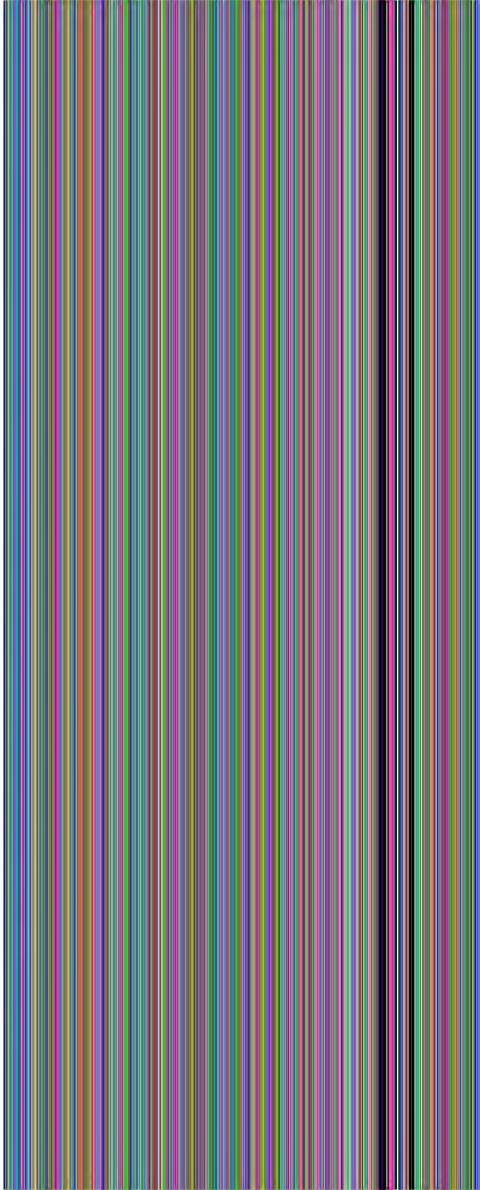
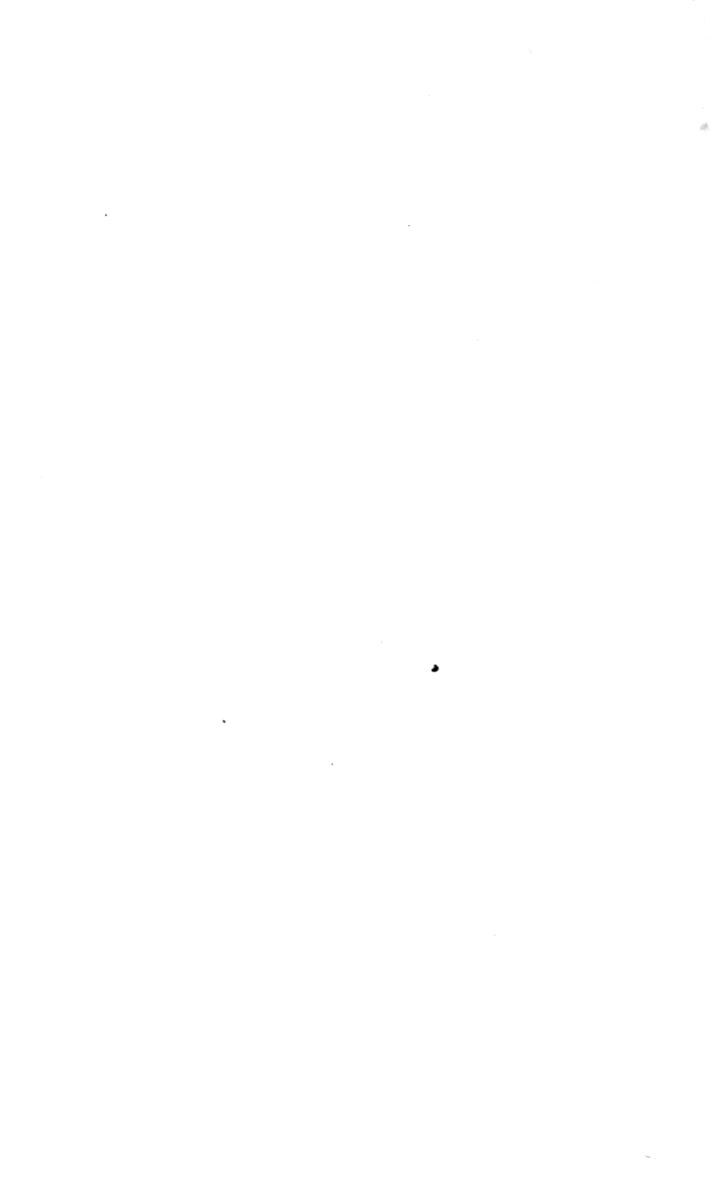


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A

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS.

BY

JOHN LINGARD, D.D.

THE FOURTH EDITION,

CORRECTED AND CONSIDERABLY ENLARGED.

IN THIRTEEN VOLUMES

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OF

THE SIXTH VOLUME.

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LINGARD'S HISTORY OF ENGLAND.

GENEALOGICAL TABLE.

Henry VIII. + 1547.	=	Catherine of Spain, repudiated 1533.	=	Anne Boleyn, be- headed 1536.	=	John Sev- more, repre- sented + 1537.	=	Anne Howard, beheaded 1541.	=	Catherine Parr, + 1548.
Mary + 1558.	=	Philip II. of Spain.	=	Elizabeth + 1568.	=	Edward VI. + 1553.				

CONTEMPORARY PRINCES.

Emper. of Ger. Maximilian 1519.	Emper. of Aust. James IV. 1513.	Emper. of France. Louis XII. 1515.	Sever. of Spain. (Ferdinand) 1516.
Charles V.	James V. 1543.	Francis I. Mary.	(Isabella) (Charles V.)

Popes:

Julius II. 1503.	Leo X. 1509.	Adrian VI. 1523.
Clement VII. 1524.	Paul III.	

CHAPTER I.

HENRY VIII.

Accession and marriage of Henry VIII.—Purishment of Empress and Dudley—State of Europe—War with France—Inglorious campaign in Spain—Invasion of France—Victory at Guinegate—Defeat of the Scots at Flodden—Peace—Rise, Power, and Character of Wolsey.

THE late king had forfeited, long before his death, the affections of his people; and the accession of his son, of the same name, was hailed as the commence-

1509 ment of a new era. The young Henry had almost com-
 April pleted his eighteenth year. He was handsome in per-
 son, generous in disposition, and adroit in every martial
 and fashionable exercise. His subjects, dazzled by the
 fair but uncertain promise of his youth, gave him credit
 for more virtues than he really possessed * : while his
 vices, though perhaps even then discernible to an ex-
 perience eye, were not sufficiently developed to excite
 their alarm or attract their attention. By the advice
 of his grandmother, the venerable countess of Richmond,
 he gave his confidence to those counsellors who had
 grown old in the service of the deceased monarch; and,
 that he might initiate himself in the art of reigning,
 made it a sacred duty to assist almost daily at their
 deliberations.

The reader is already aware, that if the new king was
 still unmarried, it had been owing to the capricious and
 interested policy of his father. Immediately after his
 accession, he assured Fuenzúda, the Spanish ambas-
 sador, of his undiminished attachment to Catherine, and
 of his intention to bring the question of their marriage
 immediately before his council †. By its advocates
 was alleged in its favour the advantage of securing the
 alliance of Spain against the hostility of France; and
 to the objection drawn from the affinity between the
 parties were opposed the force of the papal dispensation,
 and the solemn assertion of Catherine, which she was
 ready to confirm by her own oath, and by the attestation
 of several matrons, that her former nuptials with Arthur
 had never been consummated ‡. With the unanimous

* Even according to cardinal Pole, his was indeed, *ex qua gratulari
 omnia sperari possent*. *Apologia Reg. Poli* p. 66. *Henric. 7. 44.*

† *Ipsum ille supra omnes mandata appellat, supra omnes amabat,
 et illi se conjungere appetebat... ut sequens illi conjungeretur, hoc nupti-
 alium dicitur*. *Ibid.* 66, 67.

‡ *Pole* 67. Henry acknowledged the truth of her assertion to her
 nephew the emperor, as is observed by cardinal Pole in his letter to the
 king, entitled, *Pro tractatu necessitate ditionum*. *Tu ipse hoc hactenus
 es, ut quoniam de accipere, et Cesaris factus es, cui nuptiis expellat, et
 vult de ditione regnum, hoc factum, C. hinc. hinc.* *Rome, apud Auto-*

assent of the council Henry was publicly married to the June princess by the archbishop of Canterbury; their coronation followed; and these two events were celebrated with rejoicings, which occupied the court during the remaining part of the year.

The first public acts of the young monarch were calculated to win the affections of his people. Henry confirmed by proclamation the general pardon which had been granted by his father, offered redress to all persons who had been aggrieved by the late commission of forfeitures, and ordered the arrest of Empson and Dudley, the chief panders to the rapacity of the late king, and of their principal agents, known by the appellation of "promoters." The latter, having been exposed in the pulpit to the derision of the people, or compelled to ride through the city with their faces to the tails of their horses, were condemned to different terms of imprisonment: the former were brought before the council, and charged with having usurped the authority of the courts of law, extorted from heirs exorbitant compositions for the livery of their lands, refused to receive the answers of the accused until they had paid for that indulgence, and wrongfully maintained that lands, possessed on other tenures, were held in chief of the crown. The prisoners defended themselves with éloquence and with success. However harsh and iniquitous in itself their conduct might have been, it was justified by precedent, by the existing provisions of the law, and by the tenor of their commission; and therefore to hush the clamours of the people, it was deemed proper to accuse them of a new offence, a design to secure the person of the young king on the death of his father, and to possess themselves of all the powers of government. The charge

since *Reclum Asturum*—Peter Martyr, in a letter dated Mar 6th, 1549, before the marriage, tells us that the same was the belief in Spain. *Est opinio quædam perquam intactam, quæ invalidus erat ante nos motum, requiritur.* *Pal. Mart. Ep.* p. 305. On this account she was married with the revenues appropriated to the royalists of Madrid. She was dressed in white, and wore her hair loose. *Sufford*, 480.

was too absurd to deserve credit: but it seems to have been admitted throughout the whole of this reign, that if the crown brought an individual to his trial, it mattered little by what device his conviction was procured. Witnesses were found to depose that the obnoxious ministers, during the illness of the late king, had summoned their friends to be in arms, and ready to accompany them to London on an hour's notice; and juries were induced, on this flimsy pretext, to pronounce them guilty of a conspiracy against the safety of the state. Dudley was convicted at the Guildhall, Eymson at Northampton; but their execution was respited at the intercession, it was believed, of the young queen.

July
16.
Oct.
1.

When the parliament met after Christmas, it passed an act of attainder against them for a crime, which they had not committed; and endeavoured to remedy the abuses, of which they had been really guilty. All persons, whom they had falsely pronounced tenants in capite, recovered their former rights; the qualifications and duties of escheators were accurately defined; and the term for bringing actions on penal statutes in favour of the crown was limited to the three years immediately following the alleged offence. It seems probable that the king, satisfied with their forfeitures, would have suffered them to linger out their lives in confinement; but, during his progress the next summer, he was harassed with the complaints and remonstrances of the

Ang.

people, that he signed the warrant for their execution. They suffered on Tower-hill; and their blood not only silenced the clamour of their enemies, but supplied the officers of the treasury with an excuse for refusing to redress the wrongs, of which these unfortunate men had been the original authors*.

15.

Peace abroad, and tranquillity at home, allowed the young monarch to indulge his natural taste for amuse-

* *Field's Hist.* Hertford, 5 6 12 13. *Rolle's Hist.* Lond. Journals, i. 9. 4 1 *Hen. VIII.* 4 5 12-15. The dates of both were returned in 1501 or 1502.

ments and pleasure. During two years his court presented an almost uninterrupted succession of balls and revels, devices and pageants, which, in the absence of more important transactions, have been minutely recorded by historians. He excelled in all the accomplishments of the age; but chiefly prided himself on his proficiency in the martial exercises. The queen and her ladies, the foreign ambassadors and native nobility, were repeatedly summoned to behold the king of England fighting at barriers with the two-handed sword, or the battle-axe; and on all these occasions, so active and adroit was the prince, or so politic were his adversaries, that he invariably obtained the prize*. His vanity was quickly inflamed by the praises which he received: he longed to make trial of his prowess in real war; and cherished the hope of equalling the reputation of the most renowned among his ancestors, the third Edward, and the fifth Henry. It was not long before his wishes were gratified by the quarrel between Julius, the Roman pontiff, and Louis XII. king of France.

As this was the first occasion, on which England took a decided part in the politics of the continent, it will be necessary to direct the reader's attention to the state of Italy, and to the real objects of the adverse parties. 1°. In the north of Italy, Milan had been annexed to the French crown by Louis XII, who, pursuing the ambitious projects of his ancestors, had expelled the reigning duke Ludovico Sforza, and by successive aggrandisements awakened the fears of all his neighbours. 2°. In the south the crown of Naples had been wrested from Frederic, king of the Two Sicilies, by the combined armies of France and Spain. The allies divided their conquest: but dissensions followed; battles were fought to the disadvantage of the French; and the kingdom at last remained in the undisputed possession of Ferdinand. Both Ferdinand and Louis were, however, considered

* See in particular Hall, 1-12.

as foreign usurpers by the native powers, among which the most considerable were the republic of Venice, and the ecclesiastical state. 3°. The Venetians, enriched by commerce, and supported by armies of mercenaries, had gradually become the envy and terror of the Italian princes. If, on the one hand, they formed the strongest bulwark of christiandom against the Turks; on the other they had usurped a considerable territory on the coast of the Adriatic, and by their pride and ambition given birth to the common belief, that they aspired to the entire dominion of Italy. 4°. The patrimony of the Roman see, though intersected by smaller states, reached from the borders of Naples to the late acquisitions of the Venetians. It was under the government of Julius II, who retained in the chill of age all the fire of youth, and seemed to have exchanged the duties of a christian bishop for the occupations of a statesman and a warrior. The great objects of his policy were to extend the limits of the papal dominions, and to free Italy from the yoke of the strangers. His own resources were, indeed, inadequate to these objects: but he supplied the deficiency by the skill with which he wielded his spiritual arms, and the success with which he sought the co-operation of the greater powers. At first he deemed it prudent to dissemble his jealousy of Louis and Ferdinand, and directed his whole attention to the more formidable encroachments of the Venetians. By severing from the church the northern part of Romagna, they had furnished him with a reasonable cause of hostility; and to ensure success to his project, he applied to their several enemies; to Maximilian, the emperor elect, who claimed from them Treviso, Padua, Verona, and the Friuli, as fiefs of the empire; to Louis, who demanded as part of his duchy of Milan, the territory which they possessed on the right bank of the Adia; and to Ferdinand, who was anxious to recover Trani, Monopoli, Brindisi, and Otranto, seaports in Naples, which they held as securities for a loan of money.

The ministers of the four powers met under different 1578.
pretexis in the city of Cambray; and the result was a Dec.
confederacy for the purpose of confining the republic 10.
within its ancient limits. It was in vain that the Venetians
opposed a gallant resistance to so many adversaries.
Broken by repeated defeats, they implored the pity of
Julius, who, content to have humbled their pride, was
unwilling that their dominions should fall into the
hands of the barbarians, the term by which he designated
his allies beyond the Alps. At the solicitation, as it was 1579,
pretended, of the king of England, he consented to a Feb.
peace with the republic; and to the loud complaints of 11.
the French minister replied, that he had reserved this
power to himself by the treaty of Biagrassa; that the
great object of the alliance at Cambray had been accom-
plished; and that, if Louis and Maximilian aimed at
more extensive conquests, it was unreasonable to expect
that he should aid, or sanction, their injustice. His real
views, however, gradually unfolded themselves; and
the papal army unexpectedly entered the territories of
Alphonso, duke of Ferrara, a vassal of the holy see.
The pretext for this invasion was supplied by one of
those numerous but ill defined claims, which grew out
of the feudal jurisprudence; but Louis, who knew that
the pontiff had already concluded a secret alliance with
the Venetians, judged that the real offence of Alphonso
was his known attachment to France, and ordered his
army in the Milanese to hasten to the support of his
ally.

At the approach of Chaumont, the French com- Oct.
mander, Julius retired to Bologna, and to his inex- 19.
pressible surprise found himself besieged in that city.
Fatigue and vexation brought on a fever, which con-
fined him to his bed; but his spirit was unbroken;
and if, at the entreaty of the cardinals, he consented
to open a negotiation, his only object was to gain time
for the arrival of reinforcements. Colonna, at the head
of a body of Spanish horse, was the first to offer his

services; the papal troops followed; and Chaumont, who had insisted on the most mortifying concessions, found himself compelled to retire in disgrace to the Milanese, where he died of a broken heart. This transaction furnished the pontiff with a plausible ground of hostility against Louis; and every court in Europe resounded with his complaints of the overbearing insolence of the French, who, during a time of peace, had insulted the head of the church in one of his own cities, and had even endeavoured to make him their prisoner*.

The next spring the French arms assumed a decided superiority. Bologna with its citadel was taken, and the pontiff sought an asylum within the walls of Ravenna; the Bentivoglio, his enemies, recovered their former influence and honours; and Louis, having obtained from his clergy a declaration in favour of the war, and from Maximilian a promise of co-operation, 1511
Sept. 1. announced a general council to assemble at Pisa, "for the reformation of the church both in its head and its members." In this emergency Julius betrayed no symptom of alarm. He opposed council to council, summoned the bishops of christendom to meet him in synod at the Basilic of St. John Lateran, deposed and excommunicated the five cardinals, who formed the council at Pisa, and deprived their adherents of all rights, possessions, and honours. At the same time his ministers at the different courts inveighed against the schism, which had been created by the resentment of Louis, and against that ambition which, not content with the powerful kingdom of France, had seized on the duchy of Milan, and now sought to add to Milan the territories of the church. The last argument had considerable weight with those princes, who viewed with jealousy the progressive aggrandisement of the French crown, and believed that its possessors aspired to universal empire†.

* See Giffordanti, p. 506. 688. Verobis, 1738. Pet. Mart. Ep. p. 335. Muratori, an. p. 73, 74.

† These sentiments are thus expressed by Peter Martyr in a letter

It was not long before an alliance defensive and of-
fensive was signed between Ferdinand, the pope, and
the republic of Venice; and an invitation was given to
all christian princes to accede to the "holy league,"
which had for its object the extinction of schism, and
the defence of the Roman church*. Maximilian af-
fected to hesitate: at length he recalled his promise to
Louis, and joined the allies: but the young king of
England had instantly assented to the entreaties of the
pontiff, and the advice of his father-in-law. His vanity
was gratified with the title of "head of the Italian
"league:" Julius promised to reward his services with
the appellation of "most christian king," which Louis
had forfeited by his schismatical conduct; and his flat-
teers fed his ambition with the vain hope of recovering
the French provinces, which had been wrested on former
occasions from the possession of his ancestors. As a
preparatory step, Young, the English ambassador, ac-
companied by the envoys of Scotland and Spain, ex-
horted Louis to consent to a reconciliation with the April
pontiff on the following conditions: that Bologna should
be restored to the church, the council at Pisa be dis-
solved, and the cause of Alphonso be referred to impar-
tial judges. But the French cabinet was acquainted
with the real intentions of its enemies: an evasive
answer was returned; and immediately a new treaty
was concluded between the kings of England and Spain, Nov.
by which it was stipulated that against the month of 17.
April Henry should have in readiness an army of six
thousand five hundred, Ferdinand one of nine thousand
men; that this combined force should invade the duchy
of Guienne: and that for the safeguard of the sea, each
power should furnish an armament of equal strength,
composed of soldiers and mariners, to the amount of

written in the beginning of October. *Papa rogavit nostrum pontificis con-
siliis susceptum: tum quia pax, tum quia de consensu omnium agitur
liberius. Si enim pontifex Gallis succent, sub prelo se sperat
universis: latius habebitur, legaque dextrum unitatis Christianas
religiosas principibus, quales ducunt. p. 266. * Rym. xii. 366.*

three thousand men*. To make good these engagements, Henry obtained from parliament a supply of two tenths, and two fifteenths; Clarenceaux, king-at-arms, claimed of Louis in the name of his master the restoration of the ancient patrimony of the English crown in

1512 France: the refusal was followed by a denunciation of June war; the marquess of Dorset sailed with the army in

3. Spanish transports to the coast of Guipuzcoa; and the fleet, under the command of sir Edward Howard, lord admiral, cruised during the summer between England and Spain†.

Jean d'Albret, who held the principality of Bearne as the vassal of the French crown, had succeeded in right of his wife, the infanta Catalina, to the throne of Navarre: but his claim was opposed by a dangerous competitor, Gaston de Foix, nephew of the French monarch. To preserve himself on the throne, he gladly acceded to the league: but within a few months Gaston fell in the battle of Ravenna, and the king, freed from his rival, concluded a secret treaty with Louis. By this defection, however, he forfeited the crown which he had been so anxious to retain. When the English general, in obedience to his instructions, prepared to march by Fontarabia against Bayonne, Ferdinand objected that it was previously necessary to secure the fidelity of the king of Navarre, who might at any moment during the siege cut off their communication with Spain, and destroy the combined army by famine. A joint embassy was sent to D'Albret: his promises of neutrality were distrusted, and the temporary occupation of his principal fortresses was demanded. During the negotiation Ferdinand obtained a copy of the alliance which the

* *Ibid.* xii. 311–313.

† *Ibid.* 317–323. The fleet consisted of eighteen ships. The largest of these, of 100 tons burden, belonged to the king, and carried 700 soldiers, gunners, and marines. The others were of different sizes, from 500 to 100 tons, and carried 150 soldiers, and 1200 gunners and marines. The amount received 10 shillings per day: each captain one shilling and sixpence; all others 10 shillings per lance month, one half for wages, the other half for provisions. *Ibid.*

king had recently concluded with Louis, and immediately ordered the duke of Alva to lay siege to his capital. Its reduction was quickly followed by the submission of the rest of the kingdom; and Jean with his consort, leaving Bearne in the occupation of the French army, fled to the court of his ally. The marquis of Dorset, who lay inactive at Fontarabia, frequently protested against the invasion of Navarre, as an enterprise unconnected with the object of the expedition; and Ferdinand despatched a messenger to London, to complain of the obstinacy of the English general, and to request that he might be furnished with more ample instructions.

The Spanish army had now reached St. Jean Pie de Sept Port; the English were invited to join them at that town; and the invasion of Guienne was at length seriously proposed. But the marquis, whose mind had been soured by disappointment, refused to give credit to the assertions of the Spanish monarch, or to enter France by any other route than that which was laid down in his instructions. Six weeks were consumed in dispute and recrimination: disease and a spirit of mutiny began to spread in the English camp; Dorset required permission to return with his forces to his own country; and Ferdinand consented to furnish transports according to the treaty between the two crowns. When it was too late, Windsor herald arrived with orders for the army to remain, and to obey the commands of the Spanish king. Its departure was a severe mortification to Henry, who had flattered himself with the hope of recovering Guienne: but, though he received the general and principal officers with strong expressions of displeasure, he was at a later period induced to listen to their exculpation, and to entertain a suspicion that his father-in-law might have been more attentive to the interests of the Spanish, than to those of the English crown. Ferdinand, indeed, reaped the principal fruit of the campaign by the conquest of Navarre, which is

still possessed by his successors. Louis, on the other hand, took possession of Bearne; and the unfortunate Jean D'Albret saw himself despoiled of all his dominions by the jealousy and ambition of his more powerful neighbours*.

By sea the English arms were not more fortunate May, than by land. Sir Edward Howard, after repeated June descents on the coast of Bretagne, fell in with the French fleet of twenty sail under the command of Primaget. Aug. Sir Charles Brandon, afterwards duke of Suffolk, who 14. was nearest to the enemy, without waiting for orders, bore down on the Cordelier of Brest, a vessel of enormous bulk, and carrying a complement of sixteen hundred men. His ship was quickly dismasted by the superior fire of his adversary; and he reluctantly yielded his place to his rival sir Thomas Knyvet, a young knight of more courage than experience, who commanded the Regent, the largest vessel in the English navy. The combat continued for more than an hour: but, another ship coming to the aid of Knyvet, Primaget, to save the honour of his flag, set fire to the Cordelier: the flames communicated to the Regent, and both vessels were entirely consumed. The rest of the French fleet escaped into the harbour of Brest; and "sir Edward made his vow to God, that he would never more see "the king in the face, till he had revenged the death "of the noble and valiant knight sir Thomas Knyvet*." To console himself for the loss of the Regent, Henry built a still more capacious and stately vessel, which he named the "Henry grace Dieu."

* Polidore, 67, 68 Herbert, 30-34. Pet. Mart. Ep. p. 356, 355, 363, 364, 367, 368, 369, 371. Ellis 2 ser. i. 198-203. Walsley, apud Fulden, C. 622, p. 8. It has been said that Ferdinand kept possession in virtue of a papal bull, depriving D'Albret for his adherence to schismatics: but the existence of such a bull is very doubtful. See Notices des MSS. de Bay. n. 376.

* Polidore, 68. Walsley's letters to Fox, apud Fulden, Collect. p. 9. The loss of the Regent was considered of such importance, that it was concealed from the public. "My lord, at the request of God, keep these "privy secrets to your self, for they be nothing more knowyth the "same here but only the king and I." Ibid.

Though the king of England reaped neither glory nor advantage from these events, his efforts contributed materially to accomplish the chief object of the league. The French had opened the campaign in Italy with their accustomed impetuosity and success. They drove the papal and Spanish armies before them, forced the entrenched camp under the walls of Rarenna, and made April themselves masters of that city. But if it was a splendid, 11. it was also a disastrous victory. Ten thousand of their men fell in the action, with the general Gaston de Foix, a young nobleman of distinguished intrepidity and talent; and La Palice, who succeeded to the command, led back the remnant of the conquerors to Milan, from which city he wrote the most urgent letters, soliciting supplies both of men and of money. But the resources of Louis were exhausted; and the necessity of equipping a fleet to preserve from insult his maritime provinces, and at the same time of collecting an army to repel the threatened irruption of the English and Spanish armies on the southern frontier, rendered him deaf to the prayers and remonstrances of La Palice. Compelled by the murderous hostility of the natives, and the rapid advance of a body of Swiss in the pay of the pontiff, the French abandoned Milan to Maximilian Sforza, the son of the late duke. On the left bank of the Ticino they turned in despair on their pursuers: but the loss of one fourth of their number taught them to precipitate their flight; and before Christmas Julius was able to boast, that he had fulfilled his promise, and "had chased the barbarians beyond the Alps."

Experience had now convinced Louis that he was 1513. not equal to the task of opposing so many enemies; and Feb. the repose of winter was successfully employed in attempts to debauch the fidelity of some among the con-

* *Polivone*. C5. 63. *Giuliano*, 70. *Pet. Mart.* P. 136. *Muratari*, xiv. 146. The latter observes of Julius, *Miserita, o me egli sempre malora direbbo, di veder carnone i barbari d'Italia, senza pensare se questo fosse un mestiere da sommo prete della chiesa*, p. 41.

federates. Julius, who had been the soul of the league, died in February; and the new pope, Leo X, though he did not recede from the engagements of his predecessor, gave but a feeble support to a cause which he had never cordially approved. While Julius lived, his authority had silenced the opposite claims of the emperor and the Venetians; but they now quarrelled about the partition of their late conquests, and the republic, Max. listening to the offers of Louis, consented to unite her arms and fortune with those of France. Even Ferdinand April 23. and Maximilian suffered himself to be seduced by the proposal of an armistice, that he might have leisure to establish his authority in the newly acquired kingdom of Navarre*. But Henry was inexorable. He longed to wipe away the disgrace of the last year; and the feelings of the people harmonised with those of their sovereign. The clergy granted him two tenths, the laity a tenth, a fifteenth, and a capitation tax, towards the prosecution of April the war†. The future operations of the campaign were arranged by a treaty between the emperor, and the kings of England and Spain, by which each prince bound himself to declare war against Louis, and to invade within two months the kingdom of France‡. Maximilian and Henry faithfully complied with their

* *Ibid.* ciii. 356.

† This tax was first after the following rates (*Bulls xxvi. xxvii.*):

	£ s d	£ s d
A duke	6 13 4	(The possessors of personal property, value 6000 2 13 4
Marquis or earl	4 0 0	From 4000 to 6000 2 0 0
Viscounts	4 0 0	From 2000 to 4000 1 6 8
Bishops, bishops, and bishops	2 0 0	From 1000 to 2000 0 13 4
Other knights & lords of parliament	1 10 0	From 400 to 1000 0 6 6
Prebendaries of lands above 4000 worth value	1 0 0	From 200 to 400 0 3 4
From 200 to 400	0 10 0	From 100 to 200 0 1 8
From 100 to 200	0 5 0	From 50 to 100 0 1 0
From 50 to 100	0 3 0	From 25 to 50 0 0 6
From 25 to 50	0 1 0	From 12 to 25 0 0 4

From these rates it appears that the old distinction between greater and lesser barons was not yet abolished. They are called barons and baronets, and are considered equally as lords of parliament.

