Provided always, if it happen at any time hereafter any peer of this realm to be indicted of any offence made treason, felony or *Præmunire*, by this Act, that he shall have his trial by his peers, as in other cases of treason, felony or *Præmunire*, is accustomed.

Provided nevertheless, and it is declared by authority aforesaid, that if any such Jesuit, seminary priest, or other priests abovesaid, shall fortune to be so weak or infirm of body, that he or they may not pass out of the realm by the time herein limited without imminent danger of life, and this understood as well by the corporal oath of the party as by other good means, unto the bishop of the diocese and two justices of peace of the same county where such person or persons do dwell or abide; that then, and upon good and sufficient bond of the person or persons, with sureties, of the sum of two hundred pounds at the least, with condition that he or they shall be of good behaviour towards our sovereign lady the queen and all her liege people, then he or they so licensed and doing as is aforesaid, shall and may remain and be still within this realm, without any loss or danger to fall on him or them by this Act, for so long time as by the same bishop and justices shall be limited and appointed, so as the same time of abode exceed not the space of six months at the most;

And that no person or persons shall sustain any loss, or incur any danger by this Act, for the receiving or maintaining of any such person or persons so licensed as is aforesaid, for and during such time only as such person or persons shall be so licensed to tarry within this realm, anything contained in this Act to the contrary notwithstanding.

And be it also further enacted by authority aforesaid, that every person or persons, being subjects of this realm, which after the said forty days shall know and understand that any such Jesuit, seminary priest, or other priest abovesaid, shall abide, stay, tarry, or be within this realm or other the queen's dominions and countries, contrary to the true meaning of this Act, and shall not discover the same unto some justice of peace or other higher officer, within twelve days next after his said knowledge, but willingly conceal his knowledge therein; that every such offender shall make fine, and be imprisoned at the queen's pleasure. And that if such justice of peace, or other such officer to whom such matter shall be so discovered, do not within eight and twenty days then next following give information thereof to some of the queen's privy council, or to the president or vice-president of the queen's council established in the north, or in the marches of Wales, for the time being; that then he or they so offending shall, for every such offence, forfeit the sum of two hundred marks.

And be it likewise enacted by the authority aforesaid, that such of the privy council, president or vice-president, to whom such information shall be made, shall thereupon deliver a note in writing, subscribed with his own hand, to the party by whom he shall receive such information, testifying that such information was made unto him.

And be it also enacted, that all such oaths, bonds, and submissions, as shall be made by force of this Act, as aforesaid, shall be certified into the chancery by such parties before whom the same shall be made, within three months after such submission; upon pain to forfeit and lose for every such offence one hundred pounds of lawful English money; the said forfeiture to be to the queen, her heirs and successors:

And that if any person so submitting himself, as aforesaid, do at any time within the space of ten years after such submission made, come within ten miles of such place where her majesty shall be, without especial licence from her majesty in that behalf to be obtained in writing under her hand; that then and from thenceforth such person shall take no benefit of the said submission, but that the same submission shall be void as if the same had never been.

LXXXVI.

THE ACT AGAINST PURITANS, A. D. 1593.

35 ELIZABETH, CAP. 1.

THIS Act was the culmination of the measures taken by Elizabeth to repress Puritanism. Her legislation began with the Supremacy Act (*ante*, No. LXXVIII), and was continued by the Uniformity Act (*ante*, No. LXXIX), and the proclamation of 1573 addressed to the bishops appointing a special commission of *oyer* and *terminer*. Account must also be taken of the proceedings of the courts of Star Chamber and High Commission. The Act of 1593 was continued by 3 Car. 1, cap. 4, saving certain clauses repealed by 3 Jac. 1, cap. 4, and was further continued by 16 Car. 1, cap. 4. The Toleration Act (*post*, No. CXXIII) may be considered to have finally abrogated the Act of Elizabeth.

[Transcr. Statutes of the Realm, iv. pt. a, p. 841.]

For the preventing and avoiding of such great inconveniencies 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, which 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 forbear to do the same by the space of a month next after, without lawful cause, shall at any time after forty days next after the end of this session of Parliament, 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, or any other within her highness's realms or dominions, 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 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 which shall obstinately refuse to repair to some church, chapel, or usual place of common prayer, and shall forbear by the space of a month to hear divine service, as is aforesaid, shall after the said forty days, either of him or themselves, or by the motion, persuasion, enticement, or allurement of any other, willingly join, or be present at, any such assemblies, conventicles, or meetings, under colour or pretence of any such exercise of religion, contrary to the laws and statutes of this realm, as is aforesaid; 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, and to make such open submission and declaration of their said conformity, as hereafter in this Act is declared and appointed.

Provided always, and be it further enacted by the authority aforesaid, that if any such person or persons, which shall offend against this Act as aforesaid, shall not within three months next after they shall be convicted of their said offence, conform themselves to the obedience of the laws and statutes of this realm, in coming to the church to hear divine service, and in making such public confession and submission, as hereafter in this Act is appointed and expressed, being thereunto required by the bishop of the diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; that in every such case every such offender, being thereunto warned

or required by any justice of the peace of the same county where such offender shall then be, shall upon his and their corporal oath before the justices of the peace in the open quarter sessions of the same county, or at the assizes and gaol-delivery of the same county, before the justices of the same assizes and gaol-delivery, abjure this realm of England, and all other the queen's majesty's dominions for ever, unless her majesty shall license the party to return, and thereupon shall depart out of this realm at such haven or port, and within such time, as shall in that behalf be assigned and appointed by the said justices before whom such abjuration shall be made, unless the same offender be letted or stayed by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay, then within such reasonable and convenient time after, as the common law requires in case of abjuration for felony, as is aforesaid; and that the justices of peace before whom any such abjuration shall happen to be made, as is aforesaid, shall cause the same presently to be entered of record before them, and shall certify the same to the justices of assizes and gaol-delivery of the said county, at the next assizes or gaol-delivery to be holden in the same county.

And if any such offender, which by the tenor and intent of this Act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made, shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present Act, or after such his departure shall return or come again into any her majesty's realms or dominions, without her majesty's special licence in that behalf first had and obtained; that then, in every such case, the person so offending shall be adjudged a felon, and shall suffer as in case of felony, without benefit of clergy.

And furthermore be it enacted by the authority of this present Parliament, that if any person or persons that shall at any time hereafter offend against this Act, shall before he or they be so warned or required to make abjuration according to the tenor of this Act, repair to some parish church on some Sunday or other festival day, and then and there hear divine service, and at service-time, before the sermon, or reading of the gospel, make public and open submission and declaration of his and their conformity to her majesty's laws and statutes, as hereafter in this Act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every the penalties and punishments inflicted or imposed by this Act for any of the offences aforesaid. The same submission to be made as hereafter follows, that is to say:

'I, A. B., do humbly confess and acknowledge, that I have grievously offended God in condemning her majesty's godly and lawful government and authority, by absenting myself from church, and from hearing divine service, contrary to the godly laws and statutes of this realm, and in using and frequenting disordered and unlawful conventicles and assemblies, under pretence and colour of exercise of religion: and I am heartily sorry for the same, and do acknowledge and testify in my conscience that no other person has or ought to have any power or authority over her majesty: and I do promise and protest, without any dissimulation, or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her majesty's laws and statutes, in repairing to the church and hearing divine service, and do my uttermost endeavour to maintain and defend the same.'

And that every minister or curate of every parish where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days next following shall certify the same in writing to the bishop of the same diocese.

Provided nevertheless, that if any such offender, after such submission made as is aforesaid, shall afterwards fall into relapse, or eftsoons obstinately refuse to repair to some church, chapel, or usual place of common prayer, to hear divine service, and shall forbear the same as aforesaid, or shall come and be present at any such assemblies, conventicles, or meetings, under colour or pretence of any exercise of

religion, contrary to her majesty's laws and statutes; that then every such offender shall lose all such benefit as he or she might otherwise by virtue of this Act have or enjoy by reason of their said submission, and shall thereupon stand and remain in such plight, condition, and degree, to all intents as though such submission had never been made.

And for that every person having house and family, is in duty bound to have special regard of the good government and ordering of the same; be it enacted by the authority aforesaid, that if any person or persons shall at any time hereafter relieve, maintain, retain, or keep in his or their house or otherwise, any person which shall obstinately refuse to come to some church, chapel, or usual place of common prayer, to hear divine service, and shall forbear the same by the space of a month together, contrary to the laws and statutes of this realm; that then every person who shall so relieve, maintain, retain, or keep any such person offending as aforesaid, after notice thereof to him or them given by the ordinary of the diocese, or any justice of assizes of the circuit, or any justice of peace of the county, or the minister, curate; or churchwardens of the parish where such person shall then be, or by any of them, shall forfeit to the queen's majesty for every person so relieved, maintained, retained, or kept, after such notice as aforesaid, ten pounds for every month that he or they shall so relieve, maintain, retain, or keep any such person so offending.

Provided nevertheless, that this Act shall not in any wise extend to punish or impeach any person or persons for relieving, maintaining, or keeping his or their wife, father, mother, child or children, ward, brother or sister, or his wife's father or mother, not having any certain place of habitation of their own, or the husbands or wives of any of them; or for relieving, maintaining, or keeping any such person as shall be committed by authority to the custody of any by whom they shall be so relieved, maintained, or kept; anything in this Act contained to the contrary notwithstanding.

And for the more speedy levying and recovering, for and by the queen's majesty, of all and singular the pains, duties, forfeitures and payments which at any time hereafter shall accrue, grow, or be payable by virtue of this Act, or of the statute made in the three and twentieth year of her majesty's reign concerning recusants; be it enacted by the authority aforesaid, that all and every the said pains, duties, forfeitures, and payments, shall and may be recovered and levied to her majesty's use, by action of debt, bill, plaint, information, or otherwise, in any of the courts commonly called the king's bench, common pleas, or exchequer, in such sort, and in all respects, as by the ordinary course of the common laws of this realm any other debt due by any such person in any other case should or may be recovered or levied, wherein no essoin, protection, or wager of law shall be admitted or allowed¹.

Provided always, that the third part of the penalties to be had or received by virtue of this Act, shall be employed and bestowed to such good and charitable uses, and in such manner and form, as is limited and appointed in the statute made in the twenty-eighth year of her majesty's reign touching recusants.

Provided also, that no popish recusant, or *feme covert*, shall be compelled or bound to abjure by virtue of this Act.

Provided also, that every person that shall abjure by force of this Act, or refuse to abjure, being thereunto required as aforesaid, shall forfeit and lose to her majesty all his goods and chattels for ever, and shall further lose all his lands, tenements, and hereditaments, for and during the life only of such offender, and no longer, and that the wife of any offender, by force of this Act, shall not lose her dower; nor that any corruption of blood shall grow or be by reason of any offence mentioned in this Act, but that the heir of every such offender, by force of this Act, shall and may, after the death of every offender, have and enjoy the lands, tenements, and hereditaments of such offender, as if this Act had not been made: and this Act to continue no longer than to the end of the next session of Parliament.

