

of annates or first fruits be so intolerable and importable to any realm that it is considered and declared by the whole body of this realm now represented by all the estates of the same assembled in this present Parliament that the King's Highness before Almighty God is bound as by the duty of a good Christian prince, for the conservation and preservation of the good estate and commonwealth of this his realm, to do all that in him is to obviate, repress, and redress the said abusions and exactions of annates or first fruits; And because that divers prelates of this realm be now in extreme age and in other debilities of their bodies, so that of likelihood bodily death in short time shall or may succeed unto them; by reason whereof great sums of money shall shortly after their deaths be conveyed unto the court of Rome for the unreasonable and uncharitable causes abovesaid, to the universal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided; It is therefore ordained, established, and enacted . . . that the unlawful payments of annates or first fruits . . . shall from henceforth utterly cease . . . and that no manner person or persons hereafter to be named, elected, presented, or postulated to any archbishopric or bishopric within this realm shall pay the said annates or first fruits . . . upon pain to forfeit to our said 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 same archbishopric or bishopric during the time that he or they which shall offend contrary to this present act shall have, possess, or enjoy the archbishopric or bishopric wherefore he shall so offend contrary to the form aforesaid.

96. An act in restraint of appeals. St. 24 Hen. VIII, c. 12, 1533

(*Stat. 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 owen 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, preeminence, 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 shewed 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 propriety 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 administrators 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 . . .

[After recital of various earlier statutes against intrusions by the see of Rome the act continues]

[It is enacted] . . . 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, or 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 definitely 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 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 parties, 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 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 owe to do; any foreign citations, processes, inhibitions, suspensions, interdictions, excommunications, or appeals for or touching any of 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 before said or for any of them, do at any time hereafter refuse to minister or to 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 to cause to be done, have one year's imprisonment and to make fine and ransom at the King's pleasure.

II. And it is further enacted . . . that if any person or persons, inhabiting or resident within this realm or within any 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 of 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 so ever 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 . . . being convict of the same for every such default shall incur and run in the same pains, penalties, and forfeitures ordained and provided by the statute of Provision and Praemunire, made in the sixteenth year of the reign of 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.

III. 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 likewise, if it be commenced before the bishop diocesan or his commissary, from the bishop diocesan or his commissary, within fifteen days next ensuing the judgment or sentence thereof there given, to the archbishop of the province of Canterbury, if it be within his province, and if it be within the province of York then to the archbishop of York; and so likewise to all other archbishops in other the King's dominions as the case by the order of justice shall require; and there to be definitively and finally ordered, decreed, and adjudged according to justice, without any other appellation or provocation to any other person or persons, court or courts. And if the matter or contention for any of the causes aforesaid be or shall be commenced 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.

97. An act for the submission of the clergy to the king's majesty. St. 25 Hen. VIII, c. 19, 1534

(Stat. 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, hath been, and ought to be assembled only by the King's writ, but also submitting themselves to the King's Majesty hath 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, ordinance 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 hath 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 thirty-two persons of the King's subjects whereof sixteen to be of the Upper and Nether House of the Parliament of the temporality, and the other sixteen to be of the clergy of the realm, and all the said thirty-two 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 thirty-two persons or the