‡ *Ibid.* ciii. 354-361.

engagements; but Ferdinand disavowed the act of his ambassador; nor were pretences wanting to so skillful a politician, in justification of that conduct, which it was now his interest to pursue.

In April sir Edward Howard sailed to accomplish his vow, and fell a martyr to his favourite maxim, that temerity becomes a virtue at sea. He was blockading April the harbour of Brest, when it was suggested to him to 19. cut out a squadron of six gallees under Prejent, or Prior John, moored in the bay of Coquet between rocks planted with cannon. Taking two gallees and four boats, he rowed up to the enemy, leaped on the 25. deck of the largest vessel, and was followed by Carruz, a Spanish cavalier, and sixteen Englishmen. Unfortunately his own galley, which had been ordered to grapple with her opponent, fell astern: the gallant sir Edward and his companions were borne overboard by a superior force; and the fleet, disconcerted by the loss of its commander, hastened back into port*. Prejent seized the opportunity to insult the coast of Sussex: but the king ordered the lord Thomas Howard to take the May place and revenge the death of his brother; and the 4. new admiral, having chased the enemy into Brest, and captured several valuable prizes, returned, to cover with the fleet the passage of the army from Dover to Calais. Henry was now ready to reconquer the patrimony of his ancestors; and the people of France trembled at the exaggerated reports of his ambition and resources †. Five-and-twenty thousand men sailed at different periods, 15. in three divisions; two under the command of the earl of Shrewsbury, and the lord Herbert, the last under 20. that of the king himself; who before his departure appointed "his most dear consort queen Catherine re- June "treis and governer of the realm ‡;" and left orders for the immediate execution of his prisoner the unfortunate

* Herbert (p. 82), from a letter of sir Ed. Bockingham.

† *Christianorum principum reuerentis regis secundo Gall. Hist. Mart.*

‡ *Reg. xiii. c. 32. 33.*

earl of Suffolk. The reader will recollect that this nobleman had been attainted in the last reign, but had been rescued from the block by the prayers and impotency of the archduke Philip. His present fate was generally attributed to the advice which the young Henry had received from his father: it was more probably owing to the improvidence of Richard de la Pale, who had accepted a high command in the French army, and assumed the rival appellation of the "white rose." This at least is certain, that the ambassadors at foreign courts received instructions to justify his execution, by alleging the discovery of a traitorous correspondence between the two brothers*.

June 92. Shrewsbury and Herbert had already formed the siege of Terouenne, while the young king idled for weeks at Calais, spending his time in carousals and entertainments. At length he resented the camp, where Aug. 4. he was joined by the emperor, at the head of four thousand horse†. Maximilian, to flatter the vanity of his young ally, and to avoid any dispute about precedence, called himself the volunteer of the king of England, wore his badge of the red rose, put on the cross of St. George, and accepted one hundred crowns for his daily pay. Louis on the other hand determined to relieve Terouenne; he even advanced to the neighbouring city of Amiens: but his pride was humbled by the signal defeat of his army at Novara in Italy; his fears were excited by the news that three thousand German cavalry, and a numerous body of Swiss infantry in the pay of the emperor, had burst into Burgundy; and his council earnestly advised him to avoid the hazard of a battle, and to seek only to protract the siege. A small quantity of powder and provisions had been introduced by the intrepidity of Fontenilles, who, at the head of eight hundred Albanian horsemen, broke through the lines,

* *Ret. Mart.* p. 296.

† *Articles of war* now printed for the government of his book. See them in *Mr. Kempe's Library MSS.* 32.

ordered his followers to throw down their hurlers at the gate, and wheeling round, reached a place of safety before the English could assemble in sufficient number to intercept his retreat. This success encouraged a second attempt on a larger scale. The French cavalry had been collected at Blangy; and, dividing into two bodies, advanced along the opposite banks of the Lis, under the dukes of Longueville and Alençon. Henry A. G. had the wisdom to consult the experience of his imperial volunteer, who was acquainted with the country, and had already obtained two victories on the very same spot. By his advice the army was immediately mustered; Maximilian hastened to meet the enemy with the German horse, and the English archers on horseback; and the king followed with the principal part of the infantry. To account for the result of the action would be a difficult task. The French gendarmes, formed in the Italian campaigns, had acquired the reputation of superior courage and discipline: yet on the first shock of the advanced guards they fled; the panic shot through the whole mass of the army; and ten thousand of the best cavalry in Europe were pursued almost four miles by three troops of German, and a few hundreds of English, horse. Their officers, in the attempt to rally the fugitives, were abandoned to the mercy of the enemy. La Palice and Imbrecourt, though taken, had the good fortune to make their escape: but the duke of Longueville, the marquess of Rotelin, the chevalier Bayard, Bussy d'Amboise, Clermont, and La Fayette, names distinguished in the military annals of France, were secured, and presented to Henry and Maximilian. During the action, which the French, with their characteristic humour, denominated the *Battle of Spurs*, a silly was made from the walls, and the duke of Alençon attempted to break through the trenches: but the first was repulsed by the lord Herbert, the second by the earl of Shrewsbury; and Taligni the governor, *Ang.* despairing of relief, surrendered the city. It had proved

Aug. a formidable neighbour to the inhabitants of Aire and
 27. St. Omer, who were allowed by Henry, at the solicitation of Maximilian, to raise its defences with the ground*.

While the king was thus demolishing the chief monument of his victory, more splendid and lasting laurels had been won by his lieutenant, the earl of Surrey, in the memorable field of Flodden. The reader has noticed in a former volume that James IV. of Scotland had married Margaret, the sister of Henry. This new connexion did not, however, extinguish the hereditary partiality of the Scottish prince for the ancient alliance with France; and his jealousy of his English brother was repeatedly irritated by a succession of real or supposed injuries. 1°. James had frequently claimed, but claimed in vain, from the equity of Henry the valuable jewels, which the late king had bequeathed as a legacy to his daughter the Scottish queen. 2°. In the last reign he had complained of the murder of sir Robert Ker, the warden of the Scottish marches, and had pointed out the bastard Heron of Ford as the assassin; and yet neither Heron, nor his chief accomplices, had been brought to trial. 3°. Lastly, he demanded justice for the death of Andrew Barton. As long ago as 1476 a ship belonging to John Barton had been plundered by a Portuguese squadron; and in 1506, just thirty years afterwards, James granted to Andrew, Robert, and John, the three sons of Barton, letters of reprisal, authorising them to capture the goods of Portuguese merchants, till they should have indemnified themselves to the amount of twelve thousand ducats. But the adventurers found their new profession too lucrative to be quickly abandoned: they continued to make seizures for several years; nor did they confine themselves to vessels sailing under the Portuguese flag, but captured English merchantmen, on the pretence that they carried Portuguese property. Wearied out by the clamour of the sufferers, Henry pronounced the

* *M.H. vasil. xviii. Givvi. l. xi. c. 10, 10. Lutetia, 1552. Pet. Mar. p. 312. De Bellis, 2-7. Paris, 1658.*

Bartons pirates, and the lord Thomas and sir Edward Howard, with the king's permission, boarded and captured two of their vessels in the Downs. In the action 1511, Andrew Barton received a wound, which proved fatal: Aug. the survivors were sent by land into Scotland. James ^{11.} considered the loss of Barton, the bravest and most experienced of his naval commanders, as a national calamity; he declared it a breach of the peace between the two crowns; and in the most peremptory tone demanded full and immediate satisfaction. Henry scornfully replied, that the fate of a pirate was unworthy the notice of kings, and that the dispute, if the matter admitted of dispute, might be settled by the commissioners of both nations at their next meeting on the borders*.

While James was brooding over these causes of discontent, Henry had joined in the league against Louis; and from that moment the Scottish court became the scene of the most active negotiations, the French ambassadors claiming the aid of Scotland, the English insisting on its neutrality. The former appealed to the poverty and the chivalry of the king. Louis made him repeated and valuable presents of money; Anne, the French queen, named him her knight, and sent him a ring from her own finger. He cheerfully renewed the ¹⁵¹² ancient alliance between Scotland and France, with an additional clause reciprocally binding each prince to aid his ally against all men whomsoever. Henry could not be ignorant that this provision was aimed against himself; but he had no reason to complain; for in the last treaty of peace, the kings of England and Scotland had reserved to themselves the power of sending military aid to any of their friends, provided that aid were confined to defensive operations.

It now became the object of the English envoys to

* It is extraordinary that after this, in 1540, another demand for compensation to the Bartons was made on the king of France, (Lesley, 56 Bence, 1574), and that the letters of request were suffered to remain in force till 1561 (but not '87) years after the commission of the offence. See Mr. Halliwell, ii 61, note.

and James to the observance of peace during the absence
of Henry. Much diplomatic finesse was displayed by
1513 each party. To every project presented by the English
the Scottish cabinet assented, but with this perplexing
proviso, that in the interval no incursion should be made
beyond the French frontier. Each negotiated and
armed at the same time. It had been agreed that, to
redress all grievances, an extraordinary meeting of com-
missioners should be held on the borders during the
June month of June. Though in this arrangement both
parties acted with equal insincerity, the English gave
the advantage to their opponents, by demanding an ad-
jourment to the middle of October. Their object
could not be concealed. Henry was already in France;
and James, having summoned his subjects to meet him
July on Burrow moor, despatched his fleet with a body of
26 three thousand men to the assistance of Louis. At
the same time a Scottish herald sailed to France, the
bearer of a letter from James to Henry, complaining
of the murder of Barton, of the detention of Scottish
ships and artillery, of the protection given to the bastard
Hersa, and of the refusal to pay the legacy left by Henry
VII. to his daughter the Scottish queen; requiring the
retreat of the English army out of France, and stating
that he had granted letters of marque to his subjects,
and would take part with Louis his friend and ally.
The herald found Henry in his camp before Terouenne,
and received from him an answer equally scornful and
passionate. But James had already begun hostilities:
Aug he did not live to receive the report of his messenger*.

The first signal of war was given by the lord Home,
Aug chamberlain to the king of Scotland, who on the same
13 day on which the herald left Terouenne with the reply
of Henry, crossed the English borders, and plundered
the defenceless inhabitants. He was intercepted in his
return by sir William Bolmer, and lost, together with

* The particulars of these negotiations have been collected by the in-
dusty Mr. Pufferton, ii. 69-81. See *Calig. h. vi. c. 56.* Holms 155.

the booty, five hundred of his men slain on the spot, and four hundred made prisoners. For this check James censured himself with the hope of speedy revenge; and left Burrow moor at the head, it is said, of one hundred thousand men. The numbers who crowded to his standard prove that little credit is due to those Scottish writers, who represent the enterprise as disapproved by the nation, and have invented the most marvellous tales, to make the king alone responsible for the calamity which followed. If we may believe them, James determined to make war in despite of the advice of both earthly and unearthly counsellors. His obstinacy could not be subdued by the tears or entreaties of his queen, nor by the remonstrances of the most able among his nobility and ministers, nor by the admonition of the patron saint of Scotland, who in the guise of an old man, announced to him in the church of Linlithgow the fate of the expedition, nor by the warnings of a preternatural voice which was heard in the dead of the night from the cross of Edinburgh, summoning the principal lords to appear before an infernal tribunal. Followed by one of the most numerous armies that had ever been raised in Scotland, he passed the Tweed at ^{Aug.} ₂₇ its confluence with the Tyne, and turning to the north, laid siege to the strong castle of Northam. The governor deceived the expectations both of his friends and foes. By the improvident expenditure of his ammunition he was unable to protract the defence, and having repulsed three assaults, on the sixth day surrendered his trust. ^{Aug.} ₂₈ Wark, Eltham, and Ford, border fortresses of inferior account, followed the example of Northam.

When James crossed the Tweed, the earl of Surrey lay in the castle of Pontefract. Having summoned the gentlemen of the northern counties to join the royal standard at Newcastle, he hastened forward to Alnwick; ^{Sept.} ₃ from which town he despatched on Sunday Rouge Croix, the pursuivant at arms, to the king of Scotland with two messages. The one from himself offered battle to

the enemy on the following Friday; the other from his son, the lord Thomas Howard, stated that, since James at the border sessions had repeatedly charged him with the murder of Barton, he was come to justify the death of that pirate; and that, as he did not expect to receive, so neither did he mean to give, quarter. To Surrey the king courteously replied, that he accepted the challenge with pleasure: to the son he did not condescend to return an answer.

Sept. 6. Having demolished the castle of Ford*, James led his army across the river, and encamped on the hill of Flodden, the last of the Cheviot mountains, which border on the vale of Tweed. The same day the earl mustered his forces at Bolton in Glendale. They amounted to twenty-six thousand men, chiefly the tenants of the gentlemen in the northern counties, and the men of the borders, accustomed to Scottish warfare.

Sept. 7. From Bolton he advanced to Wauler haugh, within five miles of the enemy; whence he viewed with surprise the strength of their position, accessible only in one quarter, and that fortified with batteries of cannon. Rouge Croix was again despatched to James, with a message, requiring him to descend into the large plain of Milfield between the two armies, and to engage his

* It is probable that James demolished Ford to revenge the death of his favourite, sir Robert Ker: not that William Heron, the owner of the castle, had been the assassin; for he was at that moment prisoner in Scotland (Hall xxix.): but that the murder had been committed by his bastard brother, John Heron, who, though pronounced an outlaw by Henry, was permitted to go at large, and actually fought and was wounded in the battle which followed (Hall, vii. 660). Elizabeth, the wife of William Heron, in the absence of her husband, petitioned the king to spare the castle, and had obtained on that condition, from Surrey the liberty of the lady Johnstone, and of Alexander Home. (See the earl's message, Hall xxix.) But James refused the challenge, and rejected the petition of the lady. I suspect that this is the only foundation of the tale which is sometimes told, that James was captivated by the charms of Mrs. Ford, who revealed his secrets to Surrey; and that he spent in dalliance with her that time, which ought to have been employed in penetrating into England. But it should be remembered that the whole time allowed for the capture of Ford, shall not Wick, is comprised within a short space, between the 20th of August, when North surrendered, and the 1st of September, when Surrey reached Alnwick. The king therefore appears to have had but little of his time.

adversary on equal terms. The king laconically replied, that he should wait for the English according to their promise till Friday at noon*.

Surrey was disconcerted by this answer. To decline the battle was to break his word; to fight the Scots in their present position was to invite defeat. He was rescued from the dilemma by the bold counsel of his son, who advised him to march towards Scotland, and then return, and assail the enemy on the rear. The next morning the army formed in two grand divisions, each Sept. of which was subdivided into a battle and two wings, 8. The first, distinguished by the name of the vanguard, obeyed the lord admiral; the second, called the rear-guard, was led by the earl himself. In this manner the English crossed the Till, and keeping out of the reach of the cannon, advanced along the right bank till the evening. At sunrise the following day they again Sept. crossed the river by the bridge of Twissel, and returning 9. by the left bank approached the Scottish camp. James now discovered the object of this movement, which at first had appeared unaccountable. He ordered his men to set fire to their huts, and hastened to take possession of an eminence more to the north, called the hill of Branston. The smoke, which rose from the flames, was rolled by the wind into the valley, and entirely intercepted the view of the two armies, and their respective movements; so that when it cleared up, the admiral found himself at the foot of the hill, and beheld the enemy on its summit at the distance of a quarter of a mile, disposed in five large masses, some of which had taken the form of squares, and others that of wedges. Alarmed at their appearance and numbers, he halted his division: it was soon joined on its left by the rear-guard under his father; and both advanced in one line. At the same time the Scots began to descend the hill, in perfect order and profound silence†.

* Ellis, i. 86.

† Un bon ordre, en la manière que marchent les Allemans, sans parler de l'air sans levit. Official account quoted Pick. ii. App. 456.

As the battle, from the disposition of the Scottish forces, consisted of several distinct actions, it will be most convenient for the reader to travel along the English line, and notice the result of each conflict in succession. The right wing of the vanguard under sir Edmund Howard, could not support the overwhelming charge of a large body of spearmen, commanded by the lord Home. The English were broken, and their commander was unhorsed; but while he lay on the ground expecting to be taken or slain, the battle was unexpectedly restored by the timely arrival of the bastard Heron, with a numerous band of outlaws. The fugitives rallied at his call; and a doubtful contest was fiercely maintained, till the lord Dacre, with the reserve of fifteen hundred horse, charged the spearmen, and put them to a precipitate flight. The next was the lord admiral with the major part of the vanguard, opposed to the earls of Huntley, Errol, and Crawford, who commanded a dense mass of seven thousand Scots. In this part of the field the contest was obstinate and bloody. At length Errol and Crawford perished; and their followers, discouraged by the death of the leaders, began to waver, fell into confusion, and shortly afterwards fled in every direction. Surrey with the rearguard was attacked by the king himself. James fought on foot, surrounded by some thousands of chosen warriors, who were clad in armour, and on that account less exposed to the destructive aim of the English archers. Animated by the presence and the example of their monarch, they advanced steadily, and fought with a resolution which, if it did not win, at least deserved, the victory. Though Surrey made every effort, he could not arrest their progress: they had penetrated within a few yards of the royal standard; and James, ignorant of the result in other parts of the field, flattered himself with the prospect of victory. But in the mean while sir Edward Stanley, who commanded the left wing, had defeated the earls of Argyll and Lennox. The ranks of the Scots,

as they descended the hill, were disordered by the murderous discharges of the archers; the moment they came into close combat, the confusion was completed by a sudden charge in flank from three companies of men-at-arms. They began to retreat: Stanley chased them over the summit of the hill; and, wheeling to the right, led his followers against the rear of the mass commanded by James in person. In a few minutes that gallant monarch was slain by an unknown hand, and fell about a spear's length from the feet of Surrey. The battle had begun between four and five in the afternoon, and was decided in something more than an hour. The pursuit continued about four miles: but the approach of night, and the want of cavalry on the part of the victors, favoured the escape of the fugitives. In the official account published by the lord admiral, the Scots are said to have amounted to eighty thousand men; a multitude from which we may fairly deduct perhaps one half, as mere followers of the camp, collected more for the purpose of plunder than battle. Ten thousand were slain; among whom were the king of Scots, his illegitimate son, the archbishop of St. Andrew's, two other bishops, two abbots, twelve earls, thirteen barons, five eldest sons of barons, and fifty gentlemen of distinction*. Six thousand horses were taken, with the park of artillery, amounting to seventeen pieces†. Lord Dacre recognised among the slain the body of the Scottish king, and conveyed it to Berwick; whence it was afterwards carried to London, that it might be interred with suitable honours‡.

* We have four contemporary and detailed accounts of this battle. One by Hall, still, another equally minute but much more elegant in the Italian historian Guicciardini, l. xii. c. 122: a third by the lord Thomas Howard, which is preserved in the herald's office, and has been published by Mr. Pinkerton, l. 499. 500: and a fourth printed by Mr. Galt, in the appendix to his life of Walsley, p. 1. See also a letter from the queen on this victory, in Hervey's *Vie de Lév.* p. 106.

† Lespedes, says the lord admiral, vint les plus chers et les plus riches, et les mieux faconnés, et avec les meilleures pertuis à la bouche, et les plus belles de leur grandeur et longueur, que j'ai vues enques. *Ibid.* 48.

‡ The common people would not believe that their king had been slain

When the news of this important victory reached the king of England, he was no longer at Terouane. Having demolished that city at the request of the emperor, Sept. by the advice of the same prince he now invested Tournay. Tournay contained a population of eighty thousand souls, and though situate within the territory of another power, had long been distinguished by its attachment to the French crown. To the summons sent by Henry the inhabitants returned a bold and chivalrous defiance: but their resolution evaporated amid the fatigues and dangers of a siege; and on the eighth day they submitted to receive an English garrison, to swear Oct. 11. 15. a new treaty, by which it was stipulated that Maximilian, in consideration of a subsidy of two hundred thousand crowns, should guard the frontiers with an army of ten thousand men during the next half year; that both powers should be ready to renew the war by the first of June; and that Charles, before the expiration of seven months, should marry Henry's sister Mary at Calais, in the presence of the emperor, the king, and the archduchess;

by the English. When, however, he did not appear, some said that he had been murdered by traitors, others that he was gone a pilgrim to Jerusalem. Henry, on the contrary, to blot out his death, obtained from pope Leo permission to bury the body in consecrated ground; because he died under the sentence of excommunication, to which he had subjected himself if he broke the treaty (Byn. titl. 363). Shaw (365) tells us, that he was wrapped in lead, and lying in a lumber room at Slesse, after the dissolution of that monarchy.

* Herbert, 41. Byn. titl. 363. De Bellay, 8.

† H. J. lib. Byn. 379-384

From Flanders the king returned to England, proud Oct. of the unimportant conquests which he had made, and eager to pursue his good fortune in the following campaign. The winter was spent in the necessary preparations. Troops were levied, and trained to military discipline; 1514. an aid of one hundred and sixty thousand pounds was Jan. voted by parliament; and rewards and honours were 24. deservedly bestowed on the officers, who had distinguished themselves during the last year. The earl of Surrey recovered the title of his father, and was created Feb. duke of Norfolk; his son the lord Thomas, earl of Surrey; 1. Brandon viscount Lisle, duke of Suffolk; lord Herbert, earl of Somerset; and sir Edward Stanley, lord Mount-cagle. But at the same time Louis, humbled by a long series of disasters, had recourse to every artifice to obtain a general pacification. He appealed to the individual interests of the confederates, infused into them suspicions of each other's sincerity, and successively detached them, one by one, from the league. 1°. In Leo X. he found a pontiff of corresponding disposition; and the moment he consented to abandon the Bentivogli and his other partisans in Italy, and dispersed the schismatical council, which had been transferred from Pisa to Lyons, the pope by circular letters exhorted the confederates to sheathe the sword, and revoked all the censures which had been published against the king or kingdom of France. 2°. In the estimation of Ferdinand the permanent possession of Navarre was paramount to every other object; and, though he refused to make peace without the concurrence of the king of England, he cheerfully consented to a prolongation of the armistice for twelve months*. Henry viewed the defection of the pope and of Ferdinand with pain, but without surprise. Of the fidelity of Maximilian after the late treaty he entertained no doubt. 3°. Yet the

* Peter Martyr says that he began to grow jealous of the power of Henry, p. 234, 235.—Le Grand adds, that Henry in consequence beheld with ill contentment that she married, l. 38.

virtue of Maximilian could not refuse the bait, which French policy held out to his ambition, in the proposal of a marriage between his grandson Charles, and Renée the daughter of Louis, with a transfer of the claim of the French crown to the duchy of Milan, as the portion of the princess.

The moment it was ascertained that the emperor had accepted the offer, the intelligence was artfully communicated to the king of England, through the duke of Longueville, a prisoner of war. Henry at first affected to doubt: but the perfidy of his ally was proved by the evasive answer returned by the council of regency in Flanders, when the king summoned them to celebrate the stipulated marriage between Charles and Mary. From that moment he lent a more willing ear to the suggestions of Longueville: and Louis, encouraged by his success, sought not only the restoration of peace, but a matrimonial connexion between the two crowns. The death of his queen, Anne of Bretagne, had made him a widower; and he offered his hand to the princess Mary, the destined consort, a little while before, of Charles. Mary was but sixteen, Louis fifty-three years of age: and she had already fixed her affections on the duke of Suffolk, the most accomplished nobleman in the English court: yet, whether it was the splendour of a crown that dazzled, or the command of her brother that compelled her, after a short struggle she signified her assent. The king, however, dissembled: his honour, he observed, was at stake; nor would his people allow him to renounce his inheritance in France without an equivalent*.

The French cabinet understood the hint, and cheer-
 249 fully signified its acquiescence. Three treaties were con-
 250 cluded at the same time. The first was a treaty of al-
 liance between the two kings, to continue in force during
 the term of their joint lives and one year longer. It
 bound each to furnish an auxiliary army at the requi-

* Henry's letter to Wolsey, apud Byn. viii. 403.

sion of the other: but distinguished between offensive and defensive war, limiting the aid in the first case to five thousand men by land, and two thousand five hundred by sea, and extending it in the other to double that number. The second treaty provided for the marriage of Louis with the princess Mary. Henry agreed to defray the expense of his sister's journey, to furnish her with jewels, and to pay with her a dowry of two hundred thousand crowns; and Louis engaged to secure to her the same jointure, which had been granted to his late queen the heiress of Bretagne, with a promise that, if she survived him, she should be at liberty to reside, at her own option, either in England or France. By the third the same monarch, in consideration of arrears due to the English crown, on account of monies formerly owing to Henry VII. from Charles VIII., and to Margaret duchess of Somerset, from Charles duke of Orleans, bound himself and his successors to pay to Henry and his heirs one million of crowns by thirty-eight half-yearly instalments*.

Mary had already by a public instrument renounced July the contract made with Charles of Spain in her nuptials: 30. she was now solemnly married to Louis at Greenwich, Aug. where the duke of Longueville personated his sovereign, 13. and soon afterwards at Paris, where the earl of Wor- Sep. oester appeared as her proxy †. When the necessary 14. preparations were completed, the duke of Norfolk conducted her to Louis at Abbeville; and the parties in person renewed the matrimonial contract in the cathed. Oct. dral. But the next day, to the surprise and disappoint- 2. ment of the new queen, the lady Guilford, whom she called her mother, and her English attendants, with the exception of Anne Boleyn and two others, were ordered to return home. It was in vain that Mary complained of the unfeeling conduct of her husband, and of the timid acquiescence of the duke. When the earl of Worcester

* *Ibid.* x. ii. 417—422, 432—435, 438—432.† *Ibid.* 403—411. ‡ *Ibid.* 472—475, 444—445.

remonstrated, Louis replied that his wife was of age to take care of herself, and wanted not a governess: and Mary in a short time declared that she was perfectly satisfied with her situation, and the conduct of Nov. her French servants*. Louis conducted her to St. Denis, where she was crowned; and to Paris where she was received with processions and rejoicings. Though 5. the king had married through policy, he doted on the beauty of his youthful bride. But his constitution had been enfeebled by hardships and indulgence; his physicians long before his marriage had warned him of his danger; and within three months the amorous monarch 1515. sunk into the grave †. The widow, instead of mourning Jan. her loss, sought and obtained a second husband, her Mar. former lover, the duke of Suffolk, whom Henry had 31. sent to France, to offer his condolence, and to bring back his sister to her native country.

As Louis died without male issue, Francis, count of Angouleme, the next heir, had ascended the throne. Feb. At the first audience which he gave to the ambassador, 3. he told Suffolk in private that he was no stranger to the queen's sentiments in his favour; advised him to marry her at Paris; and undertook that his presumption should go unpunished. It is not difficult to discover why Francis should wish Mary to be married immediately, and to a subject. She might perhaps bear a child to dispute his right to the succession; or she might give her hand hereafter to the archduke Charles, and thus add to the power of a prince, who already threatened to become a most formidable rival ‡. Sul-

* See the letters in Ellis, i. 116, and 2. Set. i. 244-5. As a recompense to the lady Gisors, Henry granted her an annuity of 300. for life. Dym. no. 47.

† Le bon roy, a cause de sa femme, avoit change de tout ce maniere de vivre; car veu il estoit et d'over à tout heures, il convenoit qu'il diast à midi; et veu il estoit se coucher à six heures du soir, souvent se couchoit à midi. Hist. de France, apud Harcourt, 423.

‡ Peter Verve gives this reason. Ne si ad potentissimum aliquando principem deservit, Carolus Quintus s'ignifi parat, p. 201. It was known in Rome by the middle of February that both Maximilian and Ferdinand had determined to make every sacrifice to procure her for the archduke.

folk wrote to Wolsey, and sought through that favourite to sound the real disposition, or secure the consent of his sovereign: Mary informed her brother in plain terms, that she had married once to please him, and would either marry now to please herself, or take the religious vows in a convent. With the king's answer we are not acquainted: but she fixed a short term, within which Suffolk was assured that he must either take her, or abandon her for ever: on the last day he consented, and privately celebrated the marriage; and the event was communicated to Henry by Francis, who pleaded warmly in favour of the lovers, and by Mary, who, to exonerate her husband, took the whole blame upon herself. To obtain their pardon was not in reality a difficult task. It is certain that Wolsey, and therefore probable that Henry, was in the secret from the beginning*: but it had been deemed less reprehensible in the king to forgive afterwards, than to consent beforehand. For some time he kept the lovers in suspense: after a decent interval, affecting to acquiesce through necessity in that which he could not prevent, he sealed their pardon, and ordered them to be publicly married before him at Greenwich†. In the mean while Francis had renewed all the engagements of his predecessor to the satisfaction of the English cabinet; and both kings publicly boasted that they had concluded a peace and alliance which would endure for ever: as if, amid the clashing interests of states, and the vicissitude of unforeseen events, it were possible to ensure duration to the amities of neighbouring and powerful sovereigns

Craze, et il Catalano hanno ogni cosa, perche sia meglio dell' arcedicon. Così viene scritto dai veneti costà d' Alemagna et di Spagna. Lett. de' Principi, l. 14. See also Polydore, 65.