¹ This and the two following provisoes are annexed to the original Act in a separate schedule.

LXXXVII.

THE ACT AGAINST RECUSANTS, 1593.

35 ELIZABETH, CAP. 2.

LEGISLATION against Roman Catholics under Elizabeth culminated in the Act which follows. It was preceded by the Supremacy Act (*ante*, No. LXXVIII); the Act 5 Eliz. cap. 1, For the assurance of the queen's royal power over all estates and subjects within her majesty's dominions; the Act 13 Eliz. cap. 2, Against bringing in and executing papal bulls; the Act 23 Eliz. cap. 1, Against receiving absolution from the See of Rome; and 28 & 29 Eliz. cap. 6. See also the Act against Jesuits, &c. (*ante*, No. LXXXV). Subsequent anti-Romanist Acts were the following:—3 Jac. I, cap. 4, For the better discovering and repressing of Popish Recusants; 3 Jac. I, cap. 5, To prevent and avoid dangers which may grow by Popish Recusants; 25 Car. II, cap. 2, For preventing dangers which may happen from Popish Recusants; I Will. and Mary, cap. 26, sections 9, 15; 9 & 10 Will. III, cap. 32; and finally 13 Ann. cap. 13, which rendered 3 Jac. I, cap. 5, more effectual. An outline of the growth of toleration can be seen in Hore's *Church in England from William III to Victoria*, vol. i. p. 436.

[Transcr. Statutes of the Realm, iv. pt. ii. p. 843.]

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 by our sovereign lady the queen's majesty, and the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that every person above the age of sixteen years, born within any of the queen's majesty's realms and dominions, or made denizen, being a popish recusant, and before the end of this session of Parliament, convicted for not repairing to some church, chapel, or usual place of common prayer, to hear divine service there, but forbearing the same, contrary to the tenor of the laws and statutes heretofore made and provided in that behalf, 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 (if they be within this realm, and not restrained or stayed either by imprisonment, or by her majesty's commandment, or by order and direction of some six or more of the privy council, or by such sickness or infirmity of body, as they shall not be able to travel without imminent danger of life, and in such cases of absence out of the realm, restraint, or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) 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.

And also that every person being above the age of sixteen years, born within any her majesty's realms or dominions, or made denizen, and having, or which hereafter shall have, any certain place of dwelling and abode within this realm, which, being then a popish recusant, shall at any time hereafter be lawfully convicted for not repairing to some church, chapel, or usual place of common prayer, to hear divine service there, but forbearing the same contrary to the said laws and statutes, and being within this realm at the time that they shall be convicted, shall within forty days next after the same conviction (if they be not restrained or stayed by imprisonment or otherwise, as is aforesaid, and in such cases of restraint and stay, then within twenty days next after they shall be enlarged of such imprisonment or restraint, and shall

be able to travel) repair to their place of usual dwelling and abode, and shall not at any time after pass or remove above five miles from thence; upon pain that every person and persons that shall offend against the tenor and intent of this Act in anything before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also forfeit to the queen's majesty all the lands, tenements, and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same offender.

And be it also enacted by the authority aforesaid, that every person above the age of sixteen years, born within any her majesty's realms or dominions, not having any certain place of dwelling and abode within this realm, and being a popish recusant, not usually repairing to some church, chapel, or usual place of common prayer, but forbearing the same, contrary to the same laws and statutes in that behalf made, shall within forty days next after the end of this session of Parliament (if they be then within this realm, and not imprisoned, restrained, or stayed as aforesaid, and in such case of absence out of the realm, imprisonment, restraint, or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to the place where such person was born, or where the father or mother of such person shall then be dwelling, and shall not at any time after remove or pass above five miles from thence; upon pain that every person and persons which shall offend against the tenor and intent of this Act in anything before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also forfeit to the queen's majesty all the lands, tenements, and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same person.

And be it further enacted by the authority aforesaid, that every such offender as is before mentioned, which has or shall have any lands, tenements, or hereditaments, by copy of court-roll, or by any other customary tenure at the will of the lord, according to the custom of any manor, shall forfeit all and singular his and their said lands, tenements, and hereditaments so holden by copy of court-roll or customary tenure, as aforesaid, for and during the life of such offender (if his or her estate so long continue) to the lord or lords of whom the same be immediately holden, if the same lord or lords be not then a popish recusant, and convicted for not coming to church to hear divine service, but forbearing the same contrary to the laws and statutes aforesaid, nor seised or possessed upon trust, to the use or behoof of any such recusant as aforesaid, and in such case the same forfeiture to be to the queen's majesty.

Provided always, and be it further enacted by the authority aforesaid, that all such persons as by the intent and true meaning of this Act are to make their repair to their place of dwelling and abode, or to the place where they were born, or where their father or mother shall be dwelling, and not to remove or pass above five miles from thence as is 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 afterwards 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; the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, do most humbly and instantly beseech the queen's majesty, that it may be further enacted, that if any such

person or persons, being a popish recusant (not being a *feme covert*, and not having lands, tenements, rents, or annuities, of an absolute estate of inheritance or freehold, of the clear yearly value of twenty marks, above all charges, to their own use and behoof, and not upon any secret trust or confidence for any other, or goods and chattels in their own right, and to their own proper use and behoof, and not upon any such secret trust and confidence for any other, above the value of forty pounds) shall not within the time before in this Act in that behalf limited and appointed, repair to their place of usual dwelling and abode, if they have any, or else to the place where they were born, or where their father or mother shall be dwelling, according to the tenor and intent of this present Act, and thereupon notify their coming, and present themselves, and deliver their true names in writing to the minister or curate of the parish, and to the constable, headborough, or tithingman of the town, within such time, and in such manner and form as is aforesaid, or at any time after such their repairing to any such place as is before appointed, shall pass or remove above five miles from the same, and shall not within three months next after such person shall be apprehended or taken for offending as is aforesaid, 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 and expressed, being thereunto required by the bishop of the diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; that in every such case every such offender, being thereunto warned or required by any two justices of the peace or coroner of the same county where such offenders shall then be, shall upon his and their 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 for ever; and thereupon shall depart out of this realm at such haven and port, and within such time, as shall in that behalf be assigned and appointed by the said justices of peace or coroner, before whom such abjuration shall be made, unless the same offenders be letted or stayed by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay, then within such reasonable and convenient time after, as the common law requires in case of abjuration for felony as is aforesaid.

And that every justice of peace or coroner before whom any such abjuration shall happen to be made as is aforesaid shall cause the same presently to be entered of record before them, and shall certify the same to the justices of assizes or gaol-delivery of the said county, at the next assizes or gaol-delivery to be holden in the same county.

And if any such offender, which by the tenor and intent of this Act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present Act, or after such his departure shall return or come again into any her majesty's realms or dominions, without her majesty's special licence in that behalf first had and obtained; that then, in every such case, the person so offending shall be adjudged a felon, and shall suffer and lose as in case of felony without benefit of clergy.

And be it further enacted and ordained by the authority aforesaid, that if any person which shall be suspected to be a Jesuit, seminary or massing priest, being examined by any person having lawful authority in that behalf to examine such person which shall be so suspected, shall refuse to answer directly and truly whether he be a Jesuit, or a seminary or massing priest, as is aforesaid, every such person so refusing to answer shall for his disobedience and contempt in that behalf, be committed to prison by such as shall examine him as is aforesaid, and thereupon shall remain and continue in prison without bail or mainprize, until he shall make direct and true answer to the said questions whereupon he shall be so examined.

Provided nevertheless, and be it further enacted by the authority aforesaid, that if any of the persons which are hereby limited and appointed to continue and abide within five miles of their usual dwelling-

place, or of such place where they were born, or where their father or mother shall be dwelling as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles; that then, and in every such case—upon licence in that behalf to be gotten under the hands of two of the justices of the peace of the same county, with the privity and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy-lieutenant of the same county, under their hands—it shall and may be lawful for every such person to go and travel about such their necessary business, and for such time only for their travelling, attending, and returning, as shall be comprised in the same licence; anything before in this Act to the contrary notwithstanding.

Provided also, that if any such person so restrained as is aforesaid, shall be urged by process, without fraud or covin, or be bounden without fraud or covin, to make appearance in any of her majesty's courts, or shall be sent for, commanded, or required by any three or more of her majesty's privy council, or by any four or more of any commissioners to be in that behalf nominated and assigned by her majesty, to make appearance before her majesty's said council or commissioners; that in every such case, every such person so bounden, urged, commanded, or required to make such appearance, shall not incur any pain, forfeiture, or loss for travelling to make appearance accordingly, nor for his abode concerning the same, nor for convenient time for his return back again upon the same.

And be it further provided and enacted by the authority aforesaid, that if any such person or persons so restrained as is aforesaid, shall be bound, or ought to yield and render their bodies to the sheriff of the county where they shall happen to be, upon proclamation in that behalf without fraud or covin to be made; that then in every such case, every such person which shall be so bounden, or ought to yield and render their body as aforesaid, shall not incur any pain, forfeiture, or loss for travelling for that intent and purpose only, without any fraud or covin, nor for convenient time taken for the return back again upon the same.

And furthermore be it enacted by the authority of this present Parliament, that if any person, or persons, that shall at any time hereafter offend against this Act, shall before he or they shall be thereof convicted come to some parish church on some Sunday or other festival day, and then and there hear divine service, and at service-time, before the sermon, or reading of the gospel, make public and open submission and declaration of his and their conformity to her majesty's laws and statutes, as hereafter in this Act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every pains and forfeitures inflicted or imposed by this Act for any of the said offences in this Act contained: the same submission to be made as hereafter follows, that is to say:

'I, A. B., do humbly confess and acknowledge, that I have grievously offended God in contemning her majesty's godly and lawful government and authority, by absenting myself from church, and from hearing divine service, contrary to the godly laws and statutes of this realm: and I am heartily sorry for the same, and do acknowledge and testify in my conscience, that the bishop or see of Rome has not, nor ought to have, any power or authority over her majesty, or within any her majesty's realms or dominions: and I do promise and protest, without any dissimulation, or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her majesty's laws and statutes, in repairing to the church, and hearing divine service, and do my uttermost endeavour to maintain and defend the same.'

And that every minister or curate of every parish, where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days then next following shall certify the same in writing to the bishop of the same diocese.

Provided nevertheless, that if any such offender, after such submission made as is aforesaid, shall afterwards fall into, relapse, or eftsoons become a recusant, in not repairing to church to hear divine service, but shall forbear the same, contrary to the laws and statutes in that behalf made and provided;

that then every such offender shall lose all such benefit as he or she might otherwise, by virtue of this Act, have or enjoy by reason of their said submission; and shall thereupon stand and remain in such plight, condition, and degree, to all intents, as though such submission had never been made.

Provided always, and be it enacted by the authority aforesaid, that all and every woman married, or hereafter to be married, shall be bound by all and every article, branch, and matter contained in this statute, other than the branch and article of abjuration before mentioned: and that no such woman married, or to be married, during marriage, shall be in anywise forced or compelled to abjure, or be abjured, by virtue of this Act; anything therein contained to the contrary thereof notwithstanding.

Acts Revived or Repealed by Elizabeth I

XLII.

THE ACT 'DE HÆRETICO COMBURENDO,'

A.D. 1401.

2 HENRY IV, CAP. 15.

LETTERS PATENT against the Lollards had been issued in 1382 and 1401. 1384 (*vide ante*, No. XXXVIII), but the following Act was the earliest step taken by Parliament to suppress Lollardy. The Act was expanded by 2 Henry V, Stat. 1, cap. 7, and repealed by 25 Henry VIII, cap. 14, 1 Edward VI, cap. 12; revived by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXIII), and repealed by 1 Elizabeth, cap. 1 (*post*, No. LXXIX), and 29 Charles II, cap. 9.

[Tr. Statutes of the Realm, ii. 125.]

Whereas it is showed to our sovereign lord the king on behalf of the prelates and clergy of his realm of England in this present Parliament, that although the Catholic faith, founded upon Christ, and by His apostles and the Holy Church sufficiently determined, declared, and approved, has been hitherto by good and holy and most noble progenitors of our sovereign lord the king in the said realm, amongst all the realms of the world, most devoutly observed, and the English Church by his said most noble progenitors and ancestors, to the honour of God and of the whole realm aforesaid, laudably endowed, and in her rights and liberties sustained, without that that the same faith or the said Church was hurt or grievously oppressed, or else disturbed by any perverse doctrine or wicked, heretical, or erroneous opinions:

Yet nevertheless divers false and perverse people of a certain new sect, damnably thinking of the faith of the sacraments of the Church and the authority of the same, and, against the law of God and of the Church, usurping the office of preaching, do perversely and maliciously, in divers places within the said realm, under the colour of dissembled holiness, preach and teach in these days, openly and privily, divers new doctrines and wicked, heretical, and erroneous opinions, contrary to the same faith and blessed determinations of the Holy Church.

And of such sect and wicked doctrine and opinions, they make unlawful conventicles and confederacies, they hold and exercise schools, they make and write books, they do wickedly instruct and inform people, and, as much as they may, excite and stir them to sedition and insurrection, and make great strife and division among the people, and do daily perpetrate and commit other enormities horrible to be heard, in subversion of the said Catholic faith and doctrine of the Holy Church, in diminution of God's honour, and also in destruction of the estate, rights, and liberties of the said English Church; by which sect and wicked and false preachings, doctrines, and opinions of the said false and perverse people, not only the greatest peril of souls, but also many more other hurts, slanders, and perils, which God forbid, might come to this realm, unless it be the more plentifully and speedily helped by the king's majesty in this behalf, namely:

Whereas the diocesans of the said realm cannot by their jurisdiction spiritual, without aid of the said royal majesty, sufficiently correct the said false and perverse people, nor refrain their malice, because the said false and perverse people go from diocese to diocese, and will not appear before the said diocesans, but the same diocesans and their jurisdiction spiritual, and the keys of the church, with the censures of the same, do utterly disregard and despise, and so they continue and exercise their wicked preachings and doctrines, from day to day, to the utter destruction of all order and rule of right and reason.

Upon which novelties and excesses above rehearsed, the prelates and clergy aforesaid, and also the Commons of the said realm being in the same Parliament, have prayed our sovereign lord the king, that

his royal highness would vouchsafe in the said Parliament to provide a convenient remedy: the same our sovereign lord the king—graciously considering the premises, and also the laudable steps of his said most noble progenitors and ancestors, for the conservation of the said Catholic faith, and sustentation of God's honour, and also the safeguard of the estate, rights, and liberties of the said English Church, to the praise of God, and merit of our said sovereign lord the king, and prosperity and honour of all his said realm, and for the eschewing of such dissensions, divisions, hurts, slanders, and perils, in time to come, and that this wicked sect, preachings, doctrines, and opinions should from henceforth cease and be utterly destroyed—by the assent of the estates and other discreet men of the realm, being in the said Parliament, has granted, stablished, and ordained from henceforth firmly to be observed: That none within the said realm, or any other dominions, subject to his royal majesty, presume to preach, openly or privily, without the licence of the diocesan of the same place first required and obtained—curates in their own churches, and persons hitherto privileged, and others of the canon law granted, only except. And that none, from henceforth, preach, hold, teach, or instruct anything, openly or privily, or make or write any book contrary to the Catholic faith or determination of the Holy Church, nor that any of such sect and wicked doctrines and opinions shall make any conventicles, or in any wise hold or exercise schools. And also that none from henceforth in any wise favour such preacher, or maker of any such and the like conventicles, or holding or exercising schools, or making or writing such books, or so teaching, informing, or exciting the people, nor them, nor any of them, maintain or in any wise sustain.

And that all and singular having such books or any writings of such wicked doctrine and opinions, shall really, with effect, deliver, or cause to be delivered, all such books and writings to the diocesan of the same place within forty days from the time of the proclamation of this ordinance and statute. And if any person or persons, of whatsoever kind, estate, or condition he or they be, from henceforth do or attempt against the royal ordinance and statute aforesaid, in the premises or in any of them, or such books, in form aforesaid, do not deliver, then the diocesan of the same place, in his diocese, such person or persons, in this behalf defamed or evidently suspected, and every of them, may, by the authority of the said ordinance and statute, cause to be arrested, and under safe custody in his prisons to be detained, till he or they, of the articles laid to him or them in this behalf, canonically purge him or themselves, or else such wicked sect, preachings, doctrines, and heretical and erroneous opinions abjure, according as the laws of the Church do require; so that the said diocesan, by himself or his commissaries, do openly and judicially proceed against such persons so arrested and remaining under his safe custody to all effect of the law, and determine that same business, according to the canonical decrees, within three months after the said arrest, any lawful impediment ceasing.

And if any person, in any case above expressed, be, before the diocesan of the place, or his commissaries, canonically convicted, then the same diocesan may cause to be kept in his prison the said person so convicted according to the manner of his default, and after the quality of the offence, according and as long as to his discretion shall seem expedient, and moreover put the same person to pay a pecuniary fine to the lord the king, except in cases where he, according to the canonical decree, ought to be left to the secular court, according as the same fine shall seem competent to the diocesan, for the manner and quality of the offence, in which case the same diocesan shall be bound to certify the king of the same fine in his exchequer by his letters patent sealed with his seal to the effect that such fine, by the king's authority, may be required and levied to his use of the goods of the same person so convicted.

And if any person within the said realm and dominions, upon the said wicked preachings, doctrines, opinions, schools, and heretical and erroneous informations, or any of them, be, before the diocesan of the same place, or his commissaries, convicted by sentence, and the same wicked sect, preachings, doctrines and opinions, schools and informations, do refuse duly to abjure, or by the diocesan of the same place, or his commissaries, after abjuration made by the same person, be pronounced relapsed, so that

according to the holy canons he ought to be left to the secular court, whereupon credence shall be given to the diocesan of the same place, or to his commissaries in this behalf—then the sheriff of the county of the same place, and the mayor and sheriff or sheriffs, or mayor and bailiffs of the city, town, or borough of the same county nearest to the same diocesan or the said commissaries, shall be personally present in preferring of such sentences, when they, by the same diocesan or his commissaries, shall be required: and they shall receive the same persons and every of them, after such sentence promulgated, and them, before the people, in a high place [*eminenti*] cause to be burnt, that such punishment may strike fear to the minds of others, whereby no such wicked doctrine and heretical and erroneous opinions, nor their authors and favourers in the said realm and dominions, against the Catholic faith, Christian law, and determination of the Holy Church be sustained (which God forbid), or in any wise suffered. In which all and singular the premises concerning the said ordinance and statute, the sheriffs, mayors, and bailiffs of the said counties, cities, boroughs, and towns shall be attending, aiding, and supporting, to the said diocesan and his commissaries.

THE RESTRAINT OF APPEALS, A.D. 1533.

24 HENRY VIII, CAP. 12.

THIS Act—which embodies the legal principle of the reformation under Henry VIII, as the Dispensation Act (*post*, No. LIII) sets forth the ecclesiastical principle—was passed in February, 1533; it was repealed by Mary's general Act of repeal (*post*, No. LXXVI), which repeal was in turn repealed by 1 Elizabeth, cap. 1 (*post*, No. LXXIX).

[Transcr. Statutes of the Realm, iii. 427.]

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 ought 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; the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed by that part of the said body politic, called the spirituality, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain; for the due administration whereof, and to keep them from corruption and sinister affection, the king's most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church, both with honour and possessions; and the laws temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without ravin or spoil, was and yet is administered, adjudged, and executed by sundry judges and ministers of the other part of the said body politic, called the temporality; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other:

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 jurisdiction 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 notwithstanding the said good statutes and ordinances made in the time of the king's most noble progenitors, in preservation of the authority and prerogative of the said imperial crown, as is aforesaid; yet nevertheless since the making of the said good statutes and ordinances, divers and sundry inconveniences and dangers, not provided for plainly by the said former acts, statutes, and ordinances, have arisen 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, not only to the great inquietation, vexation, trouble, cost and charges of the king's highness, and many of his subjects and residents in this his realm, but also to the great delay and let to the true and speedy determination of the said causes, for so much as the parties appealing to the said Court of Rome most commonly do the same for the delay of justice.

And forasmuch as the great distance of way is so far out of this realm, so that the necessary proofs, nor the true knowledge of the cause, can neither there be so well known, nor the witnesses there so well examined, as within this realm, so that the parties grieved by means of the said appeals be most times without remedy:

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 testamentary, causes of matrimony and divorces, tithes, oblations and obventions, do daily ensue, does 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 (the knowledge whereof by the goodness of princes of this realm, and by the laws and customs of the same, appertaineth to the spiritual jurisdiction of this realm) already commenced, moved, depending, being, happening, or hereafter coming in contention, debate, or question within this realm, or within any the king's dominions, or marches of the same, or elsewhere, whether they concern the king our sovereign lord, his heirs and successors, or any other subjects or residents within the same, of what degree soever they be, shall be from henceforth heard, examined, discussed, clearly, finally, and definitively adjudged and determined within the king's jurisdiction and authority, and not elsewhere, in such courts spiritual and temporal of the same, as the natures, conditions, and qualities of the causes and matters aforesaid in contention, or hereafter happening in contention, shall require, without having any respect to any custom, use, or sufferance, in hindrance, let, or prejudice of the same, or to any other thing used or suffered to the contrary thereof by any other manner of person or persons in any manner of wise; any foreign inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, judgments, or any other process or impediments, of what natures, names, qualities, or conditions soever they be, from the see of Rome, or any other foreign courts or potentates of the world, or from and out of this realm, or any other the king's dominions, or marches of the same, to the see of Rome, or to any other foreign courts or potentates, to the let or impediment thereof in any wise notwithstanding.