* This was also reported in Rome on good authority, but was thought incredible. C'è di Francia, che l'ingherra ha qualche fantasia di dar la sua vedova sorella al duca di Suffolk, e che ella non se l'è data. Tal cosa non si crede molto, e per l'altro vien da loro usata attenzione. Lett. de' Principi, l. 14.

† On this singular subject, see extracts from the original letters in Fables, 88-85 &c. Ellis, 119-125. Galt, App. 21-210.

In the course of a few pages, the reader will learn how egregiously they deluded themselves.

When Henry ascended the throne, the leading ministers in the cabinet were Howard, earl of Surrey, lord treasurer, and Fox, bishop of Winchester, lord privy seal. But among the inferior dependants of the court had already appeared one, whose aspiring views and superior talents rapidly enabled him to supplant every competitor.

Thomas Wolsey, a native of Ipswich*, and a clergyman, had, by the interest of sir John Nanton, been appointed in the last reign one of the royal chaplains. After the death of his patron, he attached himself to the service of the bishop of Winchester, at whose recommendation he was intrusted with a secret and delicate negotiation at the imperial court; and the expedition and address with which he executed his commission, not only justified the discernment of his friend, but also raised him in the estimation of his sovereign. Before the death of Henry VII. he had been collated to the 1506. deanery of Lincoln, one of the most considerable preferments in the English church: soon after the commencement of the present reign, we find him exercising the office of almoner to the king, and thus possessing every facility of access to the presence of the young monarch. Henry was captivated with the elegance of his manners, and the gaiety of his disposition: he frequently resorted with his favourite companions to the house of his almoner; and Wolsey, on these occasions, if we may believe the sarcastic pen of an adversary†, threw off the decencies of his station, and sang, and danced, and caroused, with all the levity and im-

* There is a tradition that he was the son of a butcher; but it is hardly reasonable with the will of his father, whose bequests show him to have been a burgher of considerable opulence, possessed of lands and tenements in Ipswich, and free and bond lands in Stoke. Singer's *Coronach*, 508. Foles, *Collect.* 1.

† *Blakely* (Virgil) 363, the pope's ambassador in England, who by the order of Wolsey had been imprisoned for more than six months. *Ryan*, 322, 515, 516.

petosity of the most youthful among his guests. It was soon discovered that the most sure and expeditious way to the royal favour was through the recommendation of the almoner; and foreigners as well as natives eagerly solicited, and frequently purchased, his patronage. Still he behaved with becoming humility to his former protector, the aged bishop of Winchester; and even united with that prelate in condemning the prodigality, with which the lord treasurer supplied money for the expensive pleasures and thoughtless extravagance of the king[†].

During the war Wolsey accompanied Henry to France; was charged with the care of the department for victualling the army, and after the reduction of Tournay, on the refusal of the bishop elect to swear fealty, received from the king, with the consent of the pope, the 1514 administration of that diocese[‡]. Preferments now ^{Mar.} poured in upon him. He was made dean of York, then ^{Aug.} bishop of Lincoln; and, on the death of cardinal Beaufort, succeeded that prelate in the archiepiscopal see of York. His preponderating influence in the council induced foreign princes to flatter him with compliments, and to seek his friendship with presents; and during fifteen years he governed the kingdom with more absolute sway than had fallen to the lot of any former minister. We are not, however, obliged to believe the tale so often repeated, that he owed his elevation to the address with which he insinuated himself into the royal favour, by promising to take all the labour on himself, that his master might have more leisure to indulge in pleasure and dissipation. The multitude of letters still extant, all written by Henry or to Henry, demonstratively show, that the king himself devoted a considerable portion of his time and attention to the cares of government[§]. But Wolsey possessed the art of

[†] See Fisher's Collet. p. 7. † Ibid. p. 43. Rom. iii. 286.

[‡] See Rom. iii. 284. Fisher's Collet. p. 15, and the collection of letters in the Cotton Library, Cal. B. i. i-vii.

guiding his sovereign, while he appeared to be guided by him; and, if ever he urged a measure of policy contrary to the royal inclinations, he had the prudence to desist before he had given offence, and entered into the opposite views of the king with as much industry and zeal, as if the new project had originated from himself*.

It seemed necessary to introduce this short account of the rise and character of a minister, who was destined to bear for several years a very prominent part in the most important transactions not only in this but in all the neighbouring kingdoms: we may now revert to the affairs of Scotland, which after the death of its king and the destruction of its nobility in the field of Flodden, presented for some time a melancholy scene of confusion and terror. Fortunately the victorious army had been hastily collected: the want of provisions and of military supplies, compelled Surrey to disband his forces: and though Henry, by repeated messages, urged the wardens of the marches to prosecute the war, their efforts were confined to short though destructive incursions. By degrees the Scottish spirit recovered from its depression; the call for revenge was echoed throughout the nation; several chieftains gathered their retainers; and the devastation of one inroad was repaid by the devastation of another. The queen had been permitted, in conformity with the will of her husband, to assume the regency as guardian to her son James V., an infant not a year and a half old: but, when it was discovered that her relationship to the king of England did not restrain the hostility of that monarch, the partisans of France proposed to intrust the reins of govern-

* We are also told, on the authority of Polydore (p. 646), that bishop Fox, unable to brook the ascendancy of Surrey, recommended Wolsey to the king, and left the court. This is probably a fiction, as the bishop retained his office, and negotiated treaties till the year 1516. *Rom. hist.* 538. No more credit is due to the tale, that the arrears of Wolsey drove the same poet, when he was duke of Northampton, from the cabinet. That nobleman pursued his office of treasurer till a short time before his death, and then resigned it to his son, the earl of Surrey, in 1513. *Rom. hist.* 538.

ment to the hands of John, duke of Albany, the son of that Alexander who had been banished by his brother James III. Six months had not elapsed from the death of her husband, when Margaret was safely delivered of a second son, Alexander, duke of Ross: but in less than three months afterwards, she displeas'd both the nation and her brother, by marrying the young earl of Angus, a nobleman who might indeed boast of a handsome person, but who possess'd neither knowledge nor experience, and united with an insatiate ambition the most headstrong passions. This hasty and unequal union deprived her of her most powerful adherents; and a national deputation invit'd the duke of Albany to assume the government of the kingdom. That prince was a foreigner, as well by affection as birth: the whole of his property lay in the kingdom of France; and he stood high in the confidence of the French monarch. His appointment naturally alarm'd the king of England, whose interest it was to sever, if it were possible, the ancient connexion between Scotland and France. With this view he exacted both from Louis, who was at the time employ'd in solliciting the treaty of alliance, and afterwards from his successor, when he renew'd it, a solemn promise that Albany should never be permitted to leave the shores of France. Each of these monarchs complied; and yet the Scots had no sooner accepted the article by which they were comprerended in the treaty, than Albany appear'd among them, took on himself the supreme authority, and openly avow'd his deterrain'd hostility to the queen and her partisans. Henry had already tamper'd with that princess to bring her children to England, and intrust them to the care of their uncle: but Albany besieg'd the castle of Stirling, compell'd the queen to surrender the two princes, and plac'd them under the custody of three lords appointed by parliament*.

* These events are very inaccurately given in most of our histories.

These events had already taught the king of England to view with jealousy the conduct of his "good brother and perpetual ally," the French monarch. Orders were sent to the English ambassador to complain that the commerce of the king's subjects was interrupted by the French mariners, under colour of letters of marque issued by the late king of Scots; that Albany had been permitted to leave France, and assume the government of Scotland in violation of the royal promise; and that in consequence of his arrival, the queen, the sister of Henry, had been deprived of her right to the regency of the kingdom, and the guardianship of her children*. Francis, whose youth and accomplishments made him the idol of his people, had already formed the most gigantic projects of conquest and aggrandisement, from which he did not suffer himself to be diverted by the remonstrances of Henry. Having endeavoured to pacify that monarch by apologies, denials, and promises, he put in motion the numerous army which he had collected with the avowed purpose of chastising the hostility of the Helvetic cantons: but, instead of following the direct road either into Switzerland or Italy, he passed unexpectedly between the maritime and Cottian Alps, and poured his cavalry into the extensive plains of Lombardy. His real object was now manifest. The Italian princes, whose jealousy had guarded to no purpose the accustomed roads over the Alps, were filled with consternation; in a consistory at Rome, it was proposed to solicit the aid of Henry; and a few days later Leo, to secure the mediation of Wolsey, named that minister cardinal Sept. 7. Sept. 11. priest of St. Civey beyond the Tiber †.

Francis, who still affected to be thought the friend of the English monarch, received the first intelligence of this promotion; and though he was aware of its

* The history of Mr. Holbrooke has collected them from the original letters. See his history vol. ii. book. iii.

† Fuller, 91, 92. ‡ Bayle, art. 122.

object, despatched a messenger to offer his congratulations to Wolsey. But neither that prelate nor his sovereign could view with satisfaction the progress of the young conqueror; who, by the bloody but decisive victory of Marignano, and the subsequent reduction of Milan, had repaired the losses of his predecessor, and restored the ascendancy of the French power in Italy. Was the former league to be renewed, or was Francis to be permitted to pursue his conquests? After much deliberation in the English cabinet, it was resolved to follow a middle course between peace and war; to avoid actual hostilities with France, but to animate its enemies with hopes, and to aid them with subsidies. Some money was advanced, more was promised both to the emperor and the cantons of Switzerland; an army of fifteen thousand Germans, and of an equal number of Swiss, was collected; and the emperor Maximilian at its head forced his way to the very gates of Milan. But here his resources failed; and a mutiny of his troops, who demanded their pay, compelled him to retroce his steps to the city of Trent. There he sent Sir Wyughfield 1596, the English agent, and made to him the following most singular proposal. It was evident, he said, that the other powers would never permit either himself or Francis to retain permanent possession of Milan. Would then the king of England accept the investiture of the duchy? In that case he was ready to adopt Henry for his son, and to resign in his favour the imperial dignity; but on these conditions, that the king should declare war against France, should cross the sea with an army, and should march by Tournay to the city of Treves, where Maximilian would meet him, and make the resignation with all the formalities required by law. Thence the two princes, leaving the bulk of the English forces to invade France in conjunction with an army of Germans, might proceed together towards Italy, pass the Alps at Coire, take possession of Milan, and continue their journey to Rome, where Henry should receive

the imperial crown from the hands of the sovereign pontiff*.

There was much in this dazzling and romantic scheme to captivate the youthful imagination of the king, but he had the good sense to listen to the advice of his council, contented himself with accepting the offer of adoption, and directed his attention to a matter which more nearly concerned his own interests, the conduct of the duke of Albany in Scotland. Against the regency of that prince he had remonstrated in strong and threatening terms. The Scottish parliament re-
 July turned a firm, though respectful answer: but Francis,
 4 who still decried the hostility of the king of England,
 Nov. advised the Scots to conclude a perpetual peace with
 3 Henry, refused to ratify the renewal of the ancient alliance between the two kingdoms, though it had been signed by his envoy at Edinburgh, and even required the regent, in quality of his subject, to return to France Albany, whether he disliked the task of governing a turbulent people, of whose very language he was ignorant, or was intimidated by the threats of Henry, and the displeasure of his own sovereign, willingly obeyed the command: and, under the pretence of some urgent business, obtained permission from the Scottish parliament to revisit his family and estates. But before his departure provision was made for the return of Margaret, who had sought an asylum in England; and a temporary council was appointed, in which the numbers of the two parties were nearly balanced, and under the nominal government of which Scotland passed four years of dissension and anarchy †.

Francis having won the duchy of Milan, determined to secure his conquest by disarming the hostility of his neighbours. With large sums of money he purchased the consent of the Helvetic states to a perpetual peace: Charles of Austria, who had succeeded Ferdinand on

* Fildes, p. 114.

† Rymer, viii. 550.

‡ Pinkerton, E. 157.—156.

the throne of Spain, was persuaded to accept the hand of the princess *Louise*, an infant of one year, with the Aug- rights of the house of Anjou to the crown of Naples as her dower; and Maximilian himself, by the lure of pecuniary advantages, was induced to accede to the treaty between France and Spain *. But, though Francis was now at peace with all the powers of Europe, he felt alarmed at the unfriendly conduct of the king of England, who had not only aided his enemies with money, but had lately concluded a secret treaty against him with Maximilian and Charles †. It chanced that at this period, Selim, emperor of the Turks, having conquered Egypt and Syria, had collected a numerous army, and publicly threatened the extirpation of the christian name. The princes on the borders of Turkey trembled for their existence; Maximilian, in a letter to the pope, offered to devote his remaining years to the common service of christianity, in opposing the enemies of the cross; and Leo, having by his own authority proclaimed a general truce of five years, despatched legates to the different powers, exhorting them to compose their private quarrels, and to unite their forces in their common defense. His advice was followed; the pope, the emperor, and the kings of England, France, and Spain, entered into a confederacy, by which they were bound to aid and protect each other, and in every case of invasion of territory, whether the invader were one of the confederates or not, to unite their arms in defence of the party aggrieved, and to obtain justice for him from the aggressor ‡. At the same time, to cement the union between England and France, the dauphin, an infant just born, was affianced to Mary, the daughter of Henry, a child not four years old: and, that every probable occasion of dispute might be done away, Tournay with its dependencies was restored to France for

* *Dumet.* iv. par. i. 189-236. † *Ibid.* xiii. 556-566.

‡ A similar treaty had been concluded the year before by the emperor, and the kings of England and Spain. See *Clarendon's* *establisment of materials for the Peace*, p. 155.

the sum of six hundred thousand crowns*. Thus after ten years of war and negotiation, of bloodshed and perfidy, were all the powers re-established in the same situation, in which they had stood previously to the league of Cambray, with the exception of the unfortunate, and perhaps unoffending king of Navarre, whose territories on the south of the Pyrenees could not be recovered from the unremitting grasp of Spain.

Wolsey still retained the first place in the royal favour, and continued to rise in power and opulence. Archbishop Warham had often solicited permission to retire from the chancery to the exercise of his episcopal functions; and the king, having at last accepted his resignation, tendered the seals to the cardinal. Whether it was through an affectation of modesty, or that he thought this office incompatible with his other duties, Wolsey declined the offer: nor was it till after repeated solici-

1515. Dec. 21. 1518. July 27. tations that he acquiesced in the wish of his sovereign †. He had, however, no objection to the dignity of papal legate, with which he was invested by Leo X. The commission was originally limited to two years: but

Wolsey procured successive prorogations from different popes, and, not content with the ordinary jurisdiction of the office, repeatedly solicited additional powers, till at length he possessed and exercised within the realm almost all the prerogatives of the sovereign pontiff ‡.

* Byn. iii. 578. 606. 616. 618-700. As the parties were children, the king and queen of France made the contract in the name of their son, and the king and queen of England, by their proxy, the earl of Somerset, in the name of their daughter.

† Byn. iii. 530. Some writers have ascribed the resignation of Warham to compulsion, arising from the desire of Wolsey to occupy his place. It will be difficult to reconcile this supposition with the contemporary testimony of Sir Thomas More and Ammirato. *Archiepiscopus Cantuariensis officio excoisati, ejusque omnia jam sequat, ut non, ut non minus quam laborant excoisati, broken excoisati est.* Ep. Mori. *Erasmus ann. 1516.* *Apud Erasm. linc. ii. p. 258.* *Tunc Cantuariensis cum bono regis oratio magistratus et abbas: quoniam Erasmus rependit regibus se regit.* *Ammon. Erasmus. Feb. 15, ann. 1517, p. 251.* More, in his letter to Warham himself, notices the same—*Magistrum deponere (quod hoc potest esse magno laboris impendat ut habet futurum).* *Ac. Apud Stapleton, Vol. 3. cap. p. 256.*

‡ Byn. iii. 724. 17. 18.

Not was his ambition yet satisfied. We shall afterwards behold him, at the death of each pope, labouring, but in vain, to seat himself in the chair of St. Peter.

His love of wealth was subordinate only to his love of power. As chancellor and legate he derived considerable emoluments from the courts in which he presided. He was also archbishop of York; he farmed the revenues of Hereford and Worcester, sees which had been granted to foreigners; he held in commendam the 15th. abbey of St. Alban's, with the bishopric of Bath; and afterwards as they became vacant, he exchanged Bath 1523. for the rich bishopric of Durham, and Durham for the administration of the still richer church of Winchester*. To these sources of wealth should be added the presents and pensions which he received from foreign princes. Francis settled on him an annuity of twelve thousand 1516. livres, as a compensation for the bishopric of Tournay, July and Charles and Leo granted him a yearly pension of 31. seven thousand five hundred ducats from the revenues 1520. of the bishoprics of Toledo and Palencia in Spain †. 20. In justice to his memory it should, however, be observed, that if he grasped at wealth, it was to spend, not to hoard it. His establishment was on the most princely scale, comprising no fewer than five, perhaps eight, hundred individuals. The chief offices were filled by barons and knights; and among his retainers he numbered the sons of many distinguished families, who aspired under his patronage to civil or military preferment. On occasions of ceremony he appeared with a pomp which, though it might be unbecoming in a clergyman, showed him to be the representative of the king of England, and of the sovereign pontiff. The ensigns of his several dignities, as chancellor and legate, were borne before him; he was surrounded by noblemen and prelates; and was followed by a long train of mules bearing officers on their backs covered with pieces of crimson cloth.

* *Reg. xii. 69. 701. 702. an. 26.*

† *Ibid. xiv. 610. 713.*

He spared no expense in his buildings; and, as soon as he had finished the palace of Hampton court, and furnished it to his taste, he gave the whole to Henry; perhaps the most magnificent present that a subject ever made to his sovereign. The character of Wolsey has been portrayed by the pencil of Erasmus, who had tasted of his bounty*, and by that of Polydore, whom his justice or policy had thrown into confinement. Neglecting the vernal praise of the one, and the venomous slander of the other, we may pronounce him a minister of consummate address and commanding abilities; greedy of wealth, and power, and glory; anxious to exalt the throne on which his own greatness was built, and the church of which he was so distinguished a member; but capable, in the pursuit of these different objects, of stooping to expedients, which sincerity and justice would disavow, and of adopting, through indulgence to the caprice and passions of the king, measures, which often involved him in contradictions and difficulties, and ultimately occasioned his ruin. As legate, he is said to have exercised without delicacy his new superiority over the archbishop of Canterbury, and to have drawn to his court the cognisance of exiles which belonged to that primate: but the question of right between them admitted of much dispute, and it is acknowledged on the other hand, that he reformed many abuses in the church, and compelled the secular and regular clergy to live according to the canons. His office of chancellor afforded him the opportunity of displaying the versatility and superiority of his talents. He was not, indeed, acquainted with the subtleties and minutæ of legal proceedings, and on that account was careful to avail himself of the knowledge and experience of others; but he always decided according to the dictates of his own judgment; and the equity of his de-

* Erasmus prizes him highly in some of his epistles (see p. 392. 393: 394. 395. 414. 453) and yet had the weakness to despise him as soon as he heard of his fall. *Metrebalus ab omnibus, ambulare a pueris, ne diuini a seruitur.* Ann. 1530, p. 136.

crees was universally admitted and applauded*. To appease domestic quarrels, and reconcile families at variance with each other, he was accustomed to offer himself as a friendly arbitrator between the parties; that the poor might pursue their claims with facility and without expense, he established courts of requests; in the ordinary administration of justice he introduced improvements which were received with gratitude by the country †; and he made it his peculiar care to punish with severity those offenders, who had defrauded the revenue, or oppressed the people. But his reputation, and the ease with which he admitted suits, crowded the chancery with petitioners; he soon found himself overwhelmed with a multiplicity of business; and the king, to relieve him, established four subordinate courts, of which that under the presidency of the master of the rolls is still preserved.

Literature found in the cardinal a constant and bountiful patron. On native scholars he bestowed preferment, and the most eminent foreigners were invited by him to teach in the universities. Both of these celebrated academies were the objects of his care: but Oxford 1525, chiefly experienced his munificence in the endowment July of seven lectureships, and the foundation of Christ Church, which, though he lived not to complete it, still exists a splendid monument to his memory. As a nursery for this establishment he erected another college at Ipswich, the place of his nativity.

But these occupations at home did not divert his eyes from the shifting scenes of politics abroad. He was constantly informed of the secret history of the continent

* Princeps Christianissimus Albertus Elector Palatinus, cui in se perit ut spera quoque certum, quamquam pro aliquis ejus virtutibus maxime, longe tamen exsuperet; et, quod est officiosum, post optatum perdidit omnem velle proferre et placere. Marcus Erasmus, p. 254. Quæ in prælosum Excursus-publicæ gerit. Amstel. Erasmi, p. 221.

† Alio peris constituta judicia ubi pauperum querentium excolerent: nullaque omnino in rebus civilibus popularibus gratæ, ac notis in hunc usque diem corrupta, quibus tunc se ostendit superbiastrum ac non republicæ-amorem. Godwin, 14. I wish he had particularized these justices.

tal courts; and his dispatches, of which many are still extant, show that he was accustomed to pursue every event through all its probable consequences; to consider each measure in its several bearings; and to furnish his agents with instructions beforehand for almost every contingency. His great object was to preserve the balance of power between the rival houses of France and Austria^{*}; and to this we should refer the mutable politics of the English cabinet, which first deserted Francis to support the cause of Charles, and, when Charles had obtained the ascendancy, abandoned him to repair the broken fortunes of Francis. The consequence was, that as long as Wolsey presided in the council, the minister was feared and courted by princes and pontiffs, the king held the distinguished station of arbiter of Europe.

^{*} Baynal. viii. 69. Mac's Works, p. 106.

CHAPTER II.

Charles V. is elected Emperor—Intercourse between Henry and Francis—Arrest and execution of the Duke of Buckingham—Walsley is arbitrator between Francis and Charles—Is disappointed of the papacy—Is opposed in his attempt to raise money—The English invade France—Battle of Pavie, and captivity of Francis—Henry deserts Charles, and makes peace with France—Treaty of Madrid—Origin of the Reformation—Henry writes against Luther—He is declared Defender of the Faith.

CHARLES of Austria, who, in right of his father Philip, had inherited the rich and populous provinces of the Netherlands, the ancient patrimony of the house of Burgundy, ascended the Spanish throne on the death of Ferdinand, as the representative of his mother Juana, the daughter of that monarch by Isabella of Castile. He was in the vigour of youth, gifted with superior talents, and anxious to earn the laurels of a conqueror; qualities which equally formed the character of his neighbour, the king of France. Had there existed no hereditary enmity between the two families, no conflicting claims to the possession of the same territories, still their common ambition, and that desire which each displayed of becoming the first among the princes of Christendom, would have made them rivals, and adversaries. Their power was almost equally balanced. If the dominions of Charles were more extensive, those of Francis were more compact: if the one could command the services of a more numerous population, the other ruled with fewer impediments, and with more absolute sway. The French monarchs had successively annexed to the crown those fiefs which had formerly rendered their possessors almost independent of the sovereign; and, by crushing the feudal aristocracy of ancient times, had en-

ailed themselves to wield at pleasure, and without contradiction, the whole power of their empire. But in the Netherlands the measures of the prince were perpetually impeded by the opposition of the states; and even in Spain, though the different kingdoms which once divided the peninsula had been, with the exception of Portugal, moulded by the genius of Ferdinand into one powerful monarchy, yet the exercise of the royal authority was greatly circumscribed by the rights and immunities still claimed by the cortes and the nobility.

1519
Jan.
12
Three years after the demise of Ferdinand, the rivalry between the young kings was called into full activity by the death of the emperor Maximilian. That prince, anxious to secure the succession to the imperial crown in the house of Austria, had in the last diet solicited the electors to name his grandson Charles king of the Romans. The majority had promised their voices; but from this engagement they were released by his death, and were now summoned to choose not a king of the Romans, but an emperor. Charles announced himself a candidate; and the vanity of Francis immediately prompted him to come forward as a competitor. The intrigues of the French and Spanish courts on this occasion are foreign from the subject of the present work: but the conduct of Henry demands the attention of the reader. His former refusal of the imperial crown, when it was offered by Maximilian, had not proceeded from the moderation of his desires, but from diffidence in the sincerity of his ally. Now that the glittering prize was open to competition, he disclosed his wishes to his favourite; and both the king and the cardinal, reciprocally inflaming the ambition of each other, indulged in the most flattering delusions. In fancy they were already seated, the one on the throne of the Cæsars, the other in the chair of St. Peter, and beheld the whole christian world, laity and clergy, prostrate at their feet.

The election of Henry would secure, it was foretold, the elevation of Wolsey; and the bishop of Worcester

was commissioned to procure the consent and aid of the pope, whilst Pace hastened to Germany, with instructions to sound the dispositions of the electors, to make them the most tempting promises, and, if he saw a prospect of success, to name the king of England as a candidate; if not, to propose a native prince to the exclusion of both Francis and Charles. But experience soon taught this envoy that with mere promises he was no match for the agents of the other candidates, who came furnished with ready money; and therefore adhering to subsequent instructions, he threw into the scale the whole weight of his influence in favour of the king of Spain, who after a long debate was chosen without a dissentient voice*. In this transaction Francis had great reason to complain of the duplicity of "his good brother." From the very beginning he had received assurances of the most cordial support from the English court; and in return had expressed his gratitude to the king by a letter of thanks, and to Wolsey by a promise of securing for him on the first vacancy fourteen votes in the conclave. Prudence, however, taught Jahn him to accept with seeming satisfaction the apology of the English cabinet, that Pace would have aided him, had there appeared any chance of success, and had only seconded the election of Charles, because it was in vain to oppose it †.

Though the two competitors during the contest had professed the highest esteem for each other, the bitterest animosity already rankled in their hearts, and

* *Lettres de princeps*, 68. *Martin*, iii. 128, 129. The day before, the imperial crown was offered to Frederic, elector of Saxony, who not only refused it, but also a large sum of money, of which the imperial ambassadors wished to make him a present, as a token of the gratitude of Charles for that refusal. *Lettre de Cajetan*, 161.

† *Apud Fildes*, 219—224. *Wife*, i. 150, 156. Wolsey was soon convinced of the hopelessness of the attempt. "Not daring, however, to sink so much, he employed Clark, afterwards bishop of both Wells, to reason with Henry on the subject. It was in vain: "His grace considered no injuries." *State Papers*, i. 23. Pace, however, on his return, having been privately instructed by the Cardinal, so exaggerated the prize which Charles had paid for the imperial crown, that his grace said "he was right glad that he obtraypled not the same." *Ibid.* 3.

each sought to fortify himself with the support of Henry against the presumed hostility of his rival. To Francis the late conduct of the king of England afforded but slender hopes of success; he trusted, however, to his own address and eloquence; and summoned Henry to perform an article in the last treaty, by which it was agreed that the two monarchs should meet each other on the border of their respective dominions. The intelligence alarmed the jealousy of the Spanish cabinet: remonstrances were made against an interview so pregnant with mischief to the interests of Charles; and Henry, while he pretended a readiness to fulfil the treaty, suggested difficulties, demanded explanations, and artfully contrived reasons to suspend or postpone the meeting. But his cunning was opposed with equal cunning; and Francis brought the question to an issue by signing a commission, which gave full power to Wolsey to settle every point in debate, as he should judge most conducive to the joint honour of the two kings.

1520. Having received the permission of Henry, the cardinal
 Mar. decreed that the interview should take place between
 12. Ardres and Guisnes, to which towns the two courts should repair before the last day of May, and that, to celebrate the meeting, a tournament should be held at the same time, in which the kings of England and France, with eighteen assistants, should answer all opponents at tilt, tourney, and barriers*. Still the struggle continued between the two monarchs, the one labouring to evade, the other to enforce this award.

Among the artifices to which Henry resorted, there is one which will amuse the reader. As a proof of his sincerity, he swore before the French ambassador that he would never more cut his beard till he had visited "his good brother;" and Francis anxious to bind him still faster, immediately took a similar oath. But the former neglected, the latter fulfilled his promise; and,

*See *Annals*, &c.

when long beards had in consequence become the prevailing fashion in the French court, sir Thomas Boleyn was compelled to apologise for the bad faith of his master, by alleging that the queen of England felt an insuperable antipathy to a besby chin. At length Henry with a numerous and splendid retinue left Green-Meywich, and proceeded by slow stages to Canterbury; 21. where, to the surprise of all who had not been admitted into the secret, advice was received that Charles with a 25. squadron of Spanish ships had cast anchor in the harbour of Hythe. He had been impelled (so it was pretended) by the most urgent motives to visit his paternal dominions in the Netherlands; and hearing, as he sailed up the Channel, that the English court was near the coast, had landed to pay his respects to his uncle 29. and aunt. This apparently accidental meeting was celebrated at Canterbury with feasts and rejoicings; 37. the young emperor by his flattery and attentions rooted himself in the affections of Henry, and by promises and presents secured the friendship of Wolsey; and on the fourth day, when he sailed from Sandwich, the 31. king, with his court, crossed the strait from Dover to Calais*.