And that it shall be lawful to the king our sovereign lord, and to his heirs and successors, and to all other subjects or residents within this realm, or within any the king's dominions, or marches of the same—notwithstanding that hereafter it should happen any excommengement, excommunications, interdictions, citations, or any other censures, or foreign process out of any outward parts, to be fulminate, provulged, declared, or put in execution within this said realm, or in any other place or places, for any of the causes before rehearsed, in prejudice, derogation, or contempt of this said Act, and the very true meaning and execution thereof—may and shall nevertheless as well pursue, execute, have, and enjoy the effects, profits, benefits, and commodities of all such processes, sentences, judgments, and determinations done, or hereafter to be done, in any of the said courts spiritual or temporal, as the cases shall require, within the limits, power, and authority of this the king's said realm, and dominions and marches of the same, and those only, and none other to take place, and to be firmly observed and obeyed within the same.

As also, that all the spiritual prelates, pastors, ministers, and curates within this realm, and the dominions of the same, shall and may use, minister, execute and do, or cause to be used, ministered, executed and done, all sacraments, sacramentals, divine services, and all other things within the said

realm and dominions, unto all the subjects of the same, as catholic and Christian men ought to do; any former citations, processes, inhibitions, suspensions, interdictions, excommunications, or appeals, for or touching the causes aforesaid, from or to the see of Rome, or any other foreign prince or foreign courts, to the let or contrary thereof in any wise notwithstanding.

And if any of the said spiritual persons, by the occasion of the said fulminations of any of the same interdictions, censures, inhibitions, excommunications, appeals, suspensions, summons, or other foreign citations for the causes beforesaid, or for any of them, do at any time hereafter refuse to minister, or cause to be ministered, the said sacraments and sacramentals, and other divine services, in form as is aforesaid, shall for every such time or times that they or any of them do refuse so to do, or cause to be done, have one year's imprisonment, and to make fine and ransom at the king's pleasure.

And it is further enacted by the authority aforesaid, that if any person or persons inhabiting or resident within this realm, or within any of the king's said dominions, or marches of the same, or any other person or persons, of what estate, condition, or degree soever he or they be, at any time hereafter, for or in any the causes aforesaid, 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, contrary to the true meaning of this present Act, and the execution of the same, that then every such person or persons so doing, and their fautors, comforters, abettors, procurers, executors, and counsellors, and every of them, 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 Præmunire, made in the sixteenth year of the reign of the right noble prince King Richard II, against such as attempt, procure, or make provision to the see of Rome, or elsewhere, for any thing or things, to the derogation, or contrary to the prerogative or jurisdiction of the crown and dignity of this realm.

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, for and concerning the causes aforesaid, or any of them, do therefore by authority aforesaid, 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, and in all other cases of appeals, in or for any of the causes aforesaid, they may and shall from henceforth take, have, and use their 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, if in case any of the parties be grieved. And in like wise 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 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, by any of the king's subjects or residents, 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 it is further enacted by the authority aforesaid, that all and every matter, cause, and contention now depending, or that hereafter shall be commenced by any of the king's subjects or residents for any of the causes aforesaid, before any of the said archbishops, that then the same matter or matters, contention or contentions, shall be before the same archbishop where the said matter, cause, or process shall be so commenced, definitively determined, decreed, or adjudged, without any other appeal, provocation, or any other foreign process out of this realm, to be sued to the let or derogation of the said judgment, sentence, or decree, otherwise than is by this Act limited and appointed; saving always the prerogative of the Archbishop and Church of Canterbury, in all the foresaid cases of appeals, to him and to his successors, to be sued within this realm, in such and like wise as they have been accustomed and used to have heretofore.

And in case any cause, matter, or contention, now depending for the causes before rehearsed, or any of them, or that hereafter shall come in contention for any of the same causes, in any of the foresaid courts, which has, does, shall, or may touch the king, his heirs or successors, kings of this realm; that in all and every such case or cases the party grieved, as before is said, shall or may appeal from any of the said courts of this said realm, where the said matter, now being in contention, or hereafter shall come in contention, touching the king, his heirs, or successors (as is aforesaid) shall happen to be ventilated, commenced or begun, 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 that 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, and 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.

And if it shall happen any person or persons hereafter to pursue or provoke any appeal contrary to the effect of this Act, or refuse to obey, execute, and observe all things comprised within the same, concerning the said appeals, provocations, and other foreign processes to be sued out of this realm, for any the causes aforesaid, that then every such person or persons so doing, refusing, or offending contrary to the true meaning of this Act, their procurers, fautors, advocates, counsellors, and abettors, and every of them, shall incur into the pains, forfeitures, and penalties ordained and provided in the said statute made in the said sixteenth year of King Richard II, and with like process to be made against the said offenders, as in the same statute made in the said sixteenth year more plainly appears.

LI.

THE SUBMISSION OF THE CLERGY AND RESTRAINT OF APPEALS, A.D. 1534.

25 HENRY VIII, CAP. 19.

THIS statute, and the two following, Nos. LII and LIII, passed in 1534, were all repealed by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXVI), and were revived by 1 Elizabeth, cap. 1 (*post*, No. LXXIX).

[Transcr. Statutes of the Realm, iii. 460.]

Where the king's humble and obedient subjects, the clergy of this realm of England, have not only acknowledged according to the truth, that the convocations of the same clergy is, always has been, and ought to be assembled only by the king's writ, but also submitting themselves to the king's majesty, have promised *in verbo sacerdotii*, that they will never from henceforth presume to attempt, allege, claim, or put in ure, or enact, promulge, or execute any new canons, constitutions, ordinance provincial, or other, or by whatsoever other name they shall be called, in the Convocation, unless the king's most royal assent and licence may to them be had, to make, promulge, and execute the same; and that his majesty do give his most royal assent and authority in that behalf:

And where divers constitutions, ordinances, and canons, provincial or synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the king's prerogative royal, and repugnant to the laws and statutes of this realm, but also overmuch onerous to his highness and his subjects; the said clergy have most humbly besought the king's highness, that the said constitutions and canons may be committed to the examination and judgment of his highness, and of two-and-thirty persons of the king's subjects, whereof sixteen to be of the upper and nether house of the Parliament of the temporalty, and the other sixteen to be of the clergy of this realm; and all the said two-and-thirty persons to be chosen and appointed by the king's majesty; and that such of the said constitutions and canons, as shall be thought and determined by the said two-and-thirty persons, or the more part of them, worthy to be abrogated and annulled, shall be abolished and made of no value accordingly; and such other of the same constitutions and canons, as by the said two-and-thirty, or the more part of them, shall be approved to stand with the laws of God, and consonant to the laws of this realm, shall stand in their full strength and power, the king's most royal assent first had and obtained to the same:

Be it therefore now enacted by authority of this present Parliament, according to the said submission and petition of the said clergy, that they, nor any of them, from henceforth shall presume to attempt, allege, claim or put in ure 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 the king's most royal assent and licence to make, promulge, and execute such canons, constitutions, and ordinances, provincial or synodal, upon pain of every one of the said clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment, and make fine at the king's will.

And forasmuch as such canons, constitutions, and ordinance, as heretofore have been made by the clergy of this realm, cannot now at the session of this present Parliament, by reason of shortness of time, be viewed, examined, and determined by the king's highness, and thirty-two persons to be chosen and

appointed according to the petition of the said clergy in form above rehearsed: be it therefore enacted by authority aforesaid, that the king's highness shall have power and authority to nominate and assign, at his pleasure, the said two-and-thirty persons of his subjects, whereof sixteen to be of the clergy, and sixteen to be of the temporalty of the upper and nether house of the Parliament; and if any of the said two-and-thirty persons so chosen shall happen to die before their full determination, then highness to nominate other from time to time of the said two houses of the Parliament, to supply the number of the said two-and-thirty; and that the same two-and-thirty, by his highness so to be named, shall have power and authority to view, search, and examine the said canons, constitutions, and ordinances, provincial and synodal, heretofore made, and such of them as the king's highness and the said two-and-thirty, or the more part of them, shall deem and adjudge worthy to be continued, kept, and obeyed, shall be from thenceforth kept, obeyed, and executed within this realm, so that the king's most royal assent under his great seal be first had to the same; and the residue of the said canons, constitutions, or ordinance provincial, which the king's highness, and the said two-and-thirty persons or the more part of them, shall not approve, or deem and judge worthy to be abolished, abrogate, and made frustrate, shall from thenceforth be void and of none effect, and never be put in execution within this realm. 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, which shall be in the year of our Lord God 1534, no manner of appeals shall be had, provoked, or made out of this realm, or out of any of the king's dominions, to the Bishop of Rome, nor to the see of Rome, in any causes or matters happening to be in contention, and having their commencement or beginning in any of the courts within this realm, or within any the king's dominions, of what nature, condition, or quality soever they be of; but that all manner of appeals, of what nature or condition soever they be of, or what cause or matter soever they concern, shall be made and had by the parties grieved, or having cause of appeal, after such manner, form, and condition, as is limited for appeals to be had and prosecuted within this realm in causes of matrimony, tithes, oblations and obventions, by a statute thereof made and established since the beginning of this present Parliament, and according to the form and effect of the said statute; any usage, custom, prescription, or any thing or things to the contrary hereof notwithstanding.

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. Which commissioners, so by the king's highness, his heirs or successors, to be named or appointed, shall have full power and authority to hear and definitively determine every such appeal, with the causes and all circumstances concerning the same; and that such judgment and sentence, as the said commissioners shall make and decree, in and upon any such appeal, shall be good and effectual, and also definitive; and no further appeals to be had or made from the said commissioners for the same.

And if any person or persons, at any time after the said feast of Easter, provoke or sue any manner of appeals, of what nature or condition soever they be of, to the said Bishop of Rome, or to the see of Rome, or do procure or execute any manner of process from the see of Rome, or by authority thereof, to the derogation or let of the due execution of this Act, or contrary to the same, that then every such person or persons so doing, their aiders, counsellors, and abettors, shall incur and run into the dangers, pains, and penalties contained and limited in the Act of Provision and Præmunire made in the sixteenth year

of the king's most noble progenitor, King Richard II, against such as sue to the Court of Rome against the king's crown and prerogative royal.

Provided always, that all manner of provocations and appeals hereafter to be had, made, or taken from the jurist diction of any abbots, priors, and other heads and governors of monasteries, abbeys, priories, and other houses and places exempt, in such cases as they were wont or might afore the making of this Act, by reason of grants or liberties of such places exempt, to have or make immediately any appeal or provocation to the Bishop of Rome, otherwise called pope, or to the see of Rome, that in all these cases every person and persons, having cause of appeal or provocation, shall and may take and make their appeals and provocations immediately to the king's majesty of this realm, into the Court of Chancery, in like manner and form as they used afore to do to the see of Rome; which appeals and provocations so made, shall be definitively determined by authority of the king's commission, in such manner and form as in this Act is above mentioned; so that no archbishop or bishop of this realm shall intermit or meddle with any such appeals, otherwise or in any other manner than they might have done afore the making of this Act; anything in this Act to the contrary thereof notwithstanding.

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

LII.

THE ECCLESIASTICAL APPOINTMENTS ACT—THE ABSOLUTE RESTRAINT OF ANNATES, ELECTION OF BISHOPS, AND LETTERS MISSIVE ACT, A. D. 1534.

25 HENRY VIII, CAP. 20.

SEE introduction to preceding document, and compare with No. XLIX. This Act was passed in 1534, and was repealed—so far as it related to episcopal election—by the Act of 1 Edward VI, cap. 2, which substituted direct nomination of bishops by the Crown. The last Act was repealed by 1 Mary, stat. 2, cap. 2 (*post*, No. LXXIII), and never re-enacted.

[Transcr. Statutes of the Realm, iii. 462.]

Where since the beginning of this present Parliament, for repression of the exaction of annates and first-fruits of archbishoprics and bishoprics of this realm wrongfully taken by the Bishop of Rome, otherwise called the pope, and the see of Rome, it is ordained and established by an Act, among other things, that the payments of the annates or first-fruits, and all manner contributions of the same, for any such archbishopric or bishopric, or for any bulls to be obtained from the see of Rome, to or for the said purpose or intent, should utterly cease, and no such to be paid for any archbishopric or bishopric within this realm, otherwise than in the same Act is expressed: and that no manner of person or persons to be named, elected, presented, or postulated to any archbishopric or bishopric within this realm, should pay the said annates or first-fruits, nor any other manner of sum or sums of money, pensions or annuities for the same, or for any other like exaction or cause, upon pain to forfeit to our sovereign lord the king, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the said archbishopric or bishopric during the time that he or they that should offend contrary to the said Act, should have, possess, and enjoy the said archbishopric or bishopric. And it is further enacted, that if any person named or presented to the see of Rome by the king's highness, or his heirs and successors, to be bishop of any see or diocese within this realm, should happen to be let, delayed, or deferred at the see of Rome from any such bishopric whereunto he should be so presented, by means of restraint of bulls of the said Bishop of Rome, otherwise called the pope, and other things requisite to the same, or should be denied at the see of Rome, upon convenient suit made, for any bulls requisite for any such cause, that then every person so presented might or should be consecrated here in England by the archbishop in whose province the said bishopric shall be; so always, that the same person should be named and presented by the king for the time being to the said archbishop. And if any person being named and presented as is before said, to any archbishopric of this realm, making convenient suit, as is aforesaid, should happen to be let, delayed, deferred, or otherwise disturbed from the said archbishopric, for lack of pall, bulls, or other things to him requisite to be obtained at the see of Rome, that then every such person so named and presented to the archbishop, might and should be consecrated and invested, after presentation made as is aforesaid, by any other two bishops within this realm, whom the king's highness, or any his heirs or successors, kings of England, would appoint and assign for the same, according and after like manner as divers archbishops and bishops have been heretofore in ancient time by sundry the king's most noble progenitors made, consecrated, and invested within this realm. And it is further enacted by the said Act, that every archbishop and bishop, being named and presented by the king's highness, his heirs and successors, kings of England, and being consecrated and invested, as is aforesaid, should be installed accordingly, and should be accepted, taken and reputed, used and obeyed as an archbishop or bishop of the dignity, see, or place whereunto he shall be so named, presented, and consecrated, and as other like prelates of that province, see, or diocese have been used, accepted, taken,

and obeyed, which have had and obtained completely their bulls and other things requisite in that behalf from the see of Rome, and also should fully and entirely have and enjoy all the spiritualties and temporalities of the said archbishopric or bishopric, in as large, ample, and beneficial manner, as any of his or their predecessors had or enjoyed in the said archbishopric or bishopric, satisfying and yielding unto the king's highness, and to his heirs and successors, all such duties, rights, and interests as beforetime have been accustomed to be paid for any such archbishopric or bishopric, according to the ancient laws and customs of this realm and the king's prerogative royal, as in the said Act amongst other things is more at large mentioned.

And albeit the said Bishop of Rome, otherwise called the pope, has been informed and certified of the effectual contents of the said Act, to the intent that by some gentle ways the said exactions might have been redressed and reformed, yet nevertheless the said Bishop of Rome hitherto has made no answer of his mind therein to the king's highness, nor devised nor required any reasonable ways to and with our said sovereign lord for the same:

Wherefore his most royal majesty of his most excellent goodness, for the wealth and profit of this his realm and subjects of the same, has not only put his most gracious and royal assent to the aforesaid Act, but also has ratified and confirmed the same, and every clause and article therein contained, as by his letters patent under his great seal enrolled in the Parliament roll of this present Parliament more at large is contained.

And forasmuch as in the said Act it is not plainly and certainly expressed in what manner and fashion archbishops and bishops shall be elected, presented, invested, and consecrated within this realm, and in all other the king's dominions; be it now therefore enacted by the king our sovereign lord, by the assent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the said Act and everything therein contained shall be and stand in strength, virtue, and effect; except only, that no person or persons hereafter shall be presented, nominated, or commended to the said Bishop of Rome, otherwise called the pope, or to the see of Rome, to or for the dignity or office of any archbishop or bishop within this realm, or in any other the king's dominions, nor shall send nor procure there for any manner of bulls, briefs, palls, or other things requisite for an archbishop or bishop, nor shall pay any sums of money for annates, first-fruits nor otherwise, for expedition of any such bulls, 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 procuration 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 every 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 to 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 has 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 missive shall be directed, shall with all speed and celerity in due form elect and choose the said person named in the said letters missive, 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 missive to them delivered, that then for every such default the king's highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patent 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 that every such nomination and presentment to be made by the king's highness, his heirs and successors, if it be to the office and dignity of a bishop, shall be made to the archbishop and metropolitan of the province where the see of the same bishopric is void, if the see of the said archbishopric be then full, and not void; and if it be void, then to be made to such archbishop or metropolitan within this realm, or in any the king's dominions, as shall please the king's highness, his heirs or successors: and if any such nomination or presentment shall happen to be made for default of such election to the dignity or office of any archbishop, then the king's highness, his heirs and successors, by his letters patent under his great seal, shall nominate and present such person, as they will dispose to have the said office and dignity of archbishopric being void, to one such archbishop and two such bishops, or else to four such bishops within this realm, or in any of the king's dominions, as shall be assigned by our said sovereign lord, his heirs or successors.

And be it further enacted by the authority aforesaid, that whensoever any such presentment or nomination shall be made by the king's highness, his heirs or successors, by virtue and authority of this Act, and according to the tenor of the same; that then every archbishop and bishop, to whose hands any such presentment and nomination shall be directed, shall with all speed and celerity invest and consecrate the person nominate and presented by the king's highness, his heirs or successors, to the office and dignity that such person shall be so presented unto, and give and use to him pall, and all other benedictions, ceremonies, and things requisite for the same, without suing, procuring, or obtaining hereafter any bulls or other things at the see of Rome, for any such office or dignity in any behalf.

And if the said dean and chapter, or prior and convent, after such licence and letters missive to them directed, within the said twelve days do elect and choose the said person mentioned in the said letters missive, according to the request of the king's highness, his heirs or successors, thereof to be made by the said letters missive in that behalf; then their election shall stand good and effectual to all intents.

And that the person so elected, after certification made of the same election under the common and convent seal of the electors, to the king's highness, his heirs or successors, shall be reputed and taken by the name of lord elected of the said dignity and office that he shall be elected unto.

And then making such oath and fealty only to the king's majesty, his heirs and successors, as shall be appointed for the same, the king's highness, by his letters patent under his great seal, shall signify the said election, if it be to the dignity of a bishop, to the archbishop and metropolitan of the province where the see of the said bishopric was void, if the see of the said archbishop be full and not void; and if it be void, then to any other archbishop within this realm, or in any other the king's dominions; requiring and commanding such archbishop, to whom any such signification shall be made, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him all such benedictions, ceremonies, and other things requisite for the same, without any suing, procuring, or obtaining any bulls, letters, or other things from the see of Rome for the same in any behalf. And if the person be elected to the office and dignity of an archbishop, according to the tenor of this Act, then after such election certified to the king's highness in form aforesaid, the same person so elected to the office and dignity of an archbishop shall be reputed and taken lord elect to the said office and dignity of archbishop, whereunto he shall be so elected; and then after he has made such oath and fealty only to the king's majesty, his heirs and successors, as shall be limited for the same, the king's highness, by his letters patent under his great seal, shall signify the said election to one archbishop and two other bishops, or else to four bishops within this realm, or within any other the king's dominions,

to be assigned by the king's highness, his heirs or successors, requiring and commanding the said archbishop and bishops, with all speed and celerity, to confirm the said election, and to invest and consecrate the said person so elected to the office and dignity that he is elected unto, and to give and use to him such pall, benedictions, ceremonies, and all other things requisite for the same, without suing, procuring, or obtaining any bulls, briefs, or other things at the said see of Rome, or by the authority thereof in any behalf.

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

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 any of 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 if any archbishop or bishop, within any the king's dominions, after any such election, nomination, or presentation shall be signified unto them by the king's letters patent, shall refuse, and do not confirm, invest, and consecrate with all due circumstance as is aforesaid, every such person as shall be so elected, nominate, or presented, and to them signified as is above mentioned, within twenty days next after the king's letters patent of such signification or presentation shall come to their hands; or else if any of them, or any other person or persons, admit, maintain, allow, obey, do or execute any censures, excommunications, interdictions, inhibitions, or any other process or act, of what nature, name, or quality soever it be, to the contrary, or let of due execution of this Act; that then every prior and particular person of his convent, and every dean and particular person of the chapter, and every archbishop and bishop, and all other persons, so offending and doing contrary to this Act, or any part thereof, and their aiders, counsellors, and abettors, shall run into the dangers, pains, and penalties of the Statute of the Provision and Præmunire, made in the five-and-twentieth year of the reign of King Edward III, and in the sixteenth year of King Richard II.

LIII.

ACT FORBIDDING PAPAL DISPENSATIONS AND
THE PAYMENT OF PETER'S PENCE, A.D. 1534.