For several weeks a thousand workmen had been busily employed in erecting a palace of frame work near the castle of Guisnes. It was of a quadrangular form, and measured in compass four hundred and thirty-seven yards, containing a most sumptuous chapel, several apartments of state, and ample accommodations for the king and queen, and their numerous attendants. No expense had been spared in internal or external decorations. The furniture was new and of the most costly description; the ceilings were covered with silk, and the walls hung with cloth of arras. Near the town of Ardres an edifice of similar magnificence had been

* Hist. 22. Dec. Mart. p. 263. So far was this visit from being accidental, that Henry, on the 6th of April, had instructed his ambassadors to fix the time and place. Chron. Catalogue, 150.

erected for the king of France, and adjoining to it a pavilion or banqueting room, supported from the summit of a mast standing in the centre, and covered entirely with cloth of gold. As soon as the kings had June reached their respective residences, the cardinal paid a
4 visit to Francis, and remained with him two days. The
6 result was an additional treaty, which proves the extreme anxiety of that monarch to secure the friendship, or at least the forbearance of the English king. He was already bound to pay one million of crowns within a fixed period: he now engaged for himself and his successors to pay to Henry, and the heirs of Henry for ever, the yearly sum of one hundred thousand crowns, in the event of the marriage between the dauphin and the princess Mary being afterwards solemnised, and the issue of that marriage seated on the English throne. Moreover, as the affairs of Scotland had long been a source of jealousy and contention between the two crowns, he consented that they should be referred to the amicable determination of the cardinal of York, and of Louisa, his own mother*. After these preliminaries the monarchs rode from their several residences to the valley of Andern, 7 situate within the territory of Guisnes. Their attendants halted on the opposite declivities. Henry and Francis descended into the valley, alighted from their horses, embraced each other, and walked arm-in-arm into a pavilion, which had been prepared for their reception. The next fortnight was consumed in feats of arms, in banquets, and in disguisings. During six days the kings and their associates tilted with spears against all comers; the tourney with the broad sword on horseback occupied two more; and the last was employed in fighting at the barriers on foot. The queens of England and France with their ladies and officers beheld the combatants from the galleries; and the heralds daily registered the names, the arms, and the feats of the knights.

* Byn. vii. 719-720, 724.

On every occasion the two kings appeared with equal splendour, and acquitted themselves with equal applause: their bravest antagonists deemed it no disgrace to yield to royal prowess; and Henry and Francis, though they fought five battles each day, invariably overcame every opponent. Yet amidst this display of friendship, a secret jealousy divided the two nations. Rumours of intended treachery were repeatedly circulated both at Ardres and Guisnes; the attendants on each side were scrupulously numbered; both kings left their respective residences at the same hour; both visited the queens at the same time; both met at the exact spot which had been previously fixed. At length the frank and generous temper of Francis 108 spurned at these precautions; and early one morning 17 he rode to Guisnes, surprised Henry in his bed, and told him that he was his prisoner. But, though the English monarch affected to imitate the manner of his brother of France, he could not subdue his apprehensions, and, for greater security, whenever he returned from Ardres, disguised himself and his attendants, that he might not be known. On the last day Francis took leave of queen 24 Catherine, and was returning to Ardres, conducted by the cardinal and the duke of Buckingham, when he met a body of musketeers, among whom was the king of England. Henry lowered his vizor, and threw a collar of jewels round the neck of the French king, who in return presented his English brother with a bracelet of considerable value. They then embraced, and bade each other farewell*.

If Francis flattered himself that in this interview he had made a favourable impression on the English monarch, he was quickly undeceived. He had remarked with surprise that, though the tournament had been proclaimed in the dominions of Charles, not one Spanish or Burgundian gentleman had been suffered to attend;

* Hall, 73-84. De Bellef, 38. Fleury, Mémoires, 550.

and impudently betrayed his chagrin by commanding or countenancing an insidious, though unsuccessful, attempt on the neighbouring town of St. Omer. But his jealousy was still more alarmed, when he had learned that, within a few days after his departure, Henry had visited his imperial nephew at Wael, had accompanied him to Gravelines, and thence had conducted him back to Calais to pay his devoirs to his aunt. Every artifice was employed to discover the real object of this second meeting; French spies, in the disguise of maskers, insinuated themselves into the palace; and the French ambassador, La Roche, having obtained an audience of the two monarchs, read in their presence the tripartite league formerly concluded between them and Francis, and required Charles to ratify it with his signature as emperor. That prince, however, eluded the demand; and after a visit of three days, returned into his own dominions. The result of both these interviews had been in his favour. The first between Henry and Francis had served only to confirm the rivalry, which had so long subsisted between England and France; and the second had afforded him the opportunity of pleasing the nation by his affability and condescension, and of flattering the vanity of his uncle, by appointing him umpire in every subsequent difference which might arise between himself and the French monarch*.

In the interview at Andern, not only the two kings, but also their attendants, had sought to surpass each other in the magnificence of their dress, and the display of their riches†. Of the French nobility it was said that many carried their whole estates on their backs‡; among the English the duke of Buckingham ventured to express his marked disapprobation of a visit, which

* Hall, 84. Dec. Mart. 553.

† B. Adams complains that on this occasion the English ladies began to adopt the French fashions, and to exchange their native dress for one less becoming. Pate's 661.

‡ *Plusieurs-y portent leurs manoirs, leurs forests, et leurs pèrs sur leurs épauls.* De Wail.

had led to so much useless expense. By those writers, who are accustomed to attribute to the counsels of the cardinal every event, which occurred under his administration, it has been supposed that resentment for this remark induced Wolsey to bring the duke, by false accusations, to the scaffold. But more authentic documents refer the cause of his ruin to the vanity and imprudence of Buckingham himself, who indulged a notion that he should one day ascend the throne; and to the jealousy and caution of Henry, who was not of a temper to spare the man, from whose ambition he prognosticated danger to himself or his posterity. The duke was descended from Edward the third, both through John of Ghent, duke of Lancaster, and Thomas of Woodstock, duke of Gloucester; and had the misfortune to become acquainted with Hopkins, prior of the charter-house at Henton, who pretended to the gift of prophecy, and employed that gift to flatter the vanity of his benefactor.

When the expedition sailed to lay siege to Terouenne, Hopkins assured the duke that Henry would return with glory from France, but that James of Scotland, if he should pass the borders, would not live to revisit his dominions. The accomplishment of these predictions made a deep impression on Buckingham's mind; and he listened with pleasure and credulity to the same monk, who sometimes expressed his fear that the king would leave no issue to inherit the throne, at other times affected to foresee something great in the destiny of young Stafford, the duke's son*. How far the unfortunate nobleman allowed his ambition to be deluded by these predictions, may be uncertain: but enough had transpired to awaken the suspicion of Henry, who for two years carefully watched, and, sometimes perhaps, unfairly interpreted, his conduct. He had of late greatly augmented the number of his retainers: and among others, sir William Bolmer had quitted the king's

* See his own confession in Holot. 104

1519. service to enter into that of Buckingham. Before the
 Nov. last voyage to France, the knight was called to the star
 chamber, where he acknowledged his fault, and on his
 knees begged for mercy. Henry replied that he par-
 doned him: but that "he would none of his servants
 " should hang on another man's sleeve; and what
 " might be thought by his departing, and what might
 " be supposed by the duke's retaining, he would not
 " then declare *." The meaning of this enigmatical re-
 mark was not disclosed till eighteen months afterwards,
 when Buckingham, who resided on his estate at Thorn-
 bury in Gloucestershire, received a peremptory order
 to repair to the court. He obeyed, and was followed at
 a short distance by three knights, who had been secretly
 instructed not to lose sight of the destined victim. His
 suspicions were first excited at Windsor, where he was
 1521. treated with unusual disrespect: they were confirmed at
 Apr. York-place, where the cardinal refused to see him.
 16. With a misshod heart he entered his barge; and, as
 he sailed down the river towards Greenwich, was ar-
 rested, and conveyed to the Tower. The cognisance of
 his guilt was referred to the legitimate tribunal; and
 before the duke of Norfolk, as high steward, and seven-
 teen other peers, he was charged with having elicited
 May the prophecies of Hopkins by messages, and personal
 14. interrogations; with having sought to detach by pro-
 mises and presents the fidelity of the king's servants,
 and of the yeomen of the guard; with having said, when
 he was reprimanded for retaining sir William Bulmer,
 that if he had been ordered into confinement, he would
 have plunged his dagger into the king's heart; and with
 having avowed his determination, in the event of
 Henry's death, to cut off the heads of the cardinal and
 some others, and to seize the government in defiance of
 all opposers. The duke at first objected that nothing
 contained in the indictment amounted to an overt act,

which was necessary to constitute the guilt of treason: but Fineux, the chief justice, replied that the crime consisted in imagining the death of the king, and that words might be satisfactory evidence of such imagination. He next attempted to refute the separate charges with great force of eloquence, and strong denials of guilt; and then demanded that the witnesses might be confronted with him. They were accordingly brought forward—Hopkins the prophet, Delacourt his confessor, Perk his chancellor, and Knerret his cousin, and formerly his steward. The peers consulted in private respecting their verdict; and, when the prisoner was again introduced, the duke of Norfolk with tears informed him that he had been found guilty, and pronounced judgment of death. Buckingham replied with a firm voice; "My lord of Norfolk, you have said to me as a traitor should he said unto: but I was never none. "Sill, my lords, I nothing malign you for that you have done unto me. May the eternal God forgive you my death, as I do! I shall never sue to the king for life; howbeit, he is a gracious prince, and more grace may come from him than I desire. I desire you, my lords, and all my fellows, to pray for me." He persisted in his resolution not to solicit mercy, and was beheaded on Tower-hill, amidst the tears and lamentations of the spectators. "God have mercy on his soul," says the reporter of his trial, "for he was a most wise and noble prince, and the mirror of all courtiers.*"

That the reader may understand the complex nature of the negotiations which are to follow, he should be aware that ever since the king had failed in his attempt to procure the imperial dignity, he had turned his thoughts and ambition towards the crown of France. That crown, so he believed, was his inheritance: if it had been torn from the brows of one of his predecessors

* Year book, Henry Tenth, 13 Henry VIII. 1 St. 14 and 15 Hen. VIII. 30. Rolls, Hen. VIII. p. 165. Stone, 514. Hall, 65. Harlet, 100. Ed. v. l. 174—177. Gals, App. xxiv.

by force of arms, why might it not be replaced by force of arms on his own head, since it was his by hereditary right*? For this, indeed, he stood in need of allies: but where could he seek a more powerful and more interested ally than in the emperor, whose quarrel was similar to his own, and who burned to re-annex to his dominions the ancient patrimony of the house of Burgundy, wrested from his ancestors by the kings of France. This subject had been secretly discussed by Henry and Charles during the late visit of the latter to his uncle: it had led to the proposal of a stricter union between the crowns by the marriage of the emperor with the daughter of Henry; and that proposal was accompanied with the project of a confederacy for the joint prosecution by the two monarchs of their hereditary rights at a more convenient season. But, whilst they thus amused themselves with dreams of future conquests, the flames of war were unexpectedly rekindled by the ambition of Francis, in Spain, and Italy, and the Netherlands. The Spaniards did not conceal their dissatisfaction at the conduct of their young sovereign. They complained that their liberties had been infringed, that taxes had been illegally imposed, and that the government had been intrusted to proud and rapacious foreigners, who had followed Charles from Belgium to the peninsula. As long as they were overawed by the presence of the emperor, they confined themselves to murmurs and remonstrances: the moment that he sailed from Spain to England, they unfurled the standard of insurrection. Francis suffered himself to be seduced by so favourable an opportunity. He had summoned Charles to do justice, according to his promise, to the injured queen of Navarre, and received for answer that Spain possessed that kingdom in virtue of an ecclesiastical sentence†, the same title by which France

* See the correspondence between the king and the cardinal. St. Pap. i. 36. 46.

† This refers to the general censure published by Julius against all the officers of Louis.

held Narbonne and Toulouse, formerly parcels of the kingdom of Arragon. Let Francis restore those provinces, and Charles would surrender Navarre. But the Spanish revolt put an end to the negotiation: the French army burst over the Pyrenees; and in fifteen days Navarre was freed from the yoke of Spain. The insurgents beheld this event with indifference: but the French army no sooner approached Logrono in Castile, than they rallied at the call of their country, repelled the invaders, and recovered Navarre as rapidly as it had been lost. At the same time, to embarrass his adversary on the frontiers of Germany, Francis had encouraged De la Marque, duke of Bouillon, to send a detachment to his sovereign, and to invade the Netherlands at the head of an army, which had been raised in France. Both princes immediately appealed to Henry; both claimed his aid in virtue of the treaty of 1518. This was certainly the time for him to make common cause with the emperor: but he was taken unawares: he had made no preparations adequate to the gigantic project which he meditated; and therefore he first exhorted each monarch to make peace, and then proposed, that before he should make his election between them, they should appoint commissioners to plead before him or his deputy, that he might be able to compromise the quarrel, or to determine who had been the aggressor. Charles instantly signified his assent. He knew that both the facts and the dates were in his favour; and he had already convinced Henry, by the exhibition of certain intercepted letters, that the invasion of both Spain and the Netherlands had been planned in the French cabinet. Francis wavered, and shaped his conduct by the fortune of the war. He gave, and recalled, his consent. But when he found that, on the investment of Logrono by his troops, the Spanish insurgents, rallying at the call of their country, had driven back the invaders, and reconquered Navarre; that the territory of De la Marque was overrun by an army of forty thousand

men in the pay of Charles; and that in Italy the pope had united his forces with the imperialists for the purpose of driving the French beyond the Alps; in these circumstances he condescended to accept the proffered mediation, and to submit his pretensions to the equity of the king or his deputy, refusing, however, at the same time, to be bound by any award, which did not obtain the assent of the chancellor, his chief commissioner*.

Henry conferred the high dignity of arbitrator on ^{July} Wolsey, who proceeded to Calais in great state, as the ² representative of his sovereign. But besides this, the ^{Aug} ostensible object of his journey, he had been instructed ⁹ to attend to the secret and important project of the confederacy with Charles, for the purpose of reclaiming the hereditary dominions of each prince from the grasp of the French monarch. The imperial commissioners were the first to meet the cardinal, who improved the opportunity to draw from them the real sentiments of their sovereign. The next day arrived the French embassy; and both parties proceeded to the discussion of the professed object of the congress. The French complained that Charles had broken the treaty of Noyon in 1516 by continuing to hold possession of Navarre, and that he refused to do homage for Flanders and Artois, fiefs of the French crown. The Imperialists maintained that the treaty of Noyon had been extorted from Charles by fraud and violence, and retorted on their adversaries the late invasion of Spain, and the clandestine support which had been given to the duke of Bourbon. Though the cardinal laboured to smooth the irritation, and moderate the demands of the litigants, they grew daily more warm and obstinate; and at last, Gattinara, the imperial chancellor, declared that it was beneath the dignity of his master to assent to any terms till he had previously received satisfaction from Francis, and that he was confined by his instructions to the mere exposure

* *Ivan. vii. 74. Floraces, Nov. 586. Merckel, Annal. vii. 163.*

of the injuries which the emperor had received, and the demand of the aid, to which the king of England was bound by the late treaty*.

This declaration afforded, perhaps was meant to afford, the cardinal a pretext for paying a visit to the emperor at Bruges, to which he was secretly bound by his instructions, and warmly solicited by Charles himself†. Hitherto he had refused, that he might not awaken suspicion in the mind of the French king; now, however, on Wolsey's complaint of the unsatisfactory answer returned by Gatimara, the French joined the imperial commissioners in a request that he would seek a personal interview with the emperor, and obtain from him more extensive powers for his representatives at the congress. The cardinal gladly accepted the office, and with a train of more than four hundred horsemen Ang. proceeded to Bruges. By Charles he was received with 14. the most marked attention. Thirteen days were spent in public feasting and private consultation; and before his departure the more important questions were settled respecting the intended marriage, the voyage of Charles by sea to England and Spain, and the time and manner in which he and Henry should conjointly invade France. On his return the conferences were resumed; and the 22. air of impartiality with which the cardinal listened to every representation, joined to the zeal with which he laboured to accommodate every difference, lulled the jealousy of the French envoys, and obtained their unqualified approbation. His first attempt was to establish peace between the two powers: but no reasoning could subdue their obstinacy; and their demands were reciprocally regulated not by justice, but by the oscillating success of the war. The Imperialists had taken Mouson, and formed the siege of Menères: but they retired

* Peter Mont. 57A. 430. 436. Heek. 65. Notice des MSS. du Roi. ii. 60.
 † 82. Prop. 23. Je vous prie sur tous les plaisirs que me voudriez faire . . .
 vous vouloir trouver à Bruges, ôtant de prochain . . . nous ferois
 plus en un jour, sans et sans ensemble, que ne devroient mes ambassadeurs
 en un mois. Emperor to Wolsey in Gal. App. xxii.

at the approach of Francis, who in his turn was checked in the pursuit by the gallantry and address of the count of Nassau. The cardinal at length drew up a project of truce, which compelled the belligerents to recall their armies into their respective territories, and referred the fate of the fortresses, which had been taken, to the arbitration of Henry. It was carried to the emperor by the
 O.K. lord St. John and sir Thomas Boleyn; to the king of
 36. France by the earl of Worcester, and the bishop of Ely. The latter, after a long resistance, suffered his consent to be wrung from him by importunity. The former was inexorable: Fontarabia had been lately taken by the admiral Bonnavet; and Charles obstinately demanded its restoration, which Francis as obstinately refused. At last the cardinal, in despair of an accommodation, pronounced his final judgment, that Francis had been the aggressor in the war, and that Henry was bound by treaty to aid his imperial ally*. The result of the interview at Bruges was now disclosed, by the conclusion of a league at Calais, in which the contracting parties were the pope, the emperor, and the king of England. It was agreed that in order to restrain the ambition of Francis, and to further the intended expedition against the Turks, each of these powers should in the spring of the year 1523 invade the French territories with a powerful army; that, if Francis did not conclude a peace with the emperor, Henry should declare war against him on the arrival of Charles in England: and that for the common good of christendom the projected marriage between the dauphin and Mary, the daughter of Henry, should be set aside for the more beneficial marriage of the same princess with the emperor. Before the
 N. a. signature of this treaty Milan had been recovered by
 37. the combined forces in Italy; shortly afterwards Tou-
 38. nay surrendered to the arms of the imperialists; and

* To add to the troops of 15th were 6000 archers. Orders were issued to levy 5000 archers. At the first the men to take part in the campaign.

† p. 31-4

Francis was compelled to content himself with the reduction of the unimportant fortresses of Hedin and Bouchain*.

The deliverance of Milan from the yoke of France diffused the most extravagant joy throughout the Italian states. The pontiff ordered the event to be celebrated with thanksgivings and games, hastened to Rome, that he might enjoy the triumph of his policy and arms, and entered his capital in high spirits, and apparently in perfect health. Yet a sudden indisposition prevented him from attending a consistory, which he had summoned; and in two or three days it was known that he was dead. The news travelled with expedition to England, and Walsey immediately extended his views to the papal throne. The idea of seating that minister in the chair of St. Peter was not new: it had already formed the subject of several conferences between the king, the emperor, and the cardinal. By Henry it had long been ardently desired: Charles, through policy or inclination, promised his aid; and Walsey, with a decent affectation of humility, consented to place his shoulders under the burden. He acknowledged his unworthiness and incapacity: it had always been the first wish of his heart to live and die in the service of his native sovereign; yet he felt it his duty to submit to the superior judgment of their imperial and royal majesties; and to sacrifice, since they required it, his own happiness to the repose "and welfare of christendom;" Yet on the intelligence of Leo's death, all this reluctance vanished: he did not merely submit; he despatched messengers to remind the emperor of his promise, and secretary Pace to sound the disposition of the conclave. In that assembly Giulio de' Medici possessed a majority of suffrages, sufficient indeed to exclude a rival, but not to secure his

*Chron. Catal. III.—166. Belaine, vii. Guicciard. 90. Morosini, vii. 37. Hill, 86—88. Notices des MSS. ii. 61—63.

† Morosini, vii. 123.

‡ See the cardinal's letters on this subject in Fuller, C. d. 46.

own election; disappointed himself, he disappointed in his turn the expectations of the cardinals Farnese, Colonna, and Wolsey; and unexpectedly proposed to his colleagues the cardinal Adrian, a native of Utrecht, who from the university of Louvain had been selected as preceptor to Charles, had been afterwards sent into honourable exile by the intrigues of the favourite Cherey, and was at that moment bishop of Tortosa, and viceroy of Spain. Cajetan, who admired the writings, and was acquainted with the virtues of the Belgian, seconded the motion of Giulio; the election of Adrian, though a foreigner, and personally unknown, was carried by acclamation; and within nine years from the time when Julius drove the barbarians out of Italy, a barbarian was seated as his successor on the papal throne*. The envoy of Wolsey was instructed to congratulate the new pope on his accession, and to obtain for his employer the prolongation of his legatine authority.

Francis, who was aware of the league which had been formed against him, employed the winter in fruitless attempts to recover the friendship of the king of England. He first sought to win him by compliments and flattery, and even condescended to beg that if he would not aid, at least he would not oppose him; he next demanded the succours to which he was entitled by treaty, and postponed the payment of the annual pension; and at length, as an indemnity to himself, laid an embargo on the English shipping in his ports, and seized all the property of the English merchants. In retaliation Henry confined the French ambassador to his house, ordered all Frenchmen in London to be taken into custody, and at length sent to Francis a defiance by Clarendoux king at arms†. The emperor himself, as was stipulated in the treaty of Bruges, landed at Dover, and was accompanied by the king through Canterbury, London, and Winchester, to Southampton. Every day was

* Pallavicino, Lib. c. 2. MS. Vattel B. 5, p. 16.

† Fables, 52—54. Rym. xiii. 764. Hall, 24. 90.

marked by some pageant or entertainment: but while the two princes appeared intent on nothing but their pleasures, the ministers were busily employed in concluding ^{more} treaties, and framing plans of co-operation. It was agreed that each power should make war on Francis with forty thousand men; that Charles should indemnify Henry for all the monies which might be withheld from him in consequence of this treaty; that the king should not give his daughter in marriage, nor the emperor marry any other person, before the princess Mary was of mature age; that when she had completed her twelfth year they should be married by proxy; and that, if either party violated this engagement, he should forfeit the sum of five hundred thousand crowns. At Southampton the emperor took leave of the king, and embarked on board his fleet of one hundred and eighty sail, the command of which, in compliment to his uncle, he had given to the earl of Surrey, lord admiral of England*.

That nobleman had succeeded to the earl of Kildare in the government of Ireland, where by his generosity he won the esteem, while by his activity he repressed the disorders, of the natives. But the reputation which he had acquired by his conduct in the field of Flodden induced the king to recall him to England, that he might assume the command of the army destined for the invasion of France. That army, however, existed only on paper: the money necessary for its support was yet to be raised: and to supply these deficiencies required all the art of Wolsey, aided by the despotic authority of the king. Commissioners were despatched into the different shires, with instructions to inquire what was the annual

* Herb. 115. 118. Galwin, 22. 23. By the treaty of Bruges Henry was not to declare against Francis till the emperor had visited him in England. To hasten the declaration Charles announced his intention of coming on the 10th of April; and Wolsey thinking that day too early, suggests among other reasons for delay, "then shalke your grace can be so busied to labour in Palme schalve weike, being named *blokmenda*" "sueria, which were not convenient for princes, as for common persons" "nages, but rather to be occupied in prayer and contemplation?" State Pap. i. 85.

rent of the lands and houses in each township, what the names of the owners and occupiers, and what the value of each man's moveable property; and moreover, to array in the maritime counties, under the pretext of an apprehended invasion, all men between the ages of sixteen and sixty, and to enrol their names, and the names of the lords, whose tenants they were*. As a temporary expedient a loan of twenty thousand pounds was exacted from the merchants of London; and after a decent

Aug. respite the cardinal, in quality of royal commissioner, 20. called the citizens before him, and required that every individual supposed to be worth one hundred pounds, should certify upon oath the real value of his property. They remonstrated that to many men "their credit was better than their substance;" and the cardinal, relaxing from the rigour of his first demand, consented to accept their respective returns in writing, which he promised should not on any pretext be afterwards divulged. With this preparatory knowledge he was enabled to raise men, and supply himself with money as it was wanted. Precepts under the great seal were issued at his discretion, ordering some persons to levy a certain number of men among their tenants, and others to advance to the king a certain sum of money, which generally amounted to a tenth from the laity, and a fourth from the clergy. It was, however, promised at the same time, that the lenders should be indemnified from the first subsidy, which should be granted by parliament.

At length the earl mustered his army under the walls of Calais, and found himself at the head of twelve thousand men paid by the king, of four thousand volunteers, and of one thousand German and Spanish horse. With 31. this force he marched through the Boulonnais and Artois into the vicinity of Amiens, carefully avoiding the fortified towns, and devoting to the flames every house and village, which fell in his way: while the

* See, 116. E. 10. 77.

† Hist. 101. 102. 106. 110. 111. 112. F. 104. Collet. 21.

French, who had been forbidden to risk an engagement, hovered, in small bodies, round the invaders, sometimes checking their progress, and at other times intercepting the stragglers. But the season proved the most formidable enemy. Cold and rain introduced a dysentery into Oct. the camp; the foreigners hastily retired to Bethune, and the earl led back his followers to Calais. It was an expedition which reflected little lustre on the English arms: but it enriched the adventurers, and inflicted a severe injury on the unfortunate inhabitants.

In the early part of the summer Francis, that he might divert the attention of the king, sought to raise up enemies to Henry, both in Ireland and Scotland. 1^o. In Ireland he addressed himself to the chief of the house of Desmond, a family which still refused to acknowledge any thing more than a nominal dependence on the English crown; and the earl of that name, seduced by the hopes which were held out to him, signed a treaty by which, in return for an annual pension, he engaged to join the French army as soon as it should land in Ireland, and never to lay down his arms, till he had conquered a portion of the island for himself, and the remainder for Richard de la Pole, the representative of the house of York. But Francis had obtained his object, by the very alarm which his treaty created. He forgot his engagement to Desmond; the army was never sent, the pension never paid; and the misguided earl had full leisure to lament the imprudence with which he had listened to the suggestions and promises of his deceitful ally*. 2^o. In Scotland Francis found a more able and equally willing associate in the duke of Albany. That prince had returned to assume the government at the invitation of Margaret, the queen dowager, who had quarrelled with her husband on account of his amours, and with her brother on account of his parsimony. In February the truce between the two nations expired;

* Du Clesse, 1065. St. P. p. 2, 193. not.

and every attempt to renew it failed, through the obstinacy of Albany, who sought to include the French, and of Henry, who insisted on the immediate departure of the duke. War succeeded of course: the earl of Shrewsbury was ordered to array the men of the northern counties; and Albany, having received supplies and instructions from Francis, assembled the Scottish army at Annan. Thence he marched at the head, it is said, of eighty thousand men, with forty-five pieces of brass ordnance; while the English general, without men or money, had no force to oppose to the invaders. But the storm was dispersed by the address of the lord Dacre, warden of the western marches. He assumed a tone of bold defiance, boasted of the numerous army hastening to his aid; alluded to the disaster which had befallen the Scots at Flodden field; and, after some debate, granted to the pusillanimous duke a month's abstinence from war, that he might have time to solicit peace from the indulgence of Henry. Albany engaged to disband his army; Dacre forbade the advance of the English forces, which instead of being on their march, were not in reality assembled. Wolsey, amazed at the result, characterised the regent in one of his letters to Henry as "a coward and a fool."

The minister's chief embarrassment at this period arose from the exhausted state of the treasury. Immense sums had been wastefully lavished in entertainments and presents to foreign princes; the king's annual pension was no longer paid by Francis, nor could it be expected from Charles during the war; and policy forbade him to have recourse to a forced loan after the experiment of the last summer. Henry, following the example of his father, had governed during eight years without the aid of the great council of the nation: but his necessities now compelled him to summon a parliament to meet at the Black Friars; and sir Thomas

* See the account copied from the original letters by Mr. Puffendorf, 100-210.