25 HENRY VIII, CAP. 21.

SEE introduction to document No. LI.

[Transcr. Statutes of the Realm, iii. 464.]

Most humbly beseeching your most royal majesty, your obedient and faithful subjects, the Commons of this your present Parliament assembled, by your most dread commandment, that where your subjects of this your realm, and of other countries and dominions, being under your 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, and yet continually be claimed to be taken out of this your realm, and other your said countries and dominions, by the Bishop of Rome, called the pope, and the see of Rome, as well in pensions, censes, Peter-pence, procurations, fruits, suits for provisions, and expeditions of bulls for archbishoprics and bishoprics, and for delegacies, and rescripts in causes of contentions and appeals, jurisdictions legatine, and also for dispensations, licences, faculties, grants, relaxations, writs called *perinde valere*, rehabilitations, abolitions, and other infinite sorts of bulls, briefs, and instruments of sundry natures, names, and kinds, in great numbers hereto-fore practised and obtained otherwise than by the laws, laudable uses, and customs of this realm should be permitted, the specialties whereof be over long, large in number, and tedious here particularly to be inserted; wherein the Bishop of Rome aforesaid has not been only to be blamed for his usurpation in the premises, but also for his abusing and beguiling your subjects, pretending and persuading to them that he has full power to dispense with all human laws, uses, and customs of all realms, in all causes which be called spiritual, which matter has 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, has 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, not as to the observance of the laws of any foreign prince, potentate, or prelate, but as to the accustomed and ancient laws of this realm, originally established as laws of the same, by the said sufferance, consents, and custom, and none otherwise:

It stands therefore with natural equity and good reason, that in all and every such laws human made within this realm, or induced into this realm by the said sufferance, consents, and custom, your royal majesty, and your lords spiritual and temporal, and Commons, representing the whole state of your realm, in this your most High Court of Parliament, have full power and authority, not only to dispense, but also to authorize some elect person or persons to dispense with those, and all other human laws of this your realm, and with every one of them, as the quality of the persons and matter shall require; and also the said laws, and every of them, to abrogate, annul, amplify, or diminish, as it shall be seen unto your majesty, and the nobles and Commons of your realm present in your Parliament, meet and convenient for the wealth of your realm, as by divers good and wholesome Acts of Parliaments, made and established as well in your time, as in the time of your most noble progenitors, it may plainly and evidently appear:

And because that it is now in these days present seen, that the state, dignity, superiority, reputation, and authority of the said imperial crown of this realm, by the long sufferance of the said unreasonable and uncharitable usurpations and exactions practised in the times of your most noble progenitors, is much and sore decayed and diminished, and the people of this realm thereby impoverished, and so or worse be like to continue, if remedy be not therefor shortly provided:

It may therefore please your most noble majesty, for the honour of Almighty God, and for the tender love, zeal, and affection that ye bear, and always have borne to the wealth of this your realm and subjects of the same, forasmuch as your majesty is supreme head of the Church of England, as the prelates and clergy of your realm, representing the said Church, in their synods and convocations have recognized, in whom consisteth full power and authority, upon all such laws as have been made and used within this realm, to ordain and enact, by the assent of your lords spiritual and temporal, and the Commons in this your pre-sent 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 the see of Rome, like as heretofore they have used, by usurpation of the said Bishop of Rome and his predecessors, and sufferance of your highness, and your most noble progenitors, to do; but that all such pensions, censes, portions and Peter-pence, which the said Bishop of Rome, otherwise called the pope, has heretofore taken and perceived, or caused to be taken and perceived to his use, and his chambers which he calls apostolic, by usurpation and sufferance, as is abovesaid, within this your realm, or any other your dominions, shall from henceforth clearly surcease, and never more be levied, taken, perceived, nor paid to any person or persons in any manner of wise; any constitution, use, prescription, or custom to the contrary thereof notwithstanding.

And be it further enacted by the authority aforesaid, that neither your highness, your heirs nor successors, kings of this realm, nor any your subjects of this realm, nor of any other your dominions, shall from henceforth sue to the said Bishop of Rome, called the pope, or to the see of Rome, or to any person or persons having or pretending any authority by the same, for licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings, of what kind, name, nature, or quality soever they be of, for any cause or matter, for the which any licence, dispensation, composition, faculty, grant, re-script, delegacy, instrument, or other writing, heretofore has been used and accustomed to be had and obtained at the see of Rome, or by authority thereof, or of any prelate of this realm; nor for any manner of other licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings that in causes of necessity may lawfully be granted without offending of the Holy Scriptures and laws of God:

But that from henceforth every such licence, dispensation, composition, faculty, grant, rescript, delegacy, instrument, and other writing afore named and mentioned, necessary for your highness, your heirs or successors, and your and their people and subjects, upon the due examinations of the causes and qualities of the persons procuring such dispensations, licences, compositions, faculties, grants, rescripts, delegacies, instruments, or other writings, shall be granted, had, and obtained, from time to time, within this your realm, and other your dominions, and not elsewhere, in manner and form following, and none otherwise; that is to say:

The Archbishop of Canterbury for the time being, and his successors, shall have power and authority, from time to time, by their discretions, to give, grant, and dispose, by an instrument under the seal of the said archbishop, unto your majesty, and to your heirs and successors, kings of this realm, as well all manner such licences, dispensations, compositions, faculties, grants, rescripts, delegacies, instruments, and all other writings, for causes not being contrary or repugnant to the Holy Scriptures and laws of God, as heretofore has been used and accustomed to be had and obtained by your highness, or any your most

noble progenitors, or any of your or their subjects, at the see of Rome, or any person or persons by authority of the same; and all other licences, dispensations, faculties, compositions, grants, rescripts, delegacies, instruments, and other writings, in, for, and upon all such causes and matters as shall be convenient and necessary to be had, for the honour and surety of your highness, your heirs and successors, and the wealth and profit of this your realm; so that the said archbishop, or any of his successors, in no manner wise shall grant any dispensation, licence, rescript, or any other writing afore rehearsed, for any cause or matter repugnant to the law of Almighty God.

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

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

Provided always, that no manner of dispensations, licences, faculties, or other rescripts or writings hereafter to be granted to any person or persons, by virtue or authority of this Act, by the said archbishop or his commissary being of such importance, that the tax of the expedition thereof at Rome extended to the sum of 4*l.* or above, shall in any wise be put in execution, till the same licence, dispensation, faculty, rescript, or other writing, of what name or nature soever it be of, be first confirmed by your highness, your heirs or successors, kings of this realm, under the great seal, and enrolled in your chancery in a roll, by a clerk to be appointed for the same; and that this Act shall be a sufficient warrant to the Chancellor of England for the time being, or to him whom your grace, your heirs or successors, shall depute to be keeper of the great seal, to confirm in your name, your heirs or successors, the aforesaid writings, passed under the said archbishop's seal, by letters patent, in due form thereof to be made under your great seal, remitting as well the said writing under the archbishop's seal, as the said confirmation under the great seal, to the parties from time to time procuring for the same:

And that all such licences, dispensations, faculties, and other rescripts and writings, for the expedition of the which the said taxes to be paid at Rome were under 4*l.*, which be matters of no great importance, shall pass only by the archbishop's seal, and shall not of any necessity be confirmed by the great seal, unless the procurers of such licence, faculty, or dispensation desire to have them so confirmed; in which case they shall pay for the said great seal, to the use of your highness, your heirs and successors,

5s. sterling, and not above, over and besides such tax as shall be hereafter limited for the making, writing, registering, confirming, and enrolling of such licences, confirmations, and writings under the said tax of 4l.

And that every such licence, dispensation, composition, faculty, rescript, and writing, of what name or nature soever it be, for such causes as the tax was wont to be 4l. or above, so granted by the archbishop, and confirmed under the great seal, and all other licences, dispensations, faculties, rescripts, and writings hereafter to be granted by the archbishop by virtue and authority of this Act, whereunto the great seal is not limited of necessity to be put to, by reason that the tax of them is under 4l., shall be accepted, approved, allowed, and admitted good and effectual in the law, in all places, courts, and jurisdictions, as well spiritual as temporal, within this realm, and elsewhere within your dominions, and as beneficial to the persons obtaining the same, as they should have been if they had been obtained, with all things requisite, of the see of Rome, or of any other person by authority thereof, without any revocation or repeal hereafter to be had of any such licences, dispensations, faculties, rescripts, or writings, of what nature soever they be.

And that all children procreated after solemnization of any marriages to be had or done by virtue of such licences or dispensations, shall be admitted, reputed, and taken legitimate in all courts, as well spiritual as temporal, and in all other places, and inherit the inheritance of their parents and ancestors within this your realm, and all other your dominions, according to the laws and customs of the same; and all acts to be done, had, or executed according to the tenor of such licences, dispensations, faculties, writings, or other instruments, to be made or granted by authority of this Act, shall be firm, permanent, and remain in force; any foreign laws, constitutions, decrees, canons, decretals, inhibitions, use, custom, prescription, or any other thing had, or hereafter to be made to the contrary notwithstanding.

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

And forasmuch as the charges of obtaining the said licences, dispensations, faculties, and other rescripts or writings aforementioned, at the Court of Rome, by the losses and exchanges, and in conducting of couriers, and waging solicitors to sue for any such licences, dispensations, faculties, instruments, and other rescripts or writings, have been grievous and excessive to your people, and many times greater sums have been demanded for the speedy expedition in the Court of Rome, than be expressed in the old tax limited to be paid for the said expeditions, whereby your people have been brought to an uncertainty upon the payment for expeditions of such things, and by reason thereof have been constrained to pay more than they were wont to do, to the great impoverishing of this realm, as is aforesaid: and sometimes the

speeding of such dispensations, faculties, licences, and other writings at Rome has been so long deferred, that the parties labouring for the same have suffered great incommodities and loss for lack of quick speed, which hereafter may be had within this your realm, to the great commodity of your people, whereby the charges of making exchanges, conducting of couriers, and solicitors, for the said dispensations, shall be abated, and your people so much relieved and eased; to the intent that all ambiguity, and uncertainty of payments for dispensations, faculties, licences, and other rescripts and writings, may be taken away, that no fraud or exaction shall be exercised upon your people, by such officers as shall be appointed by this Act, to take pains in speeding such dispensations, faculties, and licences, but that your people may be sure and certain what they be appointed to pay for the same:

Be it enacted by this present Parliament, and by the authority of the same, that there shall be two books drawn and made of one tenor, in which shall be contained the taxes of all customable dispensations, faculties, licences, and other writings wont to be sped at Rome, which books, and every leaf of those books, and both sides of every leaf, shall be subscribed by the Archbishop of Canterbury, the Lord Chancellor of England, the Lord Treasurer of England, and the two chief justices of both benches for the time being; to the which books all suitors for dispensations, faculties, licences, and other writings afore rehearsed, shall have recourse if they require it; and one of the said books shall remain in the hands of him which shall be appointed to be registrar and scribe of the said dispensations, faculties, and licences, under the said Archbishop of Canterbury, in form as is beforesaid; and the other book shall remain with the clerk of the chancery, which by your grace, your heirs or successors, shall be appointed, as is before rehearsed; which clerk of the chancery shall also entitle, and note particularly and daily, in his book ordained for that purpose, the number and quality of the dispensations, faculties, licences, and other rescripts and writings, which shall be sealed only with the seal of the said archbishop, and also which shall be sealed with the said seal, and confirmed with the great seal, in form as is before said, that all fraud and concealment in this behalf may be avoided.

And be it enacted by this present Parliament, and by the authority of the same, that no man suing for dispensations, faculties, licences, or other rescripts or writings, which were wont to be sped at Rome, shall pay any more for their dispensations, licences, or rescripts, than shall be contained, taxed, and limited in the said duplicate books of taxes, only compositions excepted, of which, being arbitrary, no tax can be made, wherefore the tax thereof shall be set and limited by the discretion of the said Archbishop of Canterbury, and the Lord Chancellor of England, or the lord keeper of the great seal for the time being;

And that such as shall exact or receive of any suitor more for any dispensation, faculty, or licence, than shall be contained in the said books of taxes, shall forfeit ten times so much as he shall so extortionately exact and receive; the one half of the which forfeiture to be to the use of your grace, your heirs or successors, and the other half thereof to be to such of your subjects as will sue for the same by action, bill, or plaint in any of your grace's courts, wherein the defendant shall have none essoin nor protection allowed, neither shall he admitted to wage his law.

Be it also enacted by this Parliament, and authority of the same, that the tax or sum appointed to be paid for every such dispensation, licence, faculty, instrument, rescript, or other writing to be granted by authority of this Act, shall be employed and ordered, as hereafter ensues; that is to say: if the tax extend to 4*l.* or above, by reason whereof the dispensation, licence, faculty, rescript or writing, which shall pass by the said archbishop's seal, must be confirmed by the appension of the great seal, then the said tax so extending to 4*l.* or above, shall be divided into three parts, whereof two shall be perceived by the said clerk of the chancery, to be appointed as is aforesaid, to the use of your highness, your heirs and successors, and to the use of the lord chancellor, or the keeper of the great seal for the time being, and to the use of the said clerk, in such wise as hereafter shall be declared; and that the third part shall be taken by the said clerk of the archbishop, to the use of the same archbishop and his commissary, and his said

clerk and registrar, in such wise as hereafter shall be ordained and limited by this Act; that is to say, the said two parts shall be divided in four parts, of which three parts shall be taken to the only use of your highness, your heirs and successors, and the fourth part shall be divided in three parts, whereof the Chancellor of England, or lord keeper of the great seal for the time being, shall have two parts, and the said clerk of the chancery the third part for his pains, travel, and labours that he is limited to write and do by virtue of this Act; and the said third part of the whole tax appointed to the said archbishop, and his officers, as is aforesaid, shall be divided into three parts, whereof the archbishop shall have to his use two parts, and his officers shall have the third part thereof; of which third part to be divided into two parts, the said clerk or registrar, which shall find parchment, wax, and silk, and shall devise and write the said dispensations, licences, faculties, rescripts, or other writings, and register the same, shall have for his said labour, and for receiving and repaying of the sums of money that shall come to his hands for dispensations, faculties, licences, and other rescripts aforesaid, the one moiety thereof, and the commissary of the said archbishop appointed to seal the said dispensations, faculties, licences, and other rescripts, shall have the other part.

And if the tax be under 4*l.* and not under 40*s.*, then the said tax shall be divided into three parts, as is aforesaid, whereof the king's highness, his heirs and successors, shall have two parts thereof, abating 3*s.* 4*d.*, which shall be to the said clerk of the chancery for subscribing, entitling, and enrolling the said dispensations, licences, faculties, rescripts, and other writings aforesaid, and receiving of the king's money so taxed; and the archbishop and his officers shall have the third part, which third part shall be divided into two parts, whereof the archbishop shall have the one entirely to himself, his scribe and commissary shall have the other part thereof, equally to be divided amongst them for their costs and pains in that behalf.

And if the tax be under 40*s.* and not under 26*s.* 8*d.*, the same tax shall be divided into two parts, whereof the one part shall be to your grace, your heirs and successors, deducting thereof 2*s.* for the clerk of the chancery for his pains, as is aforesaid; and the other part shall be to the said archbishop and his officers, which other part shall be divided into two parts, whereof the archbishop shall have the one, and the commissary and scribe shall have the other, equally divided amongst them.

And if the tax be under 26*s.* 8*d.* and not under 20*s.*, the same shall be divided into two parts, whereof your grace, your heirs and successors, shall have the one part entirely, abating 2*s.* thereof to the said clerk of the chancery; and the archbishop and his officers shall have the other part, and the same other part shall be divided into three parts, whereof the archbishop shall have one, his commissary the second, and his scribe or registrar the third; and in case the tax be under 20*s.* the same shall be perceived to the use of the said commissary, clerk of the said archbishop, and clerk of the chancery, to be equally divided amongst them for their pains and labours by them to be sustained, by authority of this Act, as aforesaid.

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

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

And be it further enacted, that if the aforesaid Archbishop of Canterbury for the time being, or the said guardian of the spiritualties for the time being, hereafter refuse or deny to grant any licences,

dispensations, faculties, instruments, or other writings, which they be authorized to do by virtue and authority of this Act, in such manner and form as is afore remembered, to any person or persons that ought, of a good, just, and reasonable cause, to have the same, by reason whereof this present Act, by their wilfulness, negligence, or default, should take no effect; then the Chancellor of England, or the lord keeper of the great seal for the time being, upon any complaint thereof made, shall direct the king's writ to the said archbishop or guardian denying or refusing to grant such licences, dispensations, faculties, or other writings, enjoining him by the said writ, upon a certain pain therein to be limited by the discretion of the said chancellor or keeper of the great seal, that he shall in due form grant such licence, dispensation, faculty, or other writing, according to the request of the procurers of the same, or else signify unto your highness, your heirs or successors, in the Court of Chancery, at a certain day, for what occasion or cause he refused and denied to grant such licences, faculties, or dispensations.

And if it shall appear to the said chancellor or lord keeper of the great seal, upon such certificate, that the cause of refusal or denial of granting such licences, faculty, or dispensation was reasonable, just, and good, that then [it] so being proved by due search and examination of the said chancellor or lord keeper of the great seal, to be admitted and allowed.

And if it shall appear upon the said certificate, that the said archbishop or guardian of the spiritualties for the time being, of wilfulness in contemning the due execution of this Act, without a just and reasonable cause, refused or denied to grant such licence, faculty, or dispensation, that then your highness, your heirs or successors, being thereof informed, after due examination had, that such licences, faculties, or dispensations may be granted without offending the Holy Scriptures and laws of God, shall have power and authority in every such case, for the default, negligence, and wilfulness of the said archbishop or guardian, to send your writ of injunction under your great seal, out of your said Court of Chancery, commanding the archbishop or guardian that so shall deny or refuse to grant such licence, faculty, or dispensation, to make sufficient grant thereof, according to the tenor and effect of this Act, by a certain day, and under a certain pain in the said writ to be contained, and to be limited by your highness, your heirs or successors, kings of this realm.

And if the said archbishop or guardian, after the receipt of the said writ, refuse or deny to grant such licences, faculties, or dispensations, as shall be enjoined him by virtue of the said writ, and show and prove before your majesty, your heirs or successors, no just or reasonable cause why he should do so; then the said archbishop or guardian that so shall refuse to put this Act in execution according to the said writ of injunction, shall suffer, lose, and forfeit to your highness, your heirs and successors, such pain and penalty as shall be limited and expressed in the said writ of injunction.

And over that, it shall be lawful to your highness, your heirs and successors, for every such default and wilfulness of the said archbishop or guardian for the time being, to give power and authority, by commission under your great seal, to such two spiritual prelates or persons to be named by your highness, your heirs or successors, as will do and grant such licences, faculties, and dispensations, refused or denied to be granted by the said archbishop or guardian in contempt of this Act.

And be it further enacted by authority aforesaid, that the said two spiritual prelates or persons, to whom in such cases any such commission shall be directed, shall have power and authority to grant every such licence, faculty, dispensation, instrument, and other writings, so refused to be granted by the said archbishop or guardian for the time being, by an instrument under their seals, taking like fees and charges for the same as is before rehearsed, and not above, under the pains afore remembered. And that every such licence, faculty, and dispensation so granted for any cases or matters, whereunto any confirmation under the king's great seal is appointed by this Act, to be had in manner and form above declared, shall be had and obtained accordingly. And such licences and confirmations shall be had for like fees and charges as they are above specified, and not above, under the pains above mentioned. And that every

such licence, faculty, dispensation, and other writing, to be granted by the said prelates or persons to be assigned by the king's highness, his heirs and successors, as is aforesaid, shall be of as good value, strength and effect, and as beneficial and profitable to the persons procuring the same, as if they had been made, granted, and obtained under the name and seal of the said archbishop.

Provided always, that 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 relief, succours, or remedies for any worldly things and 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 obliged, in any worldly causes, to any other superior.

Provided alway, that the said Archbishop of Canterbury, or any other person or persons, shall have no power or authority by reason of this Act, to visit or vex any monasteries, abbeys, priories, colleges, hospitals, houses or other places religious, which be or were exempt, before the making of this Act, anything in this Act to the contrary thereof notwithstanding; but that redress, visitation, and confirmation shall be had by the king's highness, his heirs and successors, by commission under the great seal, to be directed to such persons as shall be appointed requisite for the same, in such monasteries, colleges, hospitals, priories, houses, and places religious exempt; so that no visitation nor confirmation shall from thenceforth be had nor made, in or at any such monasteries, colleges, hospitals, priories, houses, and places religious exempt, by the said Bishop of Rome, nor by any of his authority, nor by any out of the king's dominions; nor that any person, religious or other, resident in any the king's dominions, shall from henceforth depart out of the king's dominions to or for any visitation, congregation, or assembly for religion, but that all such visitations, congregations, and assemblies shall be within the king's dominions.