More, a member of the council, was, by the influence of the court, chosen speaker of the commons. After some days the cardinal carried to that house a royal message, April showing from the conduct of Francis that the war was just and necessary; estimating the expenses of the intended armament at eight hundred thousand pounds, and proposing to raise that sum by a property tax of twenty per cent. The commons, astonished at this unprecedented demand, preserved the most obstinate silence. It was in vain that Wolsey called on different members by name, and asked them for a reasonable answer. At length he exclaimed: "Masters, unless it be the manner of your house (as very likely it may) by your speaker only in such cases to express your mind, here is without doubt a most marvellous silence." Sir Thomas More, bending the knee, replied that they felt abashed in the presence of so great a personage; that, according to the ancient liberties of the house, they were not bound to return an answer; and that as a speaker could make no reply, until he had received their instructions*. Wolsey retired in discontent: the debate was adjourned from day to day; and a deputation was appointed to solicit a diminution of the demand. The cardinal again repaired to the house, answered the arguments which had been employed by the leaders of the opposition; and begged that they would reason with him on the subject. They replied, that they would hear whatever he might say, but would reason only among themselves. After his departure they agreed to a tax upon every kind of property, of five per cent. for two years, to be continued during the third year on fees, pensions, and

* The cardinal afterwards sent for the speaker, "Would to God," said he, "master More, you had been at Rome, when I made you speaker!" "Your grace not offended," he replied, "so would I too, my lord." More's *Life of Sir T. More*, p. 56. *Works*, li. *Stanley's*, 285. If this be true, Wolsey could hardly find the occasion for, at the dissolution of parliament, he ordered the king, for the usual reward of 200*l.* to More, as speaker, because "no man could better deserve the same than he had done," adding, "I am the rather wroth to put your lightness in remembrance thereof, because he is not the most ready to speak and salute his own cause." *State Papers*, i. 154.

rents of land, and during the fourth year on moveables only. The king in return published a general pardon*.

The grant required of the clergy amounted to fifty per cent. on the yearly income of their benefices; and as the demand was higher than that made on the laity, so was their resistance proportionally more obstinate. The convocations of the two provinces had assembled after the usual manner; when Wolsey, conceiving that he should possess more influence in an assembly under his own immediate control, summoned them both, by his legate authority, to meet him in a national synod in the abbey of Westminster. The proctors however argued, that, as the powers which they held were confined to grants to be made in convocation, no acts which they might perform in the synod could legally bind their constituents: and the cardinal reluctantly suffered them to depart, and to vote their money according to the ancient method. The convocation of his own province awaited the determination of the convocation of Canterbury. In the lower house the opposition was led by a popular preacher of the name of Philips, whose silence was at length purchased by the policy of the court: in the higher, the bishops of Winchester and Rochester persisted in animating the prelates to resist so exorbitant a demand. Four months passed in this manner: at last a compromise was made; the clergy voted the grant, the cardinal consented that it should be levied in five years at ten per cent. each year. He held, however, his legate council, but more for parade than utility, and to cover the disgrace of the defeat which he had suffered in the first attempt †.

The money thus extorted from the laity and clergy

* The five northern counties, Northumberland, Cumberland, Durham, Westmoreland and Chester, were exempt from the tax, on account of the Scotch war; the cinque ports in virtue of their charter, and Ludlow in consequence of a grant from Edward IV., confirmed by Henry VIII. and Henry VIII. *Kalis*, 87, 88.

† *Wol. Con.* ii. 70. *Steph.* i. 42.

was lavishly expended in repelling an invasion of the Scots, in supporting an expedition into France, and in furnishing aid to the allies in Italy. 1. The duke of Albany, after his inglorious negotiation with lord Dacre, had left Scotland: but the principal lords remained constant in their attachment to France, and impatiently expected his return with supplies of men and money. To Henry, meditating a second expedition to the continent, it was of importance to provide for the defence of his northern frontier. He sought a reconciliation with his sister queen Margaret, that he might set her up in opposition to Albany; and gave the chief command in the north to the earl of Surrey, son to the victor of Flodden field, with instructions to invade and lay waste the Scottish borders, that they might be incapable of supplying provisions to a hostile army. Margaret gladly accepted the overture, and consented to conduct her son (he was only in his twelfth year) to the tallhoth of Edinburgh, and to announce by proclamation that he had assumed the government, provided the English general would march a strong force to her support. Surrey repeatedly entered the marches, spread around the desolation of war, and at last reduced to ashes the large town of Jedburgh*. But on that very day Albany landed on the western coast with 2000 soldiers, and a great quantity of stores and ammunition. The projects of Margaret were instantly crushed: at the call of the parliament the whole nation rose in arms; and on the Burrow muir the regent saw above sixty thousand men arrayed round his standard. When Surrey considered the numbers of the enemy and

* Of the havoc occasioned by these incursions, the reader may judge from a letter of the cardinal, dated August 21, in this year. "The earl of Surrey hath so desolated and destroyed all Tweeddale and March, that there is left neither house, fortress, village, tree, cattle, corn, or other savor for man: inasmuch that some of the people that fled from the same, albeit wouns returning and finding no assistance, were compelled to come unto England begging their bread, which oftentimes when they do eat, they die inwardly for the hunger passed. And with no imprisonment, cutting off their noses, branding them in their faces, or otherwise, can be kept away." *Hynd Fieldes, Collett. p. 111, also 236, 1. 314.*

the paucity of his own followers, he trembled for the result; by repeated letters he importuned the council for reinforcements; to the king he wrote to send to the camp all the young lords, who wasted their time at court in cards, and dice, and balls, and recommended his family to the royal notice, if it should be his lot to fall in the approaching battle*. His hopes were however raised by the successive arrival of troops, that swelled his army from nine to fifty thousand men; and having supplied Wark, Northam, and Berwick with competent garrisons, he hastened to Belford, to watch the motions of the regent. That leader fixed his headquarters at Eccles, and undertook the siege of Wark. Having battered the walls with his artillery, he ordered two thousand Frenchmen to storm the breach: they obtained possession of the outer court, and penetrated into the interior ward, but after a long struggle were expelled by the exertions of the garrison. The next day the English were in motion: Albany trembled at the name of the hero of Flodden field; and at midnight the Scottish army retired in confusion across the borders. "Undoubtedly," exclaims Surrey in his despatch to the king, "there was never man departed with more shame or more fear, than the duke has done to-day." The result of this expedition, combined with the remembrance of the last, overturned the authority of Albany; and after an ineffectual attempt to retain the regency, he sailed for France, never more to set foot in Scotland. His departure enabled Margaret to resume the ascendancy, and proclaim her son: but her imperious temper, and scandalous familiarity with Henry Stuart, the son of lord Erskine, alienated her friends; her application to Francis and Albany was received with indifference; and her husband, the earl of Angus,

* Among other things he requested to have a body of 4000 Germans attached to his army, for two purposes; 1^o that they might teach the English to observe the order of battle; 2^o that he might be able to oppose pikemen to pikemen. *Cal. II. vi. 248*. The reader will recollect that they were the Scottish pikemen, who bore down the right wing in the battle of Flodden. *† Cal. II. vi. 366. Ellis, i. 52.*

under the protection of Henry, took upon himself the office of regent. With the hope of obtaining aid from France the war terminated: truce succeeded to truce; and the borders of the two kingdoms enjoyed a long cessation from hostilities during eighteen years*.

2. When Francis supplied Albany with troops and money, he had flattered himself that the Scottish invasion would detain the English forces at home, and would afford him leisure to pursue his intended expedition into Italy, where of all his former conquests he retained only the citadels of Cremona and Milan. To oppose him, a league for the defence of Lombardy had July, been concluded between the emperor, his brother Ferdinand, archduke of Austria, the Venetians, and Francesco Sforza, the reigning duke of Milan; and to this confederacy had afterwards acceded the pope, the kings of England and Hungary, and the republics of Florence, Aug. 3. Siena, and Genoa. His open enemies the French king feared not to oppose with open force: but he was ignorant of the dark and dangerous conspiracy, which from the heart of his dominions threatened to precipitate him from the throne, and to dismember the monarchy. Among the French nobility no one was more illustrious by birth, more distinguished by talent, or more formidable by wealth and connexions, than Charles, duke of Bourbon, constable of the kingdom. Francis had, however, wounded his feelings by affronts, and Louise, the mother of Francis, by claiming the lands which he held in right of his deceased wife; and the duke, prompted by resentment, lent a willing ear to the suggestions of the lord of Beauvain, and sir John Russell, secret envoys from Charles and Henry†. It was determined that as soon as Francis should have crossed the Alps, the

* *Fildes*, 314—324. *Prætorius*, ii 18.

† Henry affected to consider this attempt as a just retaliation for the alliance between Francis and Desmond. But privately he required, as king of France, an oath of fealty, and the loan of herbage from Bourdeaux as his reward. After many evasions Bourbon yielded to the first, but refused the latter as contrary to the terms of the alliance. See *Fildes* and *Turner*.

English should invade Picardy, the Germans in the pay of England Burgundy, and the Spaniards Guienne, and that at the same moment Bourbon should unfurl his standard in the centre of the kingdom, and call around him the friends of his family, whom he numbered at two hundred gentlemen with their retainers. Confident that Francis could never make head against so formidable an alliance, each of the contracting parties indulged in the most magnificent but delusive anticipations. Henry already felt the crown of France fixed on his own head; Charles saw himself in possession of Burgundy, the patrimony of his forefathers; and Bourbon already governed his duchy and the county of Provence as a sovereign prince. The last, that he might not accompany the French army to Italy, feigned indisposition, and was visited in his bed by Francis at the castle of Molins. The king had received some dark hints of the plot; but the apparent candour of Bourbon dispelled his suspicions; and he proceeded in security to Lyons, where he was informed that the sick man had fled in disguise out of France. This intelligence disconcerted his former plans. Bonivet with the greater part of the army was ordered to enter Lombardy; the king remained to make head against his numerous enemies, who were already in motion. The duke of Suffolk, the Sept. English general, had been joined by the imperialists ⁴ under the count de Buren; and twenty thousand men were detained a month under the walls of St. Omer, while it was debated in council whether they should open the campaign with the siege of Boulogne, or march through France to form a junction with the army from Germany. The latter plan, but against the wish of Henry, was adopted: the allied generals, carefully watched by the duke of Vendome, traversed Artois and Oct. Picardy, crossed the Somme and the Oise, alarmed the 16 unwarlike citizens of Paris, and sought their German friends in the neighbourhood of Laon. But to the Germans had been opposed the duke of Guise, who with an

inferior force arrested their progress, and by intercepting their provisions, compelled them to evacuate the French territory. Disappointed in their hopes, the Navarres retroced their steps in the direction of Valenciennois: a continuance of rainy weather, succeeded by a long and intense frost, multiplied diseases in their camp; the men perished daily in considerable numbers; and the two generals by common consent broke up the army. The king, who had already sent orders to Suffolk to spend the winter on the French frontier, received the intelligence with strong expressions of displeasure: and it required all the address of the cardinal to excuse the conduct of the duke, and to screen him from the resentment of his sovereign*.

The emperor had not yet accomplished the invasion of Guienne, to which he had bound himself by treaty. It was indeed long before he could procure from the Cortes a grant of money to put his German auxiliaries in motion: their arrival was retarded by unforeseen impediments; and at last the Spanish lords refused to entangle themselves in the dangerous defiles of the Pyrenees during the severity of the winter. But Charles replied that he wanted not their advice but their obedience; and that he should consider as his personal enemy every man who remained behind. They accompanied him to the walls of Fontarabia; and at the end of three months that fortress opened its gates^{sup. 32}.

3. Italy, however, became the principal theatre, as it was the great object, of the war. From the foot of mount Cenis, Bonivet poured his followers, consisting of Frenchmen, Germans, and Swiss, over the north of Lombardy; Asti, Alessandria, Novara, yielded to the torrent; nor was its progress arrested till it had reached the walls of Milan. That capital, defended by the valour of a numerous garrison, and by the hatred of the

* Conroye Hall (113, 114, 116–117.) with the cardinal's dispatches in Fables. (Collect. 72, 106, 108, 109, 112.) and Du Bellay (Memoirs, 75). See Chap. I. 130–141.

† Pet. Mart. 47, 47.

inhabitants, who had already experienced the tyranny of a French master, detested the power and intrigues of Nov. the invaders; and Bonivet, after a siege of some weeks, 15. was compelled by the inclemency of the season to retire Sept. into winter quarters in Rosate and Biagrasso. In the 14. mean time pope Adrian died; an event which suspended the march of the papal troops, and rekindled the expiring hopes of the English cardinal. The king immediately claimed of the emperor the execution of his former engagement in favour of Wolsey. That minister requested him to intimidate the conclave by the advance of the imperial army; and the English envoys at Rome received orders to spare neither money nor promises to secure the tiara. They were, however, furnished with two sets of letters to be employed according to circumstances; the one recommending the elevation of the cardinal Giulio de' Medici, the other that of the royal favourite. The conclave lasted six weeks: several candidates were successively rejected; and the name of the English cardinal was again brought forward; but the real struggle lay between the French and imperial factions, of which the first, after a long resistance, gave way, and Giulio was chosen at the unexpected nomination of his chief antagonist Pompeo Colonna. He took the name of Clement VII. For this disappointment Wolsey consoled himself with the belief that his ambition would have been gratified, had not the populace of Rome assembled in crowds under the windows of the conclave, and demanded with shouts of intimidation an Italian pope. It is more probable that his exclusion was owing to the obstinacy of the French cardinals, who would never concur in the choice of a man, the most dangerous opponent of their sovereign*.

During the winter Henry meditated the conquest of

* Vidée, Collet, p. 74. MS. Vobli. B. 5. p. 231. Barret, É. Rec. p. 120. iii. B. conda. p. 11—12. Pallavic. 217. Lettre de François, 160. Si n'importe (l'empereur) si à vous voulez employer son armée d'Italie à faire le duc cardinal Pape par force, comme luy a esté fait recevoir par lettres du Roy son oncle, et reçus par lettres de sa main. Le Grand, iii. 46.

Normandy; but for the execution of his plan he required the aid of Bourbon, whose services could not be spared from the intended campaign in Italy. Charles had employed every resource to recruit his forces; while the French army was unaccountably suffered to dwindle away by disease and desertion. Bonivet soon found it necessary to retire from Biagrosso, followed and harassed by a more numerous enemy. He reached Martignano in safety; but, in crossing the Sessia, was defeated with the loss of several distinguished officers, and among them of the chevalier Bayard. From that hour the retreat was changed into a precipitate flight; the French garrisons surrendered at the first summons; and in a few days not a Frenchman was to be found in arms on the soil of Italy. Bourbon, urged by past success and the thirst of revenge, now proposed to carry the flames of war into the heart of his own country; and Charles, though his own generals opposed him, adopted the plan of the exile. Henry, indeed, taught by the result of the last campaign, refused to create a diversion by an invasion of Flanders: but he consented to pay one half of the expense, which had been estimated at one hundred thousand crowns. The marquis of Pescara took the command of the army, amounting to no more than seventeen thousand men: but they were veterans inured to war and victory, and expected to be joined by the numerous friends and partisans of the house of Bourbon in France. The resentment of the duke was, however, disappointed by the inconstancy of the imperial councils; and the army, instead of marching on Lyons, turned to the left to reduce Marseilles, that Charles, like his English uncle, might possess a commodious harbour within the territory of France. But Marseilles was protected by the patriotism of the citizens, and the bravery of the garrison: a numerous army was hastily collected at Avignon for its relief; and at the expiration of sixty days the siege was raised with terror and precipitation. In defiance of the intreaties of his

mother, and the advice of his council, Francis once more aspired to the conquest of Milan; and it became a contest of speed between the two armies, which should be the first to obtain possession of that capital. The French, with their accustomed activity, hastened by the beaten road over mount Cenis: the imperialists, with indefatigable perseverance, waded their way through the ravines, and over the rocks of the Riviera del Mare. When the former arrived at Vercelli, the latter had reached Alba; thence they marched with rapidity to Milan; but, finding that a pestilential disease raged within the walls, they threw a garrison into the castle, and quitted the city by the porta Romana, as their pursuers entered by the porta Teisina. It was thought, that if Francis had continued to follow the enemy, he might by one blow have terminated the war: but he turned aside to besiege the strong city of Pavia, defended by Astorre de Leyva with a garrison of six thousand men. For three months the attack and defence of the place were conducted with equal obstinacy and equal confidence of success: but the French monarch imprudently divided his strength by detaching Albany, the late regent of Scotland, to invade the kingdom of Naples, who was opposed on his march by the Colonna, and advanced no further than the walls of Rome*.

We may now revert to the transactions in England, and trace the origin of that dissension, which gradually led to the dissolution of the friendship between Henry and Charles. In the beginning of the year the archbishop of Capua received a commission from Clement to proceed to the different powers at war, and to make them an offer of the papal mediation. The king of England replied, that he should never separate his interests from those of his nephew; but that, if any negotiation should take place before his illness, it would be proper that a secret but accredited agent from the French cabi-

* *Vol. B. l. 109. Muratori, l. 28—299.*

net should be sent both to the imperial and the English courts. Within a few weeks an Italian, named Giovanni Joachino, in the service of Louise, regent of France during her son's absence, appeared at Boulogne in quality of a merchant, and solicited a passport to England*. On his arrival Wolsey acquainted De Praet, the imperial ambassador, with the real character of this pretended merchant; but at the same time promised to communicate to that minister whatever overtures might be made through his agency. Suspicion, however, was excited by the frequent interviews between the cardinal and Joachino; at the end of eight months De Praet could no longer conceal his alarm; and in his letters to the emperor, and to Margaret, the governess of the Netherlands, he disclosed his apprehensions, and the grounds on which he had formed them. On one of these occasions, his messenger was stopped on the road as a vagrant, probably by the contrivance of the cardinal; and the dispatches which he carried were deciphered, and read before the council. Both Charles and Margaret immediately complained of the insult which had been offered to them in the arrest of their servant: but Wolsey, to justify himself, attributed it to accident: declared that he had faithfully communicated to De Praet every proposal made by the French agent; and protested that nothing could be further from his wish than to foment dissensions between his sovereign and the emperor. It must be acknowledged that the transaction wears a very suspicious appearance: but his assertion is borne out by the tenor of his dispatches both immediately preceding, and immediately following, this quarrel†. Suspecting that Clement was inclined to favour the cause of France, he had instructed the bishop of Bath to remind the pontiff of his obligations to the king and the emperor, and to warn him of the

* Joachino was a Genoese, seigneur de Vaux et Pray, conseiller and steward of the household to Louise. *Rap. post.*

† *Fishes*, 308—309. *Hall*, 155—156. *State Pap.* i. 151.

erils to which he would expose the church of Germany, by offending the only prince who would protect it against the enmity of the reformers*. Sir John Russell received orders to pay fifty thousand crowns as a reward to the army of the duke of Bourbon, with discretionary powers to add five or ten thousand more, if it were necessary or expedient: Pave was commanded to urge the Venetians to seize the defiles of the Alps, and intercept the reinforcements which were on their march to join Francis; and sir Gregory de Casle was instructed to concert with Lannoy, the viceroy of Naples, means to protect that kingdom against the forces of Albany, and to preserve Milan from the dominion of France†.

But this anxiety of Walsey was entirely superfluous. Before his dispatches could reach the theatre of war Italy had been sared, and Francis was a captive in the hands of the emperor. Though Leyva had successfully repelled every assault of the besiegers, he beheld with dismay the rapid approach of famine; and communicated his situation to the imperial generals in the following laconic note: "Either come to us, or we must cut our way to you." The French army lay strongly entrenched under the walls of Parma; and its rear-guard was posted in the beautiful castle of Mirabello, situate

* The following passage does honour to the cardinal: "Hinc est uti
"the truth, and to acquit myself of my duty and most tender zeal towards
"his holiness, I cannot see how it may stand with the pleasure of Almighty
"God, that the heads of the church should thus involve and mix them-
"selves, and the state by consequence, into temporal princes in the wars:
"let that, as I verily suppose, since the leagues offensive and defensive,
"or both have been used to be made in the name of the pope, God has
"stricken and sent affliction to the holy church." *Folios 303.*

† *Folios 302, 303. Collet 116.* I have entered into this detail that the reader may judge of the credit due to an assertion first made by the imperialists, and since taken for granted by historians, that the subsequent alliance between Henry and France, and the divorce of queen Catherine, were suggested by Walsey, in order to revenge himself on the emperor for the disappointment of his hopes with respect to the papacy. For eighteen months after that disappointment no traces of his direction appear in his dispatches, but the most eager desire to promote the common cause of the cause. It is objected to the cause of France till the imperialists had obtained some degree of advantage, and suspended the remission to Bourbon's army, till the emperor fulfilled his previous engagements, he did nothing more than his duty, after the wait of god faith which he had formerly expressed.

in an extensive park, which had been enclosed with a high and solid wall. The allies having, to conceal their *Fa* design, made false attacks during several days, marched 24. silently at midnight to the park: a body of pioneers began to demolish the wall: before daylight the army entered through a breach one hundred paces in length; and at dawn the castle was carried by surprise. Francis hastily and unadvisedly drew his troops out of their intrenchments, and marched to oppose the enemy. Of the battle which followed it is difficult to form any distinct idea from the confused narratives of the original writers. But the French were harassed in the rear by the garrison; they were deprived of the use of their artillery by interposing themselves between their trenches and the allies; and their gendarmes, after gaining some advantages, was broken by a strong body of Spanish musketeers. The Swiss in the pay of Francis did not maintain their former reputation, but turned their backs at the first charge; and the German auxiliaries, who fought with the bravery of despair, were slain to a man. The king saw the most faithful of his nobles fall around him: he had received two slight wounds in the face, and one in the hand; his horse was killed under him; and still he refused to surrender to the Spaniards by whom he was surrounded. Fortunately Pamperant, a French gentleman in the service of Bourbon, recognised his sovereign, and called Lannoy, who kneeling kissed the king's hand, received his sword, and in return gave his own, saying that it did not become a monarch to appear unarmed in the presence of a subject. With Francis were taken the nominal king of Navarre, the bastard of Savoy, and many distinguished noblemen. The slain amounted to more than eight thousand men, among whom were several captains of rank, and, to the great satisfaction of Henry, Richard de la Pole, the pretender to the English throne*.

* *P. A. Mem.* p. 44. Du Bellay, *l'it.* Galici ed. 1684.

In London the victory of Pavia was announced to the citizens with every demonstration of joy. A day of thanksgiving was appointed; the cardinal officiated at St. Paul's; and the king assisted in state with the ambassadors of the allies. To derive every possible advantage from the captivity of Francis, Tunstall, bishop of London, and Wyngfield, chancellor of the duchy of Lancaster, were despatched to the imperial court, with instructions to place every obstacle in their power to the liberation of the royal prisoner; and to propose that Henry and Charles should invade France in concert; that they should meet each other at Paris; and that the king of England should ascend the French throne as his lawful inheritance, while the emperor should recover those provinces to which he laid claim as representative of the house of Burgundy*. But to execute this gigantic plan required a copious supply of money; and, though the time allotted for the late taxes was not expired, yet their produce had been already anticipated. To another parliament the king felt an insuperable objection; for the last had not only cut down the amount of his demand, but had also deferred the grant till after the time when it was most wanted. He therefore resolved to raise money by the royal prerogative; a fourth was demanded of the clergy, a sixth of the laity; and commissioners were named to levy the new subsidy in the different counties. But the clergy made the most obstinate resistance. They replied, that the commission was contrary to the liberties of the realm; that the king could take no man's goods, but by due order of law; and that therefore they would pay nothing more than they had already granted in coercion. They even preached

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these doctrines from the pulpit, and by words and example animated the people to resistance. Informed of the general feeling by the commissioners, the king reluctantly issued a proclamation, stating that he de-

* *Foils*, 37, 38.

wanted no particular sum, but would rely on the "benevolence" of his subjects, and accept whatever they might individually think proper to give. But this expedient did not succeed. It was replied, that benevolences had been declared illegal by act of parliament. In London the citizens by their unanimity eluded the artifices, the prayers, and the arguments of Wolsey; in Kent the commissioners were insulted and put to flight; in Suffolk four thousand men took up arms, but were persuaded to return to their homes by the duke of Norfolk; and at length Henry, by a proclamation published, as was pretended, at the earnest request of the cardinal, remitted to his subjects all the demands which he had made. Thus the spirit of the clergy and people triumphed over the despotism of the king, and the wiles of his minister; and this attempt to invade, served only to strengthen, and perpetuate, the liberties of the nation*.

Before the arrival of the English envoys the invasion of France had been debated and rejected in the imperial cabinet. Charles, though the lord of so many nations, could not raise a single crown without the consent of his subjects; and, instead of being able to defray the expense of a new expedition, had not wherewith to liquidate the arrears of his victorious army in Italy: while France, though humbled by the captivity of her king, and the loss of the mercenary Germans and Swiss who followed her standard, still preserved her native strength unimpaired. On these grounds the emperor preferred negotiation to war, forbade by proclamation any inroad into the French territory, and cheerfully consented to an armistice during the six following months. To the proposal of the ambassadors he replied, that, as the game was already enclosed in the toils, they had nothing more to do than to make the most of their good fortune; and for that purpose he requested both

* Hist. 137-142.

the king and the cardinal to empower the English agents to co-operate with the imperial ministers in settling the terms on which Francis should recover his liberty*. From his letters it is plain that he had no wish to dissolve his alliance with Henry: but it is also true that his displeasure at the conduct of the English cabinet, joined to the great superiority which he had obtained, made him less solicitous to flatter the vanity of his uncle, or to retain the friendship of the favourite.

1. The insult which he had received in the person of his ambassador had sunk deep into his breast: nor was the subsequent treatment of De Praet of a nature to soothe his resentment. That minister was become the object of Walsey's hatred: his character was publicly lampooned; his life was even menaced; and at last

Apr. 11. (whether through apprehension, or the orders of his court, is uncertain) he privately left London, and by extraordinary exertions reached Madrid before the arrival of Tunstall and Wyngfeld†. ‡. The constant residence of Jorecino in the neighbourhood of Westminster was another source of suspicion and uneasiness: nor could Charles be persuaded that more did not pass in the interviews between him and the cardinal, than the latter chose to avow‡. §. By letters which had been intercepted at sea, he had learned that the princess Mary, though she had been contracted to him for years, had been secretly offered in marriage both to the king of Scotland and the king of France; and to put Henry's sincerity to the test, he now formally demanded her as his wife, promising that if she were conveyed to the Low Countries, she should be proclaimed empress, and should be

* Qu'il peussit donner en mariage: et ainsi les rois se valurent. Il ne fût sonz ruy à parier la ruy. Ambias de M. de Tertes, apud Le Grand, Hist. ordi. France, t. 4. li. 10. 41.

† Hall, 320. Il fit voür escurier d'Angleterre maltré, menasé, puis les lettres en l'écritant s'en firent, et telles courtes par les ministres de France contre les dits d'ordres de l'ambas. Charles menasé against Walsey, apud Le Grand, ib. 41. Bymer's uncoll. papers, Hen. VIII. vol. m. 43.

‡ Le Grand, t. m. 39. Fables, 330.

received with the honours due to that high dignity. The king denied the charge, but refused to part with his only daughter at so early an age. He would, however, pledge himself to deliver her, whenever Charles would enable him to receive the crown of France in Paris, or would give him in exchange the captive monarch*.

If we may credit the assertion of Henry, it was the cold and supercilious tone now assumed by Charles, and the little attention paid to his counsels, which alienated him from his nephew: perhaps if he had faithfully analysed the workings of his own breast, he would have discovered that he was also envious of the elevation to which the young emperor had been raised by the battle of Pavia, and began to fear from his superior power that danger to the liberties of Europe which he had formerly imparted to the ambition of Francis. There was another reason which weighed still more powerfully with his minister. In the present embarrassed state of the finances it was necessary to procure money from some source or other. His recent failure had taught him that he could not extort it from the people; and he knew that to expect it from the justice or the gratitude of Charles was useless. France alone presented a certain resource. By a separate negotiation with that power, he would be enabled to dictate the conditions of peace; and, besides preventing the extraordinary expenses incident to a state of war, might insist on the payment of the large sums due to England from France by former June conventions. To the first overture from Joachino he returned a most favourable answer: an armistice July granted for forty days was soon prolonged to four 13. months; and during the suspension of arms, an alliance defensive and offensive was concluded between the two Aug. crowns. The French cabinet purchased this advantage 30, with the following sacrifices. It consented, 1^o. To pay to Henry, in lieu of his present demands, the sum of two

* Le Grand, xi. 39. Hall, 30. Fildes, 30.

millions of crowns by half-yearly instalments of fifty thousand crowns each, and, when that debt should be fully discharged, to pay him moreover an annual pension of one hundred thousand crowns during the term of his natural life: 2°. To allow Henry's sister Mary, the queen dowager of France, to enjoy the full profits of her dower for the future, and to discharge the arrears already due to her by half-yearly payments of five thousand crowns. 3°. To pay to the cardinal, by regular instalments in the course of seven years and a half, thirty thousand crowns, due on account of his resignation of the bishopric of Tournay, and one hundred thousand more as a reward for his services to the royal family of France: 4°. and lastly, to engage that the duke of Albany should never return to Scotland during the minority of the present king. To ensure the faithful performance of these articles every possible formality was observed. Louise sanctioned them with her oath; Francis ratified them both during his captivity, and again after his release; and the principal of the French nobility, with the great cities of Toulouse, Lyons, Amiens, Rheims, Paris, Bordeaux, Tours, and Rouen, bound themselves, under the forfeiture of all their property, not only to observe the treaty themselves, but to compel the king himself to observe it by all the means in their power*. After this the reader will perhaps learn with surprise, that at the same time the attorney and solicitor general of the parliament of Paris entered on the private register a solemn protest against the whole transaction, that Francis might, whenever he thought proper, found on that protest a refusal to fulfil these engagements†.

The captive monarch was at first confined in the strong tower of Pizrigintone: but he longed to see Charles himself, in the hope of acquiring by his address the esteem of the young conqueror; and at his own petition

* *Bym. s. v.* 3, 6-10, 11-15.

† *D'Orléans, tom. 125.*

was removed from Italy to Spain, from Pizarrigione to June the Alcazar of Madrid*. But his expectations were 14 disappointed. The imperial ministers were aware of the disposition of Charles, who seldom refused a favour; they feared that through pity or vanity he might be drawn into imprudent concessions; and, before the arrival of Francis, had removed him to Toledo, that he might preside at an assembly of the Cortes. There he was assailed by the importunities of the nation, importunities probably dictated by himself, in order to preserve the succession; and in consequence he instructed his ambassador in London to demand that the lady Mary should be sent to Spain, or that he should be released from his contract to marry her. Henry a second time refused to part with his daughter at that early age; but acknowledged that such refusal on July his part ought not to prevent the emperor from consult- 6- ing his own interests, and therefore sent full power to the English ambassadors to give him a formal release from Sept. his engagement. They, however, received it not before 13. Charles was perfectly acquainted with Henry's defection to the cause of his adversary: still he accepted the release as a boon: because, without the dissolution of his contract with Mary, he could not be validly contracted to any other woman. In a few weeks he married Isabella, infanta of Portugal, who brought with her a marriage portion of nine hundred thousand crowns †

* A la requeste dudit seigneur Roy Treschrestien. *Rev. xiv. 202.*

† *Lequel anno myeuls d'envoyer pourrir à ses ambassadeurs pour conclure à autre mariage avec diverses conditions, que d'envoyer sçavoir elle par deça. Memorial of Charles apud Le Grand, iii. 40.* When the demand was made, Mary was only in her eleventh year. Hall says, that the junta advised Charles not to wait till she were of age: he then adds; "they also said she was begotten of his brother's wife." (Hall, 183.) On the authority of this passage, several writers have ventured to assert that the validity of Henry's marriage with Catherine was disputed in Spain, and that Charles refused to marry Mary on the ground that her legitimacy was doubtful. Among these was Bœnet, in his first volume, p. 278: but having afterwards seen the instructions to the ambassadors at Madrid, he could not acknowledge that it was a mistake. (Tom. vi. p. 36.) Isabella was espoused to Charles on Nov. 1: and, on account of some objection to the dispensation, again on Jan. 30. The marriage took place at Seville, on March 11.

In the mean time negotiations had been opened and interrupted, resumed and adjourned, between the French and imperial ministers. Francis signified his willingness to abandon his right of sovereignty over the country of Flanders, and even to renounce his claim to the duchy of Milan and the kingdom of Naples: but he refused on any consideration to sever the rich province of Burgundy from his crown, and offered in its place a considerable sum of money. Charles indignantly replied, that money was not his object: that he did not mean to sell the liberty of his captive, but to recover what was his own*; that it was not fifty years since Burgundy had been unjustly wrested from his family; and that Francis must now restore it, or linger out his days in a prison. It was in vain that the king threatened to commit suicide, that he neglected his health till his life appeared in danger, that he signed an act of abdication in favour of the dauphin. No argument could mollify the emperor, no artifice elude the penetration of his ministers. At length 1576
Jan. 14. the reluctance of Francis was apparently overcome. He consented to transfer Burgundy to Charles within six weeks after his release; to surrender his two eldest sons as hostages for the performance of that engagement; to renounce his own pretensions to Milan, Naples, and the sovereignty of Flanders, if on the other part the emperor would renounce his to Boulogne, Poitieu, and several tracts on both banks of the Somme; to marry Eleonora, the sister of Charles; to restore the duke of Bourbon to all his former rights and possessions; to guarantee the emperor against the demands of the king of England for the arrears of his pension, which had been suspended during the war; and, if he found himself unable to fulfil these articles, to place himself again a captive in the hands of his adversary†. The honour of Francis has been the theme of many panegyrists: it will be difficult to

* Non liberationi regi vendens . . . sed quod eum jure suum peremerit
hinc eum adijcere. Sepulveda, l. vi. p. 141.

† *Ibid.* xii. 365.

discover any traces of it in his conduct on this occasion. On the very morning on which he had determined to sign the treaty, he called a few trusty friends around him, read to them a protest against the validity of the act which he was about to perform, and then, with the resolution to violate his promise, wrote his signature, engaged to fulfill every article on the faith of a king, and confirmed that pledge with the sacred obligation of an oath.

The treaty of Madrid called into action the diplomatic finesse, or rather the low cunning of the English cabinet. As soon as the particulars were known, sir Thomas Cheney, and Dr. Taylor, a celebrated jurist, were despatched to France, ostensibly to congratulate the king on his release from captivity, in reality to obtain from him the ratification of the convention already concluded with Henry by his mother, and to urge him to the violation of that which he had himself concluded with the emperor. But they were instructed to proceed with caution and dissimulation; to ascertain previously the real dispositions of the French cabinet; to speak as from themselves, and not in the name of their sovereign; to affect ignorance, and request that the treaty of Madrid might be communicated to them; to exclaim against the severity of its conditions, and to express their hope that the nation would rise in a body, and prevent the king from fulfilling them. Then Cheney, who knew nothing of law, was to inquire of his colleague, if it were possible that oaths and promises made in such circumstances could be binding; and Taylor, who was already furnished with pretended precedents, and with the opinions of canonists and divines, was in a learned discourse to maintain the negative*. When they set out, Francis had already crossed the small river Andaye, the boundary between his dominions and those of Spain, so which he had been

* *Foiles*, 338-361. *Stowe*, 61-63.

exchanged for his two eldest sons, the dauphin and the Mar duke of Orleans. The same day he rode to Bayonne, where he signed the bond for the payment of the two millions of crowns, and the yearly pension to Henry, and wrote to him a letter expressive of his gratitude for the interference of the English monarch, and of his resolution to be guided by him in all his transactions with the emperor. At Bordeaux he received the ambassadors, and ratified with his signature the existing engagements between the two crowns*. If soon appeared that he required not the invitation of Henry to violate the treaty of Madrid. He refused to surrender Burgundy, on the pretext, that it was contrary to his coronation oath, and to the will of the natives; but offered in compensation, what had been before rejected, a sum of money. Charles immediately called on him like a loyal prince to return into captivity: but he laughed at the requisition, and spent the summer in negotiations with Henry. Francis bound himself never to make peace with the emperor till full security were obtained for the liquidation of the debt due to the English king from Charles: and Henry engaged not to accept of such security, till the French princes should be freed from captivity for a ransom of one million of crowns. But here the king and his ministers thought it expedient to pause. Francis sought to make Henry a party in the war. But Wolsey, though he deemed it proper to keep alive the hopes of the French monarch, was at the same time too cautious to be drawn into any positive engagement on the part of his sovereign †.

* *Rem. six.* 120—131 134—154.

† *Stat. Pap.* 1. 170. 7. *Rom.* 154. 7. 9—100. In one of the conferences at Spa, the emperor's ambassador, speaking of the violation of the treaty of Madrid, let fall the words "to school and peddle." Francis complained of them to Henry as an insult to all crowned heads. The king replied that the character was the most infamous of men; and Wolsey, after a long conference with him, advised that Francis should demand personal satisfaction of the emperor, unless he discovered the language of his minister, and proposed that Henry himself would take up the quarrel.

That I might not intercept the course of political events, I have hitherto abstained from noticing the religious revolution, which had already occurred in Germany; and which gradually new-modelled the clergy, subverted the established creed, and abolished the papal authority in several of the states of Europe. As in a few years it penetrated into this island, and produced the most important innovations in our religious polity, it cannot, though of foreign origin, be deemed foreign to the history of England; nor will the reader be displeased, if I have reserved for the conclusion of this chapter a more detailed account of the causes which led to its commencement, and accelerated its progress.

It is well known that the primitive church visited with peculiar severity the more flagrant violations of the divine law; and that such punishments were occasionally mitigated by the "indulgence" of the bishops, who, in favour of particular penitents, were accustomed to abridge the austerities enjoined by the canons, or to commute them for works of charity, and exercises of piety. When Urban II. in the council of Clermont called upon the Christian nations to emancipate Jerusalem from the yoke of the infidels, he offered to the adventurers a "plenary indulgence;" that is, he enacted that all who, having confessed their sins with true repentance of heart, might engage in the expedition, should be exempted, in consequence of the labours and dangers to which they voluntarily exposed themselves, from the canonical penances to which they were otherwise liable*. Two centuries later, in the council of Lyons, the same indulgence was extended to those who, unable to join the crusade in person, should by voluntary donations contribute to its success†. From that period indulgences began to be multiplied. As often as money was required for any object really or apparently

If anything should prevent Francis from meeting his adversary. Le Grand, ii. 33. 53. 64.

* Conc. Clermont, can. 2.

† Conc. Lugdun. l. sup. xvii.

connected with the interests of religion, they were offered to the people; and, as men give with less reluctance, when they are left to their own option, than when they are compelled by force, the expedient generally succeeded. But abuses of two kinds grew out of the practice. 1°. The money was frequently diverted from its original destination, and found its way into the private coffers of the pontiff, or into the treasuries of the secular princes*. 2°. The office of collecting the contributions was committed to inferior agents called questors; whose interest it was, as they received a per-centage on the amount, to exaggerate the advantages of the indulgence, and to impose on the simplicity and credulity of the people. It is indeed true that, to prevent such abuses, severe constitutions had been enacted by several popes†: but these laws were either not enforced, or had fallen into disuse; and those who bewailed the evil, saw little hope of a remedy from pontiffs, who seemed to have forgotten their spiritual character, in their ardour to free Italy from the dominion of strangers, and to aggrandise at the same time their respective families.

Among the different projects which occupied the restless mind of Julius II., was that of erecting a temple worthy of the capital of the Christian world, of enormous dimensions and unrivalled magnificence. To raise money for this purpose, he had published an indulgence in Poland and France; which his successor Leo X. had with the same view extended to the northern provinces of Germany‡. The papal commission was directed to Albert, elector of Mentz, and archbishop of Magdeburg; and that prelate employed as his delegate Tetzel,

* Thus about six years before the rise of Luther, an indulgence had been granted in Saxony, to raise money for the war against the Turks. But the whole sum was divided between the emperor and the elector, who afterwards patronised Luther. As some reparation, he gave 200 Rhenns to the church of Wormsberg. Schmidt, *l. vii. c. 2.*

† *Quoniam nihil voluit me habiturum patrum papam . . . quod in suis decretis dicitur de indulgentiarum remissione.* Lath. *Op. l. Præf.*

‡ Pallavicini, *l. 62.* That he had assigned, as is often said, a portion of the profit to his sister Catherine, is shown to be false by Pallavicini, *54.* Even Luther says the money was of *Sancti Petri.* *Op. l. l. 11.*

a dominican friar, who had already executed the same office under the Teutonic knights. The brethren of Tetzel rapidly spread themselves over Saxony: some, not content with their sermons from the pulpit, offered indulgences in the streets and markets, in taverns and private houses; they even taught, if we may credit the interested declamation of their adversary, that every contributor, if he paid on his own account, infallibly opened to himself the gates of heaven; if on account of the dead, instantly liberated a soul from the prison of purgatory*.

The origin of the revolution which followed may, with probability, be attributed to the counsels of Staupitz, vicar of the friars of St. Augustine. It has been generally supposed that he was actuated by a spirit of opposition to the dominicans, whether that opposition sprang from any previous rivalry between the two institutes, or from resentment, that the lucrative office of collecting the contributions had been bestowed on Tetzel instead of himself†. For his ostensible agent he selected a young friar of his own order, Martin Luther, a man of an ardent mind, of unimpeached morals, and of strong prejudices against the court of Rome. When Frederic, elector of Saxony, founded the university of 1508. Wittenberg, Luther had obtained a professorship at the recommendation of Staupitz, and soon attracted notice by the peculiar boldness of his assertions, and his constant preference of the opinions of Plato to the doctrines of Aristotle. He was now in his thirty-fifth year, vain

* Luther, l. 1. 137.—Erasmus says, *de indulgentiis sic lopebantur ut nec illas terre possent . . .* *Alie opinio, moventur animos Lutheri et prius auctori se quoniam incolebilit impudente opponere.* Ep. ad M. Mag. Ansbey, p. 422.

† Compare the letter of Luther to Staupitz, with that of Staupitz to Spaldin. *Luth. Oper.* l. 94. 263. *Poller.* l. 92. *Spondan.* ad. ann. 1507. That the office was taken from the Augustinians and given to the Dominicans, is not true. It had before been executed by the latter, and the friars refused. *Poller.* l. 92. 37. But many attributed the controversy to the jealousy between the two orders, as Leo himself (*Buzdell.* par. III. noed. 35) Valter (*quæst. Pet. Mart.* 281) and Coellers (*quæst. Raywald.* vi. p. 26).

of his talents for disputation, and fearless of opposition; and eagerly undertook the task assigned to him by the zeal or the envy of his superior*. His first essay was the composition of ninety-five short theses on the nature of indulgences and the errors of the questors; which he enclosed in a letter to the archbishop, with a significant hint, that unless he interposed to remedy the abuse, some orthodox writer would reluctantly come forward to expose the falsehood of the doctrines publicly taught under the sanction of his authority. But his ardour in Oct. the cause did not allow him to wait for the answer of the prelate. The same day or the next morning he affixed his theses to the great door of the church of Wittenberg; then maintained them publicly from the pulpit; and afterwards dispersed them in printed copies through the chief cities of Germany. These celebrated propositions had been selected with much care and ingenuity. Though in most points they receded from the more common opinions, there were few among them which could not claim the patronage of some orthodox writer; and for greater security they were brought forward not as incontestible doctrines, but as mere doubts, which had suggested themselves to the mind of the professor, and which he submitted to discussion for the sole purpose of discovering and establishing the truth. They moreover possessed another recommendation to popularity; they were seasoned with bold and repeated screams against the insatiate rapacity of the court of Rome, and the personal avarice of the collectors †.

The dominican friars were alarmed and exasperated at

* Luther in his letter to the pope attributed his opposition to zeal, or the warmth of youth: *pro pro Christi sciam mali vi deum, aut, si sola pharis, pro juvenili calore, quo urebar.* Lett. 1. 66.

† *Amor et studio clarissime veritas hinc subvertitur thesauri dispensatione & revocatur, perinde ut R. P. Martinus Luther, Eusebiano Augustino animæ & Theologo Magistro episcopi dilecti ordinis doctor,* Lett. Op. 2. Whose enemies these propositions, or the disputes to which they gave birth, will plainly see that to do as he taught, as they are sometimes supposed to have done, that indulgences were remissions of sin, or payment of a sum of money, according to a fixed table of rates, was to say that they were "remissions of sin not yet committed."

the opposition of Luther. They refuted his theses with warmth, and were answered by him with greater warmth. The controversy soon attracted public notice throughout Germany, and the neighbouring countries. Some hailed the attempt of Luther as the prelude to a reformation of abuses; many began to tremble for the unity of the church; and others amused themselves with observing the arts and the vehemence of the contending parties. In the latter class, if credit be due to the novelist Bandello, we must place Leo himself, who admired the talents of Martin, and is said to have viewed with indifference the rise of the quarrel between him and his opponents*.

Luther, however, aware that he had given cause of offense, and apprehensive of the resentment of the pontiff, thought it prudent to address to him a most submissive letter, concluding with these words: "Wherefore, most holy father, I throw myself prostrate at your feet with all that I have or am. My life and death are in your hands. Call or recall me, approve or condemn me as you please. I shall acknowledge your voice as the voice of Christ, who presides and speaks in your person†." He may have been sincere in these professions; but they were only the passing effusions of the moment. The new apostle soon reverted to his former course, extending his researches from indulgences to other articles of the established creed, and displaying a marked partiality for such opinions as were most calculated to shock the feelings and confound the notions of men. At Heidelberg he maintained both in word and writing, that by the fall of Adam man has been deprived of the use of free will; that faith alone is sufficient for salvation; and that the best of our actions

* *Che in Berlino aveva bellissimo ingegno, ed che questo stato invidiava tanto.* Bandello, par. iii. novel. 35.

† *Quare, beatissime pater, prostratum me posuisti tibi brachialibus, utrumcumque amplexus que sum et habeo.* *Vindiciæ, annis. 1520, 155. et: appenda, apud, ut supra.*—*Item: Item, in Christi in te presentia et quædam agnoscere.* Luth. Op. i. 65.

1518. are of their own nature grievous offences*. The auditor
 Aug. of the papal court, the bishop of Asoli, had already
 7 cited him to appear at Rome within sixty days; but, when he heard of Luther's conduct at Heidelberg, he pronounced him a heretic without waiting for the expiration of that term. Tommaso de' Vio, commonly called cardinal Cajetan, the legate in Germany, was ordered at the same time to summon the new preacher Aug. before his tribunal, and to absolve him if he showed 21. signs of repentance, but otherwise to keep him in safe custody till instructions should arrive from Rome †.

Luther now began to betray symptoms of terror. He petitioned that his cause might be heard in Germany and not at Rome; he procured a testimonial in favour of his morals and orthodoxy from the university of Wittenberg; and he earnestly solicited the elector to antedate and sign a paper, containing a fictitious refusal of Sept. a passport, that the professor might exhibit it as a proof 25. of his willingness to obey the citation, had he not been prohibited by his sovereign‡. But the sophisms, with which he laboured to justify the falsehood, did not satisfy the conscience of Frederic; who, at the conclusion of the diet, compelled Luther to proceed to Augsburg. Contrary to his expectations, he was received Oct. with kindness, almost with respect: but all his arti- 2. cles to inveigle the cardinal into a verbal controversy were useless. Cajetan replied that he had no commission to dispute. As a friend he would admonish Luther 13. to retract his errors; as a father he was ready to receive a repentant son. At the close of their third meeting, Cajetan, Staupitz the vicar, Lantz, the confidential friend of Luther, and Ursinus, the envoy from Montserrat,

* Luth. Op. i. 34—37.

† Luther explains that sentence had been pronounced before the expiration of the sixty days; but he seems to have forgotten that in the mean while he had read several other decrees at Heidelberg, which had been already declared heretical. To these Leo alludes in his letter. Thiel. 164.

‡ Luth. Ep. l. 55. Apud Palat. c. 68.

§ Sacerdotis falsis est elementum, ut pape verberanda. Luth. Op. i. 164.

spent some hours in private consultation, and at length concluded an arrangement, which it was presumed "would put an end to the scandal, without compromising the honour of the holy see, or the character of the professor." But the credulity of the cardinal was deceived by the insincerity of the opposite party. Though Lantz returned to announce that the arrangement was satisfactory to Luther, though Luther himself wrote a letter expressing his regret for the offence which he had given, promising to remain silent, if his enemies would permit him, and requesting that the points in dispute might be referred to the judgment of the pontiff; yet a contrary resolution was soon afterwards taken; Staupitz secretly departed from Augsburg in the evening; and the professor followed the next morning, leaving a second letter for the cardinal, in which he refused to make any recantation, but still avowed his readiness to submit to the decision of the holy see*.

The partisans of Luther had awaited with anxiety the issue of the meeting: they hailed as a triumph his safe and speedy return to Wittenberg. Cajetan complained in vain of the deception which had been practised upon him, and solicited the elector to send the refractory professor to Rome, or at least to banish him from his territories. Frederic replied, that justice forbade him to punish before conviction, and that his regard for the university would not allow him to deprive Wittenberg of its brightest ornament. It has been thought that the last reason weighed more with the elector than he was willing to admit. That school of learning had been founded by his care and munificence; he had established the laws by which it was governed; the professors were of his own choice; and by the union of polite literature with the study of law, philosophy, and

* We have two accounts of the transactions at Augsburg, one by Luther, who labours to justify himself (Op. i. 164 et seq.), and another by the cardinal in a letter of complaint to the elector. See his fundamētis, cum hęc sęp̄ter om̄ia, nulli, sine sibi, p̄hibēre dixerat. Fovale lectur. Martin et sequenti consilium obsequii. *Ibid.* 176.

theology, it had already acquired a superiority over the more ancient universities. The novelties of Luther, instead of repelling, attracted students; and Froelric was proud of the man, whose reputation added to the prosperity of his favourite establishment. In this disposition of mind he was easily led to believe, that the opposition to the professor sprung not from any zeal for truth, but from resentment for the loss of those gains, which had formerly enriched his adversaries*.

- No. 9. By this time Leo had published a bull declaratory of the doctrine of the Roman church respecting indulgences, the original subject of the controversy. Though it does not mention Luther by name, it is evidently pointed against his assertions. It teaches that the pope, as successor of St. Peter, and the vicar of Christ upon earth, possesses the power of granting for reasonable causes certain indulgences in favour of such of the faithful as are in a state of grace, whether they be alive or dead, for the remission of the temporal punishment due on account of actual sin. This bull, which probably was issued in consequence of the arrangement concluded at Augsburg, proved the sincerity of Luther to the quick. He had promised to accept the decision of the pontiff, whether it approved or condemned his doctrine. That prelate had now spoken, and the decision was unfavourable: but the professor, forgetful of his former protestations, instead of submitting, appealed by a formal instrument, from the pope ill-informed, to a general council?.

* *Potentior enim memulo nostro consilio est . . . Exceptis tamen his, quantum potestate et utilitate percussore eruditio ejus non prohibet, qui ut potius commiserit considerat, Martinus esse adversarius oppositor at, suo tamen opposito contra Martinum noniam peccato. Op. l. 160.* It is also observed by Valart, *Pet. Mart. Ep.* p. 383, that Froelric was the personal enemy of the archbishop, and therefore had forbidden the produce of the indulgences to be forwarded to him. Hence it was suspected by many, and asserted by the duke of Brunswick, that Luther had been originally selected to oppose the indulgences by the ministers of Froelric. The use then is taken by Melancthon in the preface of Luther's *De Indul.* c. 2. p. 6.

* *Laqueus, acceptansque quilibet sine damnato sine appropositi ratione facti. Dec. 25. 1521.* It is to be plain that his many and

He had hitherto been checked in his career by his apprehensions of the emperor Maximilian: the timely but unexpected death of that prince added to his security, and encouraged his confidence. During the vacancy, his patron, the elector, exercised, as hereditary vicar, the imperial authority. Under his protection the Wittenberg professor continued to make discoveries; he plunged fearlessly into the fathomless abyss of grace, free-will, and predestination: as if he sought to perpetuate division, he invented new terms for his doctrines, in opposition to those which had been consecrated by the use of ages; and he evidently laboured to subvert the foundations of the existing church, that he might raise another on its ruins. Nor will the project appear extravagant, if we consider the causes which concurred to give encouragement to his views, and to swell the number of his well-wishers.

1°. There existed in Germany a very prevalent feeling of disaffection to the see of Rome. The violent contests between the popes and the emperors in former times had left a germ of discontent, which required but little aid to shoot into open hostility; and the minds of men had of late years been embittered by frequent but useless complaints of the expedients devised by the papal court to fill its treasury at the expense of the natives.

2°. The chief of the German prelates were at the same time secular princes; and, as they had been promoted more on account of their birth than of their merit, they frequently seemed to merge their spiritual in their temporal character. Hence they neglected the episcopal functions: the clergy, almost free from restraint, became illiterate and immoral; and the people, ceasing

strong assertions of respect and obedience were signed to serve his present purpose. For at the same time he wrote from Augsburg to Melancthon: *Itala est in Egyptiænebras palpabilis projecta; alio ignorat omnes Christiani et ea que Christi sunt. His tamen dominis et magistris habemus filii et mox!* Sic impetravit Deus super nos. Oct. 11. p. 188. He afterwards apologized to his disciples for having used such respectful expressions, attributing them purely to civility, and partly to his false persuasion of the papal supremacy.

to respect those whom they could not esteem, inveighed against the riches of the church, complained of the severity with which the clerical dues were exacted in the spiritual courts, and loudly called for the removal of many real or imaginary grievances, which arose from the demands of the popes, and the exercise of the episcopal jurisdiction, and which for years had been the subject of consultations, of remonstrances, and even of menaces. These attempts had indeed failed: but the success of Luther revived the hopes of the discontented; and thousands ranged themselves under the banner of the innovator, without any idea of trenching on the ancient faith, and led solely by the hope of reforming abuses*.

3^o. The recent invention of printing, by multiplying the copies of books and the number of readers, had given a new and extraordinary impulse to the powers and passions of men, who began to conceive that their ancestors had been kept not only in intellectual but also in civil thralldom. Works, descriptive of their rights, were circulated and read with avidity; the oppression exercised by their rulers, and the redress of their grievances, became the ordinary topics of conversation; and the inferior nobles in each state laboured to emancipate themselves from the control of their princes, and to establish their dependence on the empire alone. All Germany was in a ferment; and Luther converted the general feeling to his own purpose with admirable address. They contended for civil, he for religious liberty. Both had a similar object in view; both ought to support each other. The titles which he gave to his works aided his purpose. He wrote "Christian Freedom," and against the "Bondage of Babylon:" liberty was constantly in his mouth and in his writings; and he solemnly protested, that his only object was to free mankind from the intolerable despotism of the church of

U²⁰
A¹¹
6.
N^o
17.

* *Vires est Lutherus etiam plerisque tunc gratibus et orationibus non sicut in eo motus; plerique autem spectare illud quam religiosam reformacionem. See Comment. ad ann. 1517.*

Rome*. These arts wrought the desired effect; and, though at first few of the princes became proselytes, the great body of the German nobles applauded and seconded his attempts.

4. Since the revival of letters, there had arisen in Germany a numerous body of scholars, called humanists, who devoted themselves to the study of the classics, and exercised an extensive sway over the public mind. The bitterest enmity had for some years existed between them and the theologians; and the opprobrious terms of "barbarian and infidel" were the appellations by which the combatants usually distinguished each other. But of all the theologians, the dominican friars were peculiar objects of hatred and ridicule to the humanists, because the former, as censors of books, frequently suppressed or corrected the works of the latter. Hence these, almost without exception, professed themselves the admirers of Luther, and enjoyed the distress to which the new preacher often reduced his antagonists. As the humanists alone possessed the charms of style, their works in his favour were generally read; while the writings of the theologians, composed in the unvarnished language of the schools, were seldom perused, and still more rarely understood. Moreover, the press was entirely at their command; and we are assured that it was with difficulty the opponents of Luther could find a printer to publish their works†. Even the great scholars, who were cherished by the patronage of Leo, remained for years indifferent spectators of the dispute; nor was it till experience had convinced them of their own imprudence, that they condescended to engage in the contest, when it was too late to arrest the progress of their adversary.

Lastly, the politicians at Rome accused the hardness and irresolution of Leo himself, who for two years had suffered the innovator to breathe the papal authority,

* Leib. Op. i. 367. n. 238.