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

And be it further enacted by authority aforesaid, that if any person or persons, subject or resident within this realm, or within any of the king's dominions, at any time hereafter sue to the court of Rome, or the see of Rome, or to any person claiming to have his authority by the same, for any licence, faculty, dispensation, or other thing or things contrary to this Act, or put in execution any licence, faculty, or dispensation, or any other thing or things hereafter to be obtained from Rome, or the see of Rome, or from any claiming authority by the same, for any of the causes above-mentioned in this Act, or for any other causes that may be granted by authority of this Act, or attempt or do any thing or things contrary to this Act, or maintain, allow, admit, or obey any manner of censures, excommunications, interdictions, or any other process from Rome, of what name or nature soever it be, to the derogation or let of the execution of this Act, or of any thing or things to be done by reason of the said Act; that then every such person or

persons so doing, offending, and being thereof convicted, their aiders, counsellors, and abettors, shall incur and run into the pain, loss, and penalty comprised and specified in the said Act of Provision and Præmunire, made in the sixteenth year of your most noble progenitor, King Richard II, against such as sue to the court of Rome, against your crown and dignity royal.

Provided alway, that this Act, or anything therein contained, shall not hereafter be taken nor expounded to the derogation or taking away of any grants, or confirmations of any liberties, privileges, or jurisdiction of any monasteries, abbeys, priories, or other houses or places exempt, which heretofore the making of this Act have been obtained at the see of Rome, or by authority thereof; but that every such grant and confirmation shall be of the same value, force, and effect as they were before the making of this Act, and as if this Act had never been made.

Provided always, that the abbots, priors, and other chief rulers and governors of such monasteries, abbeys, priories, and other houses and places exempt, shall not hereafter pay any pension, portion, or other cense to the see of Rome; nor admit or accept any visitation, nor any confirmation from or by the said see of Rome, or by authority thereof, of or for any person to be elected, named, or presented to be heads of any such monasteries, abbeys, priories, places, or houses exempt, nor shall make any corporal oath to the Bishop of Rome, otherwise called the pope, upon the pains limited in this Act; but that every such visitation, and confirmation of such heads elect—in any such monasteries, abbeys, priories, houses, or places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the person named, presented, or elected—shall be from henceforth had, made, and done within this realm, at and within every such abbeys, monasteries, priories, and other houses and places exempt, by such person and persons as shall be appointed, by authority of the king's commission, from time to time, as the case shall require, and not by the see of Rome, nor by authority thereof; anything in this next proviso above specified to the contrary thereof notwithstanding.

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

Provided also, and be it enacted, that this Act, or any thing or things, word or words therein, or in the preamble thereof mentioned or contained, is not intended or meant, nor shall be expounded nor interpreted, that any dispensations, licences, or confirmations for marriages, granted to any the king's subjects born under his obeisance, at any time before the twelfth day of March in the year of our Lord God 1533, shall be appaired, or of any less value, strength, force or effect, than they were at the said twelfth day of March; nor that this Act, or anything therein contained, shall not extend to the derogation, appairing, or annulling of any licences, dispensations, confirmations, faculties, or indulgences, at any time before the said twelfth day of March in the year of our Lord God, 1533, had or obtained at the see of Rome, or by authority thereof, to or for any subjects born in this realm, or in any the king's dominions, or to or for the hospital of the Prior of St. John of Jerusalem in England, or any commandries or members thereof, or to or for any other cathedral churches, hospitals, monasteries, abbeys, priories, colleges, conventual churches, parochial churches, chapels, fraternities, brotherhoods, or bodies politic within this realm, or in any other the king's dominions; but that every such licence, dispensation, confirmation, faculty, and indulgence granted before the said twelfth day of March to any such subject, or to the said hospital of the Prior of St. John of Jerusalem in England, commandries or members thereof, or to any other cathedral church, hospital, monastery, abbey, priory, college, church conventual, parochial church,

chapel, fraternity, brotherhood, or body politic, or to their predecessors or ancestors within this realm, or in any other the king's dominions, shall be of the same force, strength, value and effect, and may be from time to time put in execution at all times hereafter, by and to them that will use and have the same, as they might have been before the making of this Act, and as if this Act had never been had nor made; anything in the said Act to the contrary hereof notwithstanding.

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

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

Provided alway, and be it enacted by authority of this present Parliament, that this present Act, or any thing or things therein contained, shall not begin to take effect nor be put in execution till the feast of the Nativity of St. John Baptist next coming, except the king's majesty, on this side the said feast, by his letters patent under his great seal, to be enrolled in the Parliament roll of this present Parliament, do declare and express, that it is his pleasure that it shall begin and take effect at any time afore the said feast; and if his highness happen so to do, that then, immediately after such declaration of his pleasure by his said letters patent 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 patent; anything in this proviso to the contrary hereof notwithstanding.

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 patent under his great seal, to be enrolled in the Parliament roll of this present Parliament, to abrogate, annul, 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 said letters patent to be void and repealed; and that all such repeal and annulling 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 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; anything in this Act or in any the provisions aforesaid to the contrary hereof notwithstanding.

LV.

THE SUPREMACY ACT, A. D. 1534.

26 HENRY VIII, CAP. 1.

THIS Act was passed in November, 1534; it was repealed by Mary's second Act of repeal (*post*, No. LXXVI), which repeal was confirmed by 1 Elizabeth, cap. 1 (*post*, No. LXXIX). It should be noted that the saving clause in the Submission of the Clergy of A.D. 1532 (*ante*, No. XLVIII) is dropped in this Act.

[Transcr. Statutes of the Realm, iii. 492.]

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 law, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

LIX.

SUFFRAGAN BISHOPS ACT, A.D. 1534.

26 HENRY VIII, CAP. 14.

THIS Act, passed in the November session of 1534, was repealed by 1 & 2 Philip and Mary, cap. 8 (*post*, No. LXXVI), and was revived by 1 Elizabeth, cap. 1 (*post*, No. LXXIX).

[Transcr. Statutes of the Realm, iii. 509.]

Albeit that since the beginning of this present Parliament good and honourable ordinances and statutes have been made and established for elections, presentations, consecrations, and investing of archbishops and bishops of this realm, and in all other the king's dominions, with all ceremonies appertaining unto the same, as by sundry statutes thereof made more at large is specified; yet nevertheless no provision hitherto has been made for suffragans, which have been accustomed to be had within this realm for the more speedy administration of the sacraments, and other good, wholesome, and devout things and laudable ceremonies, to the increase of God's honour, and for the commodity of good and devout people. Be it therefore enacted by authority of this present Parliament, that the towns of Thetford, Ipswich, Colchester, Dover, Guildford, Southampton, Taunton, Shaftesbury, Molton, Marlborough, Bedford, Leicester, Gloucester, Shrewsbury, Bristol, Penrith, Bridgewater, Nottingham, Grantham, Hull, Huntingdon, Cambridge, and the towns of Perth and Berwick, [St. Germain's in Cornwall¹,] and the Isle of Wight, shall be taken and accepted for sees of bishops suffragan to be made in this realm, and in Wales, and the bishops of such sees shall be called suffragans of this realm. And that every archbishop and bishop of this realm, and of Wales, and elsewhere within the king's dominions, being disposed to have any suffragan, shall and may, at their liberties, name and elect, that is to say, every of them for their peculiar diocese, two honest and discreet spiritual persons, being learned, and of good conversation, and those two persons, so by them to be named, shall present to the king's highness, by their writing under their seals, making humble request to his majesty to give to one such of the said two persons, as shall please his majesty, such title, name, style, and dignity of bishop of such of the sees above specified, as the king's highness shall think most convenient for the same; and that the king's majesty, upon every such presentation, shall have full power and authority to give to one of those two persons, so to his highness to be presented, the style, title, and name of a bishop of such of the sees aforesaid, as to his majesty shall be thought most convenient and expedient, so it be within the same province whereof the bishop that does name him is. And that every such person to whom the king's highness shall give any such style and title of any of the sees aforesaid, shall be called bishop suffragan of the same see whereunto he shall be named.

And after such title, style, and name so given as is aforesaid, the king's majesty shall present every such person, by his letters patent under his great seal, to the Archbishop of Canterbury, if the town whereof he has his title be within the province of Canterbury, and likewise to the Archbishop of York, if the town whereof he has his title be within the province of York, signifying and declaring by the same letters patent the name of the person presented, and the style and title of dignity of the bishopric whereunto he shall be nominated, requiring the same archbishop, to whom such letters patent shall be directed, to consecrate the said person so nominated and presented to the same name, title, style, and dignity of bishop, that he shall be nominated and presented unto, and to give him all such creations, benedictions, and ceremonies, as to the degree and office of a bishop suffragan shall be requisite.

¹ 'St. Germain's in Cornwall' interlined in original.

And be it also enacted by authority aforesaid, that all and every such person and persons as shall be nominated, elected, presented, and consecrated, as is afore rehearsed, shall be taken, accepted, and reputed, in all degrees and places, according to the style, title, name, and dignity that he shall be so presented unto, and have such capacity, power and authority, honour, pre-eminence and reputation, in as large and ample manner, in and concerning the execution of such commission, as by any of the said archbishops or bishops within their diocese shall be given to the said suffragans, as to suffragans of this realm heretofore has been used and accustomed.

And be it further enacted by authority aforesaid, that every archbishop of this realm, to whom any the king's letters patent, in the cases afore rehearsed, shall be directed, having no lawful impediment, shall perform and accomplish the effects and contents of this Act within the time of three months next after such letters patent shall come to their hands; any usages, customs, foreign laws, privileges, prescriptions, or other thing or things heretofore used, had, or done to the contrary hereof notwithstanding.

Provided always, that no such suffragans, which shall be made and consecrated by virtue and authority of this Act, shall take or perceive any manner of profits of the places and sees whereof they shall be named, nor use, have, or execute any jurisdiction or episcopal power or authority within their said sees, nor within any diocese or place of this realm, or elsewhere within the king's dominions, but only such profits, jurisdiction, power, and authority as shall be licensed and limited to them to take, do, and execute by any archbishop or bishop of this realm, within their diocese to whom they shall be suffragans, by their commission under their seals.

And that every archbishop and bishop of this realm, for their own peculiar diocese, may and shall give such commission or commissions to every such bishop suffragan as shall be so consecrated by authority of this Act, as has been accustomed for suffragans heretofore to have, or else such commission as by them shall be thought requisite, reasonable, and convenient; and that no such suffragan shall use any jurisdiction ordinary or episcopal power, otherwise, nor longer time, than shall be limited by such commission to him to be given as is aforesaid, upon pain to incur into the pains, losses, forfeitures, and penalties mentioned in the Statute of Provisions, made in the sixteenth year of King Richard II.

Provided always, that the bishop that shall nominate the suffragan to the king's highness, or the suffragan himself that shall be nominate, shall provide two bishops or suffragans to consecrate him, with the archbishop, and shall bear their reasonable costs; provided also, that the residence of him that shall be suffragan over the diocese where he shall have commission, shall serve him for his residence, as sufficiently as if he were resident upon any other his benefice; any Act heretofore made to the contrary notwithstanding.

Be it further enacted, that all such suffragans as shall hereafter exercise the offices aforesaid, by the commission of the bishop, for the better maintenance of his dignity, may have two benefices with cure; any former Act made to the contrary notwithstanding.