† Essai, Ep. p. 132. 334. 350. 642. 774. Cochin, de Act. et Scrip. Lutheri, c. 11. Pallar. i. 131, 132.

without taking any decisive step to punish his presumption. Even after the departure of Cajetan, when all hopes of an accommodation had vanished, the pope, whether he listened to the timidity of his temper, or thought that the storm might be allayed by gentleness, commissioned Miltitz, a Saxon nobleman, to bring Luther back to his duty by persuasion and promises. Miltitz exhorted and advised: but his arguments seemed to confirm the obstinacy of the friar; and the frequency of their convivial meetings provoked a suspicion that the envoy betrayed the trust which had been reposed in him by the pontiff. At length, by orders from Rome, he summoned the superiors of the augustinian friars to reclaim or coerce their disobedient brother; and Luther pretending to yield to their remonstrances, wrote a long letter to the pontiff. Never perhaps was there a more sarcastic

and more insulting exposition. Affecting to commiserate the condition of Leo, whom he describes as seated in the midst of the abominations of Babylon, he takes occasion to hurl in his face every irritating charge, whether founded or unfounded, that had ever been invented by the enemies of the holy see*. After this defiance, to temporise had been to confess weakness; and Leo published a bull in which he stigmatised forty-one propositions as false, scandalous, or heretical; asserted that these propositions were contained in the works lately written by Luther; allowed him sixty days to retract his errors; and pronounced him excommunicate, if he continued obstinate after the expiration of that term. But success and impunity had taught the reformer to deride the authority before which he had formerly trembled. He appealed from "the impious judge, the apostate, the antichrist, the blasphemer of the divine word," to the more equitable decision of a general council; and having called an assembly of the inhabitants of Wittenberg, led them to a funeral pile, erected without the walls, and with much solemnity cast into the flames the books of the canon law, the

* *1. tit. Op. 1. 362.*

works of Eocius and Emser, his chief antagonists, and the bull of yoke Leo against himself, exclaiming in a tone of fanaticism, "Because ye have troubled the holy of the Lord, ye shall be burnt with everlasting fire*."

War was now openly declared; and each party laboured to secure the friendship of the new emperor. The elector Frederic, to whom that prince lay under the greatest obligations, exerted all his influence in favour of his friend; and Luther himself, to alienate the inexperienced mind of Charles from the see of Rome, addressed to him an historical treatise, in which he artfully exaggerated the many injuries which the different pontiffs had inflicted on the empire, and exhorted him to vindicate the honour of the imperial crown from the usurpations of a foreign priest. Erasmus, the leader of the humanists, was employed to sound and prepare the emperor's advisers; and Hutten by successive satires and caricatures was careful to entertain and quicken the ferment in the public mind. On the other side Leo¹⁵²¹ sent to the court, as *nono* for religious matters, Girolamo Aleandri, prefect of the Vatican library, a minister of eminent talents, and indefatigable industry. Threats, and insults, and violence were employed in vain to deter him from the performance of his duty. He followed Charles to the diet at Worms, observed to the princes that they were deceived, if they thought the present a mere contest for jurisdiction and privileges, read from the works of Luther the most objectionable passages, and showed that they were contrary to the decisions of the council of Constance; a council held in the highest veneration by the national partiality of the Germans†. This speech made a deep and powerful impression: but the reformer was preserved from immediate condemnation by the address of his patron the elector, who moved that he might be examined in person, not as to the truth or falsehood of his doctrine, but as to the fact of his being the real author of the works published under his name.

* *1 vol. Op.* i. 316. 330. 423. *Selden*, 15. 22. 55. *Aggravat.* 1556.

† *Palat.* i. 124—151.

147. At his first appearance he acknowledged the passages
 16. objected to him, but was not prepared to say whether
 he still maintained the same doctrines. At his second,
 he first employed evasions, then burst into in-
 temperate sallies against his polemical adversaries and
 the court of Rome, and at last retired within his fa-
 vourite asylum, the assertion that conscience forbade
 him to retract, till he were convinced that his opinion
 was contrary to the word of God. Charles eyed him
 with eagerness during the conference: there was some-
 thing in the cast of his features, and the vehemence of
 his manner, which created a strong prejudice against
 him; and the young emperor, turning to his confidants,
 whispered, "that such a man would never seduce him
 "from the faith of his fathers."

During some days attempts were made to mollify the
 147. obstinacy of Luther: at length he was ordered to quit
 26. the city under a safe-conduct for the space of three
 147. weeks; and after some delay a decree was published
 25. against him, ordering the seizure of his person, forbid-
 ding any prince to harbour or protect him, and prohib-
 iting the publication of writings on doctrinal matters
 without the previous approbation of the ordinary. But
 the reformer had already provided for his own security.
 On the third day after his departure from Worms he
 returned the safe-conduct to the imperial messenger at
 Friedberg, and proceeded to Eisenach under the pro-
 tection of a party of his own friends on horseback.
 There he dismissed the greater number, and at the en-
 trance of the Thuringian forest near Albrestein ordered
 the remainder to go before, and prepare lodgings. In a
 few minutes two noblemen in the confidence of the
 elector, rode up to the carriage in masks, took him out,
 as it were by force, disguised him as a soldier, and led
 him on horseback to Wartburg, a solitary castle situate
 at a distance in the mountains. The place of his con-
 cealment was kept a profound secret both from his
 friends and his enemies: but he continued to animate
 the former by his writings; while the latter found them-

selves repeatedly assailed by their indelible but invisible adversary*.

Detailed accounts of all these transactions had been carefully transmitted to England by the royal agents. Wolsey, by his office of legate, was bound to oppose the new doctrines; and Henry, who had applied to the school divinity, attributed their diffusion in Germany to the supine ignorance of the native princes. By a letter to Charles he had already evinced his hostility to doctrinal innovation: but it was deemed prudent to abstain from any public declaration till the future decision of the diet could be conjectured with some degree of certainty. Then the legate, attended by the other prelates, and the papal and imperial ambassadors, proceeded to St. Paul's; the bishop of Rochester preached from the cross; and the works of Luther, condemned by the pontiff, were burnt in the presence of the multitude†. Ever since the middle of the last reign classical learning had become the favourite pursuit of the English scholars, who naturally beseeched with their brother humanists on the continent, and read with eagerness the writings, if they did not adopt the opinions, of the reformer and his disciples. But the cardinal now ordered every obnoxious publication to be delivered up within a fortnight, and commissioned the bishops to punish the refractory with the sentence of excommunication‡. Henry himself was anxious to enter the lists against the German; nor did Wolsey discourage the attempt, under the idea that pride no less than conviction would afterwards bind the royal polemic to the support of the ancient creed. That the treatise in defence of the seven sacraments, which the king published, was his own composition, is forcibly asserted by himself; that it was planned, revised and improved by the superior judgment of the cardinal and the bishop of Rochester, was

* *Let. Op. ii. 41—416. Stat. 7.—29. 30. Pallac. i. 152—171. Reynolds. vol. 381.*

† *Vizell. B. 4. p. 9.*

‡ *Wick. C. vi. 69.*

the opinion of the public*. Clarke, dean of Windsor, carried the royal production to Rome, and in a full consistory submitted it to the inspection and approbation of Oct. the pontiff, with an assurance, that as his master had
 2. refuted the errors of Luther with his pen, so was he ready to oppose the disciples of the heresiarch with his sword, and to array against them the whole strength of his kingdom. Clement accepted the present with many expressions of admiration and gratitude: but Henry looked for something more pleasing to his vanity than mere acknowledgments. The kings of France had long been distinguished by the appellation of "most Christian," those of Spain by that of "Catholic." When Louis XII. set up the schismatical synod of Pisa, it was contended that he had forfeited his right to the former of these titles; and Julius II. transferred it to Henry, but with the understanding that the transfer should be kept secret till the services of the king might justify in the eyes of men the partiality of the pontiff. After the victory at Guinegate, Henry demanded the publication of the grant: but Julius was dead; Leo declared himself ignorant of the transaction; and means were found to pacify the king with the promise of some other, but equivalent, distinction. Wolsey had lately recalled the subject to the attention of the papal court; June and Clarke, when he presented the king's work, de-
 10. manded for him the title of "defender of the faith."

This new denomination experienced some opposition: Oct. but it could not be refused with decency; and Leo con-
 11. ferred it by a formal bull on Henry, who procured a confirmation of the grant from the successor of Leo, Clement VII.†

* Sir Thomas More confirms this opinion by saying, that "by his grace's appointment, and consent of the makers of the same, he was only a scribe "out and player of the principal matters therein contained." See a note on this subject in Mr. Burn's *Annals*, year C.

† See *Aserto septimo* *Summorum pontificum aduersus Martinum Lutherum, et in abominosam Anglorum et Francorum regum, et domini Henrici, Henrici octavi regis successorem*. It was published in London, 1561; Antwerp,

Whatever knowledge the German reformer might possess of the doctrines, his writings displayed little of the mild spirit of the gospel. In his answer to the king of England the intemperance of his declamation scandalised his friends, while it gave joy to his enemies. To the king he allotted no other praise than that of writing in elegant language; in all other respects he was a fool and an ass, a blasphemer and a liar*. Henry complained to Luther's patron the elector: the German princes considered the work as an insult to crowned heads; and at the earnest entreaty of Christian, king of Denmark, Luther condescended to write an apology. In it he supposes that the "defence of the seven sacraments" had been falsely attributed to Henry; offers to acknowledge his error, and to publish a book in the king's praise; paints in seductive colours the purity and holiness of his own doctrine; and takes Sept. occasion to inveigh against the tyranny of the popes, and against that hane of England, the cardinal of York†. Such an apology was not likely to appease the mind of Henry, who was proud of his work, and attached to his minister; and the assertion that the king began to favour the new gospel, provoked him to publish a

159; and Rome, 1563. And for the king's title, *Palustris*, 177, and *Rymer*, xii. 576, not 13. It should be observed, that in neither of the bulls is there any grant of inheritance. The title belonged to the king personally, not to his successors. *Titio perpetuum et proprium*. 166. But Henry retained it after his separation from the communion of Rome, and in 1543 it was annexed to the crown by act of parliament, 35 Hen. VIII. 3. Tho' it became hereditary by his successors; and I observe that it was retained even by Philip and Mary, though the statute itself had been repealed.

* *Luth.* Op. ii. 317-324. No objection was advanced of the violence of Luther's writings. *Quem quidem vicium ego meliorem esse iudico, quam qualem videtur factum de eo iudicium et. Deo violentis scripturibus usum.* Ep. of Cambr. p. 99. St Thomas More wrote an answer to Luther, under the fictitious name of William Ross. *Eruditionem viri Gulielmi Rossii opus elegant, doctum, acutum, &c.* In it he endeavours to equal the abuse of the reformer: while Fisher, bishop of Rochester, in a more argumentative style, undertook the defense of the king in his work, entitled *Defensio assensuum regis Anglie de fide Catholicam adversus Lutheri expostulationes Biblicarum.*

† This is printed at the end of the Paris edition of the king's work, 1562, p. 104. Luther terms the cardinal *illud monstrum et publicum vitium Dei et hominum, penis tunc regni sui.* Op. ii. 317-324.

severe but dignified answer. In it he openly avows himself to be the author of the tract printed with his name, and expresses his esteem for Wolsley, whom he always loved, but whom he shall now love much more, since he has been honoured with the abuse of one, who never spared exalted worth either in the living or the dead. He then argues that, if the tree may be known by its fruits, the pride and passion, the lust and debauchery of the new apostle, prove that he had received no commission from God; and concludes with maintaining that the favourite doctrines of his antagonist, respecting the sufficiency of faith and the non-existence of free will, were subversive of all morality, and repugnant to the first principles of religion*. The publication of this letter rekindled the anger, and exasperated the renom of the reformer. He announced his regret that he had descended to the meanness of making an apology; and condemned his own folly in supposing "that virtue could exist in a court, or that Christ might be found "in a place where Satan reigned." But thenceforth let his enemies tremble. He would no more attempt to allure them by mildness, but would apply the merited lash to their backs†.

The edict of Worms had become a dead letter at the expiration of a few months; and Luther, returning to Wittenberg, had published his German translation of the Scriptures. It was preposterous to imagine that from the perusal of the sacred volumes the common people could be enabled to decide those questions which divided the most learned: but the present flattered their pride; they felt their obligations to the man, who had rendered them the judges of their own belief; and when they did not understand his arguments, were still convinced by the attraction of novelty, the promise of

* Op. ii. 104—138. The invective against Luther's union with Catherine Bora, a nun, is written with an elegance and eloquence far beyond the powers of Henry, p. 110. I know not who was the real author.

† *Selden*, ii. 17, 18. *Baynal*, tom. 866. *Gibbon*, ii. 266, p. 2.

freedom, and the hope of sharing in the spoils of the church*. The increase of new teachers kept equal pace with the increase of new religionists. The country curate, who was unknown beyond the precincts of his village, the friar who had hitherto vegetated in the obscurity of his convent, saw the way to riches and celebrity suddenly opened before them. They had only to ascend their pulpits, to display the new light, which had lately burst upon them, to declaim against the wealth of the clergy and the tyranny of the popes, and they were immediately followed by crowds of disciples, whose gratitude supplied their wants, and whose approbation secured to them importance in the new church. But these teachers soon discovered that they had as good a claim to infallibility as Luther; they began to dispute many of his doctrines, and to reform the reformer himself. Zwinglius declared against him in Switzerland, and severed from his empire the four cities of Strasburg, Lindau, Constance, and Memmingen. Muezer, driven from Saxony, erected his hostile standard at Mulhausen in Thuringia. He taught the natural equality of men, the right of each to his share in the common property of all, the abolition of every authority not founded on the gospel, and the formation of a new kingdom upon earth, to consist entirely of the saints. The peasants, allured by his doctrines, were soon in arms, and the princes of the empire began to

* Germany at this period abounded with military adventures. As the institution of standing armies was yet in its infancy, when any prince began a war, he sent to hire soldiers in Germany or Switzerland, and these at the end of these engagements, which seldom lasted more than six months, returned home with the plunder which they had made, all they should receive another offer of service. It was observed that most of these, both officers and men, attached themselves to Luther. But the most celebrated was Sickingen, of an ancient family situated near the Rhine. He not only invited the reformer to live with him, but promised to protect him against the whole world. Under pretext of a commission from Charles, he levied 14,000 foot and 2,000 horse, overran the electorate of Trier, and laid siege to the city. His object was to employ the religious feelings of his troops, in drawing a party-spirit for himself out of the ecclesiastical electorates. But the German princes, aware of his ambition, combined against him, and made him prisoner. See, 36. Schmitt, l. vii. c. 7.

tremble for their political existence. Luther was overwhelmed with reproaches: the evil, it was said, had sprung from the tendency of his doctrines; and, to justify himself, he declared that Munceer was inspired and aided by the devil, and that the only remedy was to extirpate with fire and sword both the teacher and his disciples. After many a bloody field in different parts of the empire, the Catholics and Lutherans by their united efforts suppressed the insurrection*. But the moment the common enemy was removed, their mutual diffidence revived; the catholic princes requested the presence of the emperor to protect them from the machinations of their enemies; and the protestant princes concluded at Torgau a league for their common defence. It was afterwards strengthened by the accession of new members; and in the course of a few pages we shall see this confederacy, avowedly formed to support and propagate the new doctrines, in active correspondence with the king of England, the enemy of religious innovation, and the defender of the orthodox faith.

* Still 38.

CHAP. III.

ANNE Boleyn—Origin of the divorce—Negotiations with the papal—Swearing sickness—Arrival of cardinal Campeggio—Delays and Expedients—Lepizine court—Departure of Campeggio—Disgrace and death of Wolsey—Power of Anne Boleyn—The new ministry—Rise of Cromwell—Concessions exacted from the clergy—The king marries Anne Boleyn—Cromer made archbishop of Canterbury—He procures a divorce between Henry and Catherine—The king assumes the title of head of the church—New treasons created—Executions—Papal bull against Henry.

WHEN Henry married the princess Catherine she was in her twenty-sixth year. The graces of her person derived additional lustre from the amiable qualities of her heart; and the propriety of her conduct, during a long period of trial and suspense, had deserved and obtained the applause of the whole court. She bore him three sons and two daughters, all of whom died in their infancy, except the princess Mary, who survived both her parents, and afterwards ascended the throne*. For several years the king boasted of his happiness in possessing so accomplished and virtuous a consort†: but Catherine was older than her husband, and subject to frequent infirmities; the ardour of his attachment gradually evaporated; and at last his inconstancy or superstition attributed to the curse of Heaven the death of her children, and her subsequent miscarriages. Yet even while she suffered from his bad usage, he was compelled to admire the meekness with which she bore her afflictions, and the constancy with which she maintained her rights. The queen had lost his heart: she never forfeited his esteem.

* Notwithstanding the prohibition of Burnet, I believe that Catherine had five children, on the authority of Simbera (p. 3. Col. Agria. 1610), confirmed by the testimony of Masson (De Mirak. Ang. p. 167), and of cardinal Prie: *Libera plures et exasensenti. Si vero reliqui decesserint, ut utrum reliquit. Pall. Apud. ad Car. V. Cera. p. 161.* See note (A) at the end of the volume.

† *Quam se infirio septi amavit, ut solum six septem. carissimum. amplexum. majorem ostendit amorem.* Ibid. See also chap. i. not. 2.

As long as he was attached to Catherine, he was careful to confine his passions within the bounds of public decency; and, though he might indulge in occasional amours, he refrained from open and scandalous excesses. The first of the royal mistresses, whose name has been preserved in history, was Elizabeth, the daughter of sir John Blount, and relict of sir Gilbert Tailbois. By her he had a son, named in baptism Henry Fitzroy, whom he successively raised to the titles and offices of earl of Nottingham, duke of Richmond, admiral of England, warden of the Scottish marches, and lieutenant of Ireland. His excessive partiality to the boy provoked a suspicion that he intended to name him his successor, to the prejudice of his legitimate daughter: but, to the grief and disappointment of the father, the young Fitzroy died in London, before he had completed his eighteenth year*. To Elizabeth Tailbois succeeded in the king's affections Mary Boleyn, whose father, sir Thomas Boleyn, was sprung from a lord mayor of London, and whose mother, Elizabeth, was daughter of Thomas duke of Norfolk. She retained for some time her empire over the fickle heart of her lover†: but Henry at length treated her as he had treated so many others; and his desertion of Mary furnished, at a subsequent period, a useful lesson to her younger sister, the gay and accomplished Anne Boleyn‡.

There are circumstances in the history of Anne, which

* styled, &c. Giovanni Jacobino, whom the king had introduced to the young Fitzroy, says of him, April 11. 1535. *E bellissimus e costume firmus et in se liberis ingenuis.* April. Le Grand. iii. 426.

† The situation of France to acknowledge Mary as one of the king's mistresses, must yield to the repeated assertions of Pole in his private letter to Henry, written in 1535. *Dilectus (Anne Boleyn), optime, si nulla alia in re vel seruis sine seculis, quam cito te occurrerint, tuarum strictis caperet.—Sicut ejus est, quam tu vidisti prima, et dia postea crederetur hinc ipse te habuisti.—At non potest magna ei omentum habere, ut a dilecti ducere venient ejus, que occurrunt tui faceret. Pol. l. xvi. c. xvi.*

‡ There is, however, reason to believe that he provided a husband for Mary Boleyn. At her marriage with William Carey of the privy chamber, Le King bestowed the ceremony with his presence, and made his offering at the altar. "Item for the king's offering upon Saturday (21st January 1534) at the marriage of M. Carey and Mary Boleyn, in a child." See extract from the Household book in Sir Frederic Madden's *private papers of Queen Mary*, App. p. 282. The line is of importance.

show that from her childhood she had been the peculiar object of the royal favour. At the early age of seven she was appointed maid of honour to Mary, the king's sister, who had lately been contracted to Louis XII¹. 1514 She accompanied her royal mistress to France; and by an honourable distinction was excepted from the order which compelled the other female attendants of the new queen to return to England*. The reader is aware that within the course of a few months Mary became queen of France, a widow, and then wife of the duke of Suffolk: but, when she revisited her own country, she left her English maid behind her, under the protection of Claude, the queen of Francis I., in whose family Anne was suffered to remain during the next seven years. A little, however, before the declaration[†] of war between the two kingdoms, she was recalled to England, where Henry allotted to her the same situation in the court of Catherine, which she had previously held in that of Claude[‡]. Her French education gave her a superiority over her companions; she played, and danced, and sang

* She was born in 1507. See Camden's Elizabeth by Heuzac, p. 2. and *preface*, p. xxi.

† Folios 253. I conceive that the extraordinary distinction shown to Anne Boleyn while a child, gave rise to the tale that she was in reality Henry's own daughter by lady Boleyn. It was published by Sanders in 1585 on the authority of Basial; and an attempt to refute it was made in the *Acta-Sindensis*, printed at Cambridge in 1681. Burnet in his history of the Reformation transcribed the arguments in the *Acta-Sindensis*; and Le Grand in his *Défense de Sanders*, without maintaining the truth of the hypothesis, undertook to repel the observations of Burnet. Probably the best refutation of the tale, so critical Quintin has observed, (*Roll Es.* tom. i. p. 136) is to be found in the silence of Pole, who would certainly have mentioned it, if it had been known in his time.

‡ Cavendish (302) says that she returned after the death of Claude, which happened on 26th July 1524. Spelman (p. 2) makes her remain in the family of the archbishop of Aragon, who quitted France in September, 1525, and was married to the original king of Navarre in 1527. It is plain that neither of these dates can be correct. Herbert assures us (and appeals for the assertion to "our records"), that she returned to England in 1522, "at the same time when our students at Paris were remembered" (p. 46) and (21) Folios informs us that Francis complained to the English ambassador that "the English scholars and the daughter of sir Thomas Boleyn should return home" (p. 258). The cause of her recall appears in the State papers.

Lord Somers, to put an end to the dispute between the Boleyns and the Boleyns, had suggested to Henry that the son of sir Piers Butler should marry the daughter of sir Thomas Boleyn (*St. Pap.* ii. 67). The plan

with more grace than any other lady at court; and the gaiety of her conversation, with the vivacity of her disposition, attracted a crowd of admirers. Among them
 1533 were Percy, son to the earl of Northumberland, and, unknown to Percy, even Henry himself. The young nobleman made her an offer of marriage. But though he concealed his secret from the knowledge of his father, and of Walsey, in whose household he was employed, he could not elude the penetration or the jealousy of the king. The cardinal was ordered to separate the lovers; and Northumberland having severely chided the presumption of his son, compelled him to marry Mary, a daughter of the earl of Shrewsbury*. This was perhaps the first hint which Anne received of the impression that she had made on the king's heart: a valuable present of jewels revealed to her more fully
 1535 the influence of her charms, to which she might also
 June attribute the elevation of her father to the rank of vis-
 1536 count Rochford. When, however, Henry ventured to disclose to her his real object, she indignantly replied, that though she might be happy to be his wife, she would never condescend to become his mistress*.

was approved by Henry after some hesitation; and the cardinal by his order undertook to bring about the marriage. (Hist. 1. 31.) The orders of the State Papers suppose that the daughter in question was Mary Boleyn, because Anne was in France at the date of Walsey's letter, Nov. 1521. But they were not aware that Mary was married three months before, and that of course the proposal could apply to no one but Anne. The dates also correspond. Walsey undertook the negotiation in November, and the order for Anne's return reached Paris in the beginning of the next year.

* We know not the exact date of the marriage of the young Percy to Mary Talbot: but I possess the copy of a letter from the earl of Surrey to John Dees, "scribed the 12th day of September," in the year 1523, in which Earl Surrey, having stated that he forwarded to him a letter from the cardinal, says, "the marriage of my kinsse Percy shal be wth my kinsse stewart's daughter, where I am night glade, and so I am sure ye be. Now the chiff burde is wth my kinsse Northumberland to conclude the marriage." We may therefore safely infer that it took place about the end of 1523 or the beginning of 1524: another proof that the historians who place the return of Anne in the year 1527, are in error.

† Carew's Hist. [or Wordsworth's Ecclesiastical Biography], 365—366. Heylin's Reformation, 251, 260.

‡ Concubine nam tua heri jactas tuamque zelotus, amor solutus. Fed. Ital. Illa exiit amore tua deperit, pertusculisime negabit nisi recipiatis protestatex, nisi matrimonio ajuvancat, se illi utquam facturam. Fed. Ital. regem Scoticæ, p. 176.

This answer, instead of checking, served only to irritate the passion of the King, who for more than a twelve-month persisted in urging his suit with protestations of the most ardent attachment. But Anne had derived wisdom from the fate of her sister Mary. She artfully kept her lover in suspense: but tempered her resistance with so many blandishments, that his hopes, though repeatedly disappointed, were never totally extinguished*. Henry was aware that some objections had been formerly raised to his marriage with Catherine: but the question had been set at rest by the unanimous decision of his council; and seventeen years had elapsed without a suspicion of the unfaithfulness of their union. Now, however, his increasing passion for the daughter of lady Boleyn induced him to reconsider the subject; and in the company of his confidants he affected to fear, that he was living in a state of incest with the relief of his brother†. Whether the idea of a divorce arose spontaneously in his mind, or was suggested by the officiousness of others, may be uncertain; but the

* *Miser zelus, homo hoc satis et isto esse non, per ille amorem suum rancore ostendit, sed in te amore ostendit. Pol. Alexi. Apud esse plus que ante stupore dicit. It comes, non estot assente de felle, on traver piece en votre rear et affectin.—Hume's Avesbury, p. 551. The date of this letter is not given: but it must have preceded the letter No. 16, which from internal evidence was written in Dec. 1527, or Jan. 1528. Whence it follows that the king's passion for Anne must have begun at the latest in the summer of 1526, probably much earlier; at all events before the time assigned to the origin of his scruples respecting his marriage with Catherine.*

† *Solace caput assultare ejus exasperationem stimulant, ut illam amaret, que sui corporis potestatem hinc inde persequatur, nisi revera illi, &c. Alibi legitur infra, &c. Pol. Alexi. ad Cap. 115. 116. Efficitur deperit. Quam rem potestatem exequitur non potest, in utrumque spe peris assente subit. Cap. 3.*

‡ The first suggestion of the divorce has been attributed to different persons. 1^o By the public the credit or injury of it was given to Wolsey (*Instigavit et auctor consilii existimatur. Pol. Alexi. lib. 1.*) and the emperor, in his answer to Henry's demand, openly charges the cardinal with it. (*Apud Le Grand, lib. 46.*) 2^o Wolsey denied or admitted it, as best suited his purpose. He denied it in presence of the king in the negative court; (*Cavendish, 45.*) and reportedly boasted of it to the French ambassador. (*Apud Le Grand, lib. 46. 206. 215. 216.*) 3^o Henry himself denied that the idea originated with the cardinal, but with himself; and that his scruples were suggested by the bishop of Tames (*Chavels*), *lib. 1. Le Grand, in 218. Hist. 249.*) and Langford, the king's mistress, agrees with him so far, as to say that he denied his first notion of a re-

royal wish was no sooner communicated to Wolsey, than he offered his aid, and ventured to promise complete success. His views, however, were very different from those of his sovereign. Either unapprised of Henry's intentions in favour of Anne, or persuading himself that the present amour would terminate like so many others, he looked forward to the political consequences of the divorce; and that he might "perpetuate" the alliance between England and France, had already selected, for the successor of Catherine, Renée, the daughter of Louis XII.* The public had, indeed, fixed on Margaret, duchess of Alençon, but the letters to which I have referred show, that if he ever thought of her, he soon renounced that idea in favour of Renée.

Before we proceed, it will be necessary to direct the reader's attention to the events which, during the interval, had shaken the papal power in Italy. By the defeat of Francis at Pavia, Clement found himself placed in a most delicate situation; the embarrassments of which were multiplied by the irresolution of his own mind, and the insincerity both of his allies and of his enemies. He saw himself abandoned to the resentment of the imperialists, whose victorious troops from Naples on the south, and Lombardy on the north, could at any moment overrun his dominions; and hastened to conclude a treaty with their commanders, which Charles refused to ratify without the addition of other and more humiliating articles. Floating between hope and fear, he sometimes courted the friendship, at other times provoked the hostility of that prince: their correspondence was

speaking of from Henry. (Burnet, iii. App. p. 400. New Burnet, i. 89.) But cardinal Pole, who, writing to the king on such a subject would hardly venture to assert what, if it were not true, Henry must have known to be false, asserts us that it was first mentioned to the king by certain divines, whom Anne Boleyn sent for that purpose. *Ita ipsa sacerdotibus suis, gratia-theologos, gratia-pienses pontifici volentibus misit, qui nec in die illa breve affirmant in omni dimittit, sed gratior etiam penam dederunt, quod pariter illam tempore eam retinens; ac tunc ostentio repulsiore gratia-morem Deo-fiduciam demeruerunt. Hinc prima talis fidele accessit fact. Pile. l. lxxvi.*

* Lettres de François de Bayonne, apud Le Grand, ii. 106. 108.

embittered by mutual reproaches; and the charges of ingratitude and breach of faith were repelled by Clement with complaints of insatiate rapacity and ambition*. After the liberation of Francis, the pontiff eagerly formed a confederacy with that monarch, with 1536 Sforza, duke of Milan, and with the republics of Venice, May and Florence. Its object was to preserve the independ- 21st ence of the Italian states; and Henry was named its protector; but he refused the honor on the ground that it contained articles with which he had no concern, and contented himself with making a collateral alliance Aug. with Francis, by which both monarchs bound themselves to consent to no arrangement with the emperor, which did not include security for the money due to Henry from that prince, and an engagement on his part to release the two sons of Francis on the payment of a million of crowns. The Italians collected an army; but the French monarch, though he promised much, performed nothing; and Clement was reduced to the necessity of again soliciting a peace. His request was granted by 22 Moncada, the governor of Naples: and yet that officer, under pretence of revenging the wrongs of the Colonnesi, at the end of four weeks, advanced in secrecy to the walls of Rome, seized one of the gates, compelled Sept. the pontiff to take refuge in the castle of St. Angelo, 20. and plundered the rich palace of the Vatican. A second treaty was concluded; new outrages followed on both sides; the allies again took the field; and a faint gleam of success gave a transient lustre to their arms.

To reinforce the imperialists, Frensdberg, a German partisan, had raised a body of his countrymen, amounting to fourteen thousand men; and these were joined at Florenzuela by Bourion with ten thousand needy ad- 1537 venturers, partly Spaniards, and partly Italians. This Jan. formidable army had neither pay nor provisions; but the leaders undertook to enrich themselves and their

* See Pallavicino, t. 235-242.

followers with the plunder of Florence and Rome: and though the allies carefully watched their steps, though they occasionally interrupted their progress, still the adventurers, stimulated by hope and necessity, continued Mar. to hasten towards their prey. Clement in his conster-
 25. nston submitted to articles of peace dictated by Lan-
 noy, the viceroy of Naples: but the imperialists despised
 April the authority of that general; his orders to withdraw
 26. were disobeyed; and his life was threatened, when he
 ventured into their camp. Florence owed its preserva-
 tion to the rapid and seasonable interposition of the el-
 lied army: but the adventurers precipitated their march
 May upon Rome; and in the first week of May reached the
 27. walls of that capital. The next day Bourbon (Freunds-
 6. berg lay sick at Ferrara) led them to the assault; and,
 though he fell by a musket ball, as he was mounting a
 ladder, the city was taken, and was abandoned during
 five days to the mercy of a licentious and infuriate sol-
 diery. The Spaniards and Italians chiefly confined
 themselves to the plunder of the houses and palaces;
 the Germans, who had embraced the doctrines of Lu-
 ther, ransacked the churches and convents. Every
 species of torture was employed to draw from the cap-
 tives the disclosure of their hidden wealth; and women
 of every rank were promiscuously subjected to the cru-
 elty of the conquerors. If we may believe the con-
 temporary writers, the horrors which attended the sack
 of Rome exceeded whatever the imagination can pic-
 ture; and the eternal city suffered more from the ra-
 vages of a Christian army, than it had ever done from
 20. the hostility of pagan barbarians. At length Moncada
 arrived, and by his presence checked the licentiousness
 of the soldiers; Clement, who had fled into the castle of
 St. Angelo, was carefully surrounded, and besieged by
 his enemies*.

While Bourbon led his hungry followers to the sack

* *Palladius*, 342-346. *Geographical History*, vol. 5, 234-235. *De Belay*, 418.

of Rome, the kings of England and France were illy employed in devising offensive leagues, and matrimonial alliances. Francis before his liberation from captivity had been contracted to Leonora, the emperor's sister: but his subsequent offer to proceed to the solemnization of marriage was rejected by Charles, on the ground that he had not yet complied with the other obligations of the treaty: now Henry, to widen the breach between the two sovereigns, tendered to Francis the hand of the princess Mary, who had reached her eleventh year. The French monarch, equally anxious to bind his English brother to his interests, accepted the offer, urged an immediate marriage, and made light of the objections which the father drew from the immature age of his daughter*. But Henry was inflexible: and the French ambassadors, the bishop of Tarbes, and the viscount of Turenne, at length signed a treaty, by which it was agreed that the princess should marry either Francis, or his second son the duke of Orleans: Francis, as it was afterwards explained, if that monarch should remain a widower till she arrived at the age of puberty; the duke of Orleans, if in the interval it should be deemed desirable by both parties that the king should marry Leonora. Two other treaties were concluded at the same time, that both monarchs should jointly make war on the emperor, if he rejected the proposals which they meant to offer; that Henry for himself, his heirs, and successors should renounce all claim to any lands at that time in possession of the king of France, and that Francis and his successors should pay for ever to Henry and his heirs a yearly rent of fifty thousand crowns of gold, in addition to all other sums due him from the French monarch†. It

* Herbet, 105. A letter from the bishop of Bath contains a most singular proposal from the mother of Francis on this subject. *Fishes, Collect.* p. 141.

† It was to be *pacti perpetuis succedentibus ad extentionem usque antrova decessorum, quem deus providentia meriti regis terminum poverit de determinari.* In addition the English king was also to receive for his own ships yearly a certain quantity of the salt of Bourges to the value of 15,000 crowns. *Rym. xiv. 251. Herb. 80.*

was during the conferences respecting this marriage that the bishop of Tarbes, if we may believe the suspicious assertion of the king and the cardinal, ventured to ask, whether the legitimacy of the princess were unimpeachable? What could prompt him to put the question, we are not informed. It is certain that he had no such instructions from his court, which still continued to solicit the union; and the public afterwards believed that he spoke by the suggestion of Wolsey, who sought to supply the king with a decent pretext for opening his project

of a divorce*. Before their departure Henry gave to the
 May
 6. ambassadors a magnificent entertainment at Greenwich.

Three hundred lances were broken before supper; in the evening the company withdrew to the ball-room, where they were entertained with an oration and songs, a fight at barriers, and the dancing of maskers. About midnight the king and Turenne retired with six others, disguised themselves as Venetian noblemen, and returning took out ladies to dance. The reader will not be surprised to learn that Henry's partner was Anne Boleyn.

That lady still retained her ascendancy over the heart of the king, to whom a divorce from Catherine was now become an object of greater importance than the friendship of the most powerful prince in Christendom. He communicated his doubts respecting the validity of his marriage to several canonists and divines; who easily discovered the real wish of their sovereign through the thin disguise with which he affected to cover it, the scruples of a timorous conscience, and the danger of a

* See note (C).

* "Fastes chez le Roy en l'an fians, et M. de Tournay par le commandement d'iceluy Seigneur Roy, dans une Malison de Plaisance, et le Roy avec Mistress Boleyn, qui a este nommee France auecque le feu Roy." *Journal 5 de May, 1533 de Bretonne*. 1.81. *Hall* [15], [16] and *Concordance*. 413 have the detailed account of this splendid entertainment. The latter describes with naïveté his feelings at the sight of the queen and her ladies. "They seemed to all men to be rather celestial angels descended from heaven than flesh and bone. Surely to me, simple soul, it was admirable."

disputed succession*. Most of them, from a passage in Leviticus, contended that no dispensation could authorise a marriage with the widow of a brother; two from passages in Deuteronomy inferred, that the prohibition was not universal, but admitted an exception in the king's case, where the first marriage had been unproductive of issue†. The advocates for the divorce were disconcerted by this reply of their opponents; and abandoning the arguments from Scripture, began to question the validity of the dispensation on three other grounds: 1°. because it was not sufficiently ample; 2°. because it had been obtained under false pretences; and 3°. because it had been solicited without the consent of Henry, the party chiefly interested in it.

At the close of the late negotiation it had been agreed that Wolsey should proceed to the continent, that he might settle in person with Francis certain points which still remained in suspense. Of these the chief, in the king's estimation, regarded the promised marriage of the princess Mary. How could he give her, as heir apparent to Francis, at the moment when he intended to bastardise her by repudiating her mother? That monarch still insisted on their union: and the most that Wolsey could obtain in the conferences in April was, that the marriage should take place either with the king or his second son, the duke of Orleans. Henry would not consent to the first part of this alternative; and therefore imposed on his minister the task of persuading Francis to be satisfied with the second, or to break off the intended marriage altogether‡. It was with many misgivings that the cardinal had accepted the commission. He knew that the advice came from his political enemies, the dukes of Norfolk and Suffolk,

* So much as that Pope, in a letter to Henry, uses repeatedly "aversit" "pax" or "fir pax" as synonymous with "against the divorce, for the 66th canon." Knight's Erasmus, App. p. xxv.

† Lev. li. 16. 32. 33. Deuter. xxx. 5. See note (D) at the end of the volume.

‡ State Papers, i. 131

and the lord Rochford, all warm advocates for the divorce; and he foresaw that they would improve the opportunity of his absence to undermine his credit with the king, by insinuating that he was an enemy to it. Perhaps he might have succeeded in his attempt to avoid this mission, had not the news arrived of the recent occurrences in Italy. The king, though he felt, or affected to feel, the deepest grief for the misfortunes of the pontiff, was not blind to the benefits which might be derived from his captivity. It might be assumed as a proof of the insatiate ambition of Charles; it would give the sanction of religion to the war in which Henry's engagements with Francis would probably involve him; and, above all, it would supply the cardinal with a pretext for deciding, without the papal interference, the question of the divorce in his legatine court. New prospects were opened: new treaties were to be negotiated; and Wolsey made up his mind to fulfil with apparent cheerfulness the pleasure of his sovereign*.

Hitherto the king had concealed his thoughts, respecting a divorce, from the knowledge of the queen, and with that view had sworn to secrecy every individual to whom they had been communicated. But Catherine's eyes had witnessed his partiality for her maid, and her jealousy at last discovered the whole intrigue. In a fit of passion she reproached him to his face with the baseness of his conduct; attributing it, however, to the policy of the cardinal, and to his hostility to her on account of her family. After a "short" "tragedy," Henry appeased her. He appealed to her piety; and protested that his only object was to search out the truth, and to tranquillise his own conscience. She replied that she came a virgin to his bed; that she would never admit that she had been living in incest for eighteen years; and that she would have, what could not in justice be denied her, the aid of native and fo-

* See Pappes, 10. Camden, c. vii.

reign counsel to defend her right*. From that moment all her proceedings were strictly watched; for it was become of importance to cut her off from all communication with the emperor, as long as that prince kept the pontiff in his custody. Still in defiance of every precaution, she found the means of sending information to the archduchess in Flanders, and also to her nephew in Spain†.

In the mean while the cardinal had set out on his em- July
bassy, having previously begged of the king by letter to defend him during his absence against those who might represent him as a correct opponent of the divorce‡. As he passed through Kent he disclosed the "king's secret matter"—so it was called—to the prelates of Canterbury and Rochester, telling them that it was first mooted by the bishop of Turbes in the late conference, and soliciting their opinion, because he would be called upon to discuss the question with the French ministers. Crossing the sea, he entered France, where he was received with all the distinction due to a crowned head. Pageants were exhibited; addresses were delivered; and in every town the prisons were thrown open at his command. These honours might flatter; they did not satisfy the cardinal. By no messages, no prayers could he obtain permission to proceed to Paris, or prevail on the French monarch to visit him. Francis, under different pretences, kept Wolsey at Abbeville, that he himself might remain unshackled, till he had ascertained the fate of the proposals which the French and English

* State Papers i. 156, 157.

† *Ibid.* i. 415, 317, 320, 323.

‡ *Ibid.* 156. Wolsey, in speaking of the queen's quarrel with Henry, had expressed a fear that her obstinacy would interpose many impediments in the way of the divorce. This had been misapprehended by the king as a betrayal of his real sentiments; and Henry had by Wolman reproached him with insincerity and inconstancy. He denied the charge, "taking God to witness that there was nothing earthly that he coveted so much as the wanting thereof." *Ibid.* This was on the first of July, and he set off on the third.

† I do not believe his story. See note (C).

ambassadors had conjointly made to the emperor *. They were refused: and then the king hastened with his court to Amiens, anxious to atone to the cardinal by his present attentions for his past neglect. He knew that Charles, to detach Henry from the alliance, had made to him the offer of Milan, with the hand of the princess of Portugal for the duke of Richmond, the king's natural son; but fortunately Wolsey, though his sovereign hesitated, looked on the overture as a mere artifice †, and seized the opportunity to obtain from the apprehensions of Francis every object which he sought. On his representation, that no peace could be hoped for in Europe, unless the French king should marry Leonora, Francis consented, though not without a real or pretended struggle, to waive his claim to the princess Mary. It was agreed that she should marry the duke of Orleans, a boy eight years old; but that the articles of marriage—Mary throughout the negotiation was considered heir apparent—should not be settled till the young prince had attained the age of puberty; and that if, for any reason, or on account of any event which might come to pass, the marriage did not take place, that failure should not interrupt the friendship between the crowns, nor invalidate any provision of the treaties concluded between them. It was also resolved that, in order to avoid the expense of the personal interview of the two kings formerly stipulated, the present meeting of Francis and the cardinal should be taken for the fulfilment of that provision. Several questions respecting the subsidy to be paid by Henry towards the Italian war were then adjusted; and the two kings were made to write in a declaration, that, as long as the pontiff remained in captivity, they would neither consent to the convocation of the general council, nor admit any bull or

* Talbot and Poyete proposed that Charles should restore his booties, the two sons of France, and that Francis in return should pay 500,000 of crowns, should resign his claim to Naples and his feudal superiority over Flanders and Artois, and leave Sicily in Milan on certain conditions. Vest. C. ix. 146.

† State Papers, 224. 355. 358.

breve issued by Clement in derogation of their rights, or of the rights of their subjects; that during the same period the concerns of each national church should be conducted by its own bishops; and that the judgments of Wolsey in his legatine court should, in defiance of any papal prohibition, be carried into execution, whatsoever might be the rank of the party condemned; a clause of which the real, though secret, object was to invest Wolsey with unlimited power in the trial of the divorce, and to deprive Catherine of any aid from the authority of the pontiff*.

Whilst the ambassador was employed in these treaties, Henry, at the persuasion of Wakefield, professor of Hebrew, in the university of Oxford, had resumed the plan so recently abandoned, and had resolved to rest his cause on the prohibition in *Leviticus* †. With this view a treatise was composed. The materials may have been furnished by others: but the king laboured assiduously at the work himself, and fortified his case with every argument and authority which his reading or ingenuity could supply‡. The result was such as might have been anticipated. He convinced himself by his own reasoning; he believed that no impartial judge could pronounce against him; he began to look upon every man as an enemy who dared to doubt of the success of his cause. In this temper of mind it was with deep Ang. displeasure that he read the letters of the cardinal from France, detailing the difficulties which must arise from the observance of judicial forms, the opposition of the

* State Papers, 135—150, 254—260. Byn. air. 202—227.

† See the narrative of Pale (from his own house) *videlicet* minister publicus pro se quousque illius confidens, 44. (Paris), and Wakefield's letters to Knight's brethren (App. xxx.) This treatise evidently prompted him to assert, that he could bring forward arguments for either side, unknown to any other man in the kingdom. He was originally against the king, but became his advocate when he was told that the marriage with Arthur had been consummated.

‡ Henry in one of his letters to Anne writes, that his book waketh substantially for his purpose—that he had been writing it four hours that day—and then concludes with expressions too invidious to be transcribed. *Beane's Avesbury*, 366.

emperor, and the obstinacy, the protests, and the appeals of Catherine; representing the objections which might be opposed to the legitimacy of the king's issue by a future wife, unless the judgment to be pronounced by himself were confirmed by the pontiff; and suggesting a variety of expedients, all of uncertain result, but all tending to his own aggrandisement. Henry rejected these suggestions, and let him know that they were thought to proceed more from a wish to gratify his own ambition than to promote the cause of his sovereign*.

Aug. 21. It was in vain that Wolsey despatched the bishop of Bath to explain what he considered the real state of the question; that he declared himself "ready to expose his body, life, and blood for the achieving of the royal interest." The king's distrust was now too deeply rooted; he refused to give his confidence to the agents employed by Wolsey, resolved to negotiate with the pope through an envoy of his own; and selected for that mission his secretary Knight, though the cardinal pronounced him unfit for so delicate an office. Knight was ordered to call on Wolsey in his way, and to ask his advice as to the best means of gaining access to Clement, but on no account to communicate to him the instructions which he had received.

The envoy found Wolsey at Compeigne, where he had gone to pay his respects to Louise the mother of Francis, and delivered to him a letter of recall from Henry, accompanied, however, with another in the king's own

* See State Papers, 220, 254, 257, 270.

† Ibid. 270. "When the bishop urged the difficulties foreseen by the cardinal, the king replied, 'that he had studied the matter himself, and found the marriage unlawful from divine, and unalterable.' As far delays he could not for it. He had waited eighteen years, and could wait for or two more; and with respect to the queen's supposed appeal, he did not expect that she would appeal from the judgment of the prelates of Canterbury, Rochester, Ely, and London. Both asked, if she might not be allowed to enter a caveat, or be sought out outside upon protest than first a few consecrator. Henry quickly replied, 'My lord of Bath, the ball is so cast as it is caught. If it is caught, let it be so declared; and, if it be not, it shall never be broken by me.' Both's letter of Aug. 30 apud Heath 39.

band, thanking him for his services during the negotiation at Amiens*. Having hastily collected the French cardinals, he prevailed on them to join him in a common letter to Clement, in which they acquainted the pontiff with the provisions of the late treaty respecting the acts which might be done by him in prison, and solicited him to appoint a delegate for the exercise of the papal power on this side of the Alps during his captivity. He then proceeded to take his leave of the king and his mother, and to give them, for the first time, as had been previously devised‡, a hint of the intended divorce, but "in so dark and cloudy a sette," that his real meaning might be an enigma to be disclosed by the event. With this view he assured Louise—probably he did the same to Francis—that, "if she lived another year, she would see as great union on one side, and as great disunion on the other, as she would ask or wish for." "These," he added, "were not idle words. Let her treasure them up in her memory: time would explain them§." There can be no doubt that he meant the divorce of Henry from Catherine, and a marriage between Henry and a French princess, probably Renée, daughter of Louis XII.]

The cardinal was followed to England by ambassadors from Francis, who brought to Henry the despatches of the order of St. Michael. Soon afterwards the king took an opportunity of communicating to Wolsey his fixed determination to marry Anne Boleyn. The minister received the intelligence with grief and dismay. The disparity of her birth, the danger of being sup-

* He thanks the king most gratefully for this consideration, and takes God to be his judge, that whatever opinion the king might have formed through report or suggestion, he had no notion of private power or profit, but only of the advancement of the king's secret affairs. *State Pap.* 277, 8.

† *Le Grand*, ii. 4. *Göteborg*, xvii. 28.

‡ "Bandling the same after such a cloudy and dark wyse that he shal not knowe your grace's other determinacion and intent in that behalf, till your highness shall see to what effect the same wyl be brought." *Ibid.* *Pap.* 281, 282.

§ *Le Grand*, iii. 186.

|| *Id.* 186. See note (D).

planted by a rival family, the loss of the French interest, which he hoped to secure by a future marriage with a French princess, and the additional difficulties which this resolution would throw in the way of the divorce, crowded upon his mind. On his knees he besought the king to recede from a project which would cover him with disgrace^{*}; but, aware of the royal temper, he soon desisted from his opposition, became a convert to the measure which he could not avert, and laboured by his subsequent services to atone for the crime of having dared to dispute the pleasure of his sovereign. The king's ease or treatise was now laid before sir Thomas More, who, pleading his ignorance of theology, suspended his judgment; and before the bishop of Rochester, who, having maturely weighed the arguments on both sides, gave an opinion unfavourable to the divorce. It was to no purpose that the cardinal employed his eloquence and authority; that he repeatedly held assemblies of yeekes and divines; few could be induced to pronounce in favour of the king †: and the most that he could obtain was a declaration, that the motives alleged by Henry furnished a reasonable ground of scruple, and that, for the ease of his conscience, he ought to refer the matter to the holy see, and abide by its decision ‡. With the nation at large the royal cause was unpopular. The fate of a princess who had for so many years been acknowledged as queen, and who had displayed in that situation every virtue which could grace a throne, was calculated to awaken in her favour the feelings of men; and those who could

* *Cottonish*, 466. The reasons are frequently mentioned by the bishop of Beauvais, as having been communicated to him by Wolsey.

† *More's Works*, p. 455. Fisher's letter (anno 1537) in *Piddes*, p. 148.

‡ *Rec. de Jean de Selve* (veulent enlever le divorce). L'évêque de Bayonne, apud Le Garol, in 295. *Itaque causa tua una cum his, qui speculatores susceperunt, in ipso tuo regno ex omnibus scholis expressa sunt.* Pals. l. xxviii.

[*Rec. six*, 301. This document is dated July 1, 1529. But that date refers merely to the certificate itself; the consultation to which it describes is evidently the same as is mentioned by sir Thomas More, 1455.

not appreciate the real merits of the question were prompted to prefer her cause from their opposition to the cardinal, the supposed author of the project; their detestation of the present alliance with France, the ancient enemy of England, and their fears that the divorce would lead to the interruption of that advantageous intercourse which had subsisted for centuries between this island and the emperor's subjects in the Netherlands*.

One great point, which exercised and perplexed the ingenuity of the royal advisers, was to effect the divorce in so firm and legal a manner, that no objection might be afterwards raised to the legitimacy of the king's issue by a subsequent marriage. For three months instructions were issued and revoked, amended and renewed, to the royal agent in Italy, Dr. Knight, to Wolsey's agents, the three brothers de Casle, and to Stapulino, dean of the Rota, whose approbation of the divorce had been obtained in his late visit to London. The emperor, on the other hand, had professed a determination to support the honour of his aunt; and demanded of the pontiff, who, to procure provisions, had been compelled to admit the imperialists into the castle of St. Angelo, an inhibition to prevent the cause from being tried before any judge in England, with a promise that he would not consent to any act preparatory to a divorce, without the previous knowledge of Charles himself. To the last of these demands Clement assented; but he refused the first on the ground that it was contrary to the established usage.

In the mean while a French army commanded by Lortree, and accompanied by Sir Robert Jerningham, the English commissary, had crossed the Alps for the

* These particulars are extracted from the letters of the bishop of Bayona, apud Le Grand, ii. 78. 81. 85. 86. 163. Walsford says in one of his letters, that if people knew that he was writing against the queen, he should be stoned to death. Knight's Embassy, App. xxvii. Pole also says, *ipsum etiam detestantibus (causa tua) tanto coramini prope affecta*. Pole, *id.* lxxvii.

avowed purpose of liberating the pope from confinement. Lombardy was soon conquered: in his haste to reach Rome, the French general left Milan behind him, and marched with expedition to Piacenza: but there he unaccountably lingered for weeks, concluding useless alliances with the petty princes of Italy. The patience of Clement was exhausted by these delays; a negotiation Nor, was opened between him and his captors; and it was 26 agreed that, on the payment of part of his ransom, he should be restored to liberty, and on the payment of another part, his states should be evacuated by the imperialists*. Observing, however, that the vigilance of Dec. his keepers began to relax, he contrived to escape one evening in the disguise of a gardener, and reached in safety the strong city of Orvieto. There the first who waited on him were the English envoys. They congratulated the pontiff on the recovery of his liberty, but required his immediate attention to the requests of their sovereign.

To Clement nothing could have happened more distressing than this untimely visit. Bound to Henry by the ties of gratitude, he was unwilling to disoblige his benefactor: with his capital and his states in the possession of the imperialists he dreaded to provoke the 16 sentiment of the emperor. The envoys presented to him for signature two instruments, by the first of which he would empower Wolsey (in case of objection to Wolsey they were permitted to substitute Struphæus) to hear and decide the cause of the divorce; by the second he would grant to Henry a dispensation to marry, in the place of Catherine, any other woman whomsoever, even if she were already promised to another, or related to himself within the first degree of affinity†. The latter he signed with-

* The treaty is in Le Grand, iii. 43.

† This dispensation was thought necessary to secure the intended marriage with Anne Boleyn from two objections, which might afterwards be brought against it. 1. A superior was asserting that she had been actually contracted to Piers, and was freed as his lawful wife. On this point the dispensation was to be to authorise the king's marriage with

out any alteration, the former, after it had been composed in a new style by the cardinal Santi Quatri: but, in delivering these instruments to Knight, he observed that he had sacrificed the considerations of prudence to those of gratitude; that his safety, perhaps his life, now depended on the generosity of the king; that prince might make what use of the commission he deemed proper; but, if he would wait till the evacuation of the papal territories should secure the pontiff from the actual resentment of Charles, or till the approach of the French army under Lautrec could furnish him with an excuse for his conduct, a second commission of similar import might be issued, and the king would obtain the same object without compromising the safety of his friend. But whether the English cabinet knew not what course to prefer, or sought to draw from the pontiff more important concessions, Knight had scarcely left Orvieto, when Gregorio da Casale was instructed to request 1598 that a legate from Rome might be sent to England, and Jan. joined in the commission with Wolsey. To this also Clement assented, offering to Henry the choice of six cardinals; but added, "the king is said by some to have chosen a most circuitous route. If he be convinced in his conscience, as he affirms, that his present marriage is null, he might marry again. This would enable me, or the legate, to decide the question at once. Otherwise it is plain that by appeals, exceptions, and

any woman, etiam si sit, que prius cum alio contraxerit, cum solo illi hoc nupti copula non habet consummationem. 99. Mary Bolyn had been Henry's mistress. Now the relationship between sister and sister is as near as the relationship between brother and brother; where it was argued that if Henry, as he contended, could not lawfully marry Catherine, on the supposition that she had been carnally known by his brother Arthur, so neither could Jane lawfully marry Henry, because he had carnally known her sister Mary. On this account the following clause was introduced. *Etiam si illa alias secundo aut tertio conjugata sit prius officio suo, etiam ex quocumque licito sex huiusmodi procedente, interea copulata aut coniuncta relicta factis tunc non fuerit.* See the dissertation in Herbert, p. 284. Thus the king was placed in a most singular situation, compelled to acknowledge in the pontiff a power which he at the same time denied, and to solicit a dispensation of the very same nature with that which he maintained to be invalid.

“adjournments, the cause must be protracted for many years*.”

In the mean time Wolsey urged his sovereign to the faithful performance of those engagements which he had lately contracted with the king of France. The ambassadors from the two powers were recalled from the imperial court on the same day; and Clarenceux and Guienne, kings at arms, defied Charles in the names of their respective sovereigns. To Guienne the emperor replied that the defiance was superfluous, since he and Francis had long been at war; but to Clarenceux he delivered an eloquent justification of his own conduct, coupled with a sharp remonstrance against that of the cardinal. In this paper he acknowledges the moneys which he had borrowed of Henry, and professes his readiness to repay them in due time and manner on the recovery of his bonds and pledges; but he strongly denies any obligation of indemnity to the king of England for the suspension of those annual rents which Francis had refused to pay during the last war; because he had received a promise from the cardinal that no indemnity should ever be demanded, and because Francis had taken the debt upon himself by the treaties both of Madrid and of London. Neither was he liable to the stipulated penalty for the breach of his promise to marry the princess Mary, since Henry had refused to allow the solemnization of the nuptials when it was demanded, and had signified his consent to the marriage of the emperor with Isabella. “God grant,” he added, “that I may not have better reason to defy him, than he has to defy me. Can I pass over the injury which he threatens my aunt by his application for a divorce;

* See the records in Surp. i. 46-53 and Bernet, i. Bæ. 6. No. 22. n. 1. vi. He tells us, from a letter of Knyght's, that the cardinal Saint Quiri paid 4000 crowns as the jewel of his pawns, and in earnest of what he was to expect when the matter should be brought to a conclusion; (p. 47.) But this is a mistake. From a posterior dispatch of the 21st of May it appears that 2000 crowns had been given in testimony acceptable or tolerable, but that he could not be prevailed upon to accept a penny. Surp. i. App. 1. 52.

"or the insult which he has offered to me by soliciting
 "me to marry a daughter whom he now pronounces a
 "bastard? But I am perfectly aware from whom these
 "suggestions proceed. I would not satisfy the rapacity
 "of the cardinal of York, nor employ my forces to seat him
 "in the chair of St. Peter: and he in return has sworn
 "to be revenged, and now seeks to fulfil his purpose. But
 "if war ensue, let the blood that must be shed rest,
 "where it ought, on the head of him, who was the origi-
 "nal instigator of it*."

In England the popular feeling was openly and unequivocally expressed. The merchants refused to frequent the new marts which had been opened in France, as substitutes for those in the Netherlands; the wool-owners, spinners, and clothiers could procure no sale for their manufactures; and the spirit of disaffection so rapidly and widely diffused itself, that the royal officers were instructed to watch and suppress the first symptoms of insurrection. In the cabinet all the members excepting Wolsey were secretly hostile to the French alliance, and anxiously waited for the first reverse of fortune to effect the ruin of the favourite. Even Henry himself was disposed to peace, in the hope that a reconciliation with the emperor might induce that prince to withdraw his opposition to the divorce, and thus liberate Clement from the fear of incurring his resentment. Mar. Wolsey stood alone; but fortunately an overture was 16.
 made by the archduchess Margaret, the governess of the Netherlands: a negotiation followed; and, after several ineffectual attempts to conclude a general peace, an armistice for eight months was signed between England and the Low Countries, while hostilities should 15.
 still continue between England and Spain†.

* I have abridged this interesting document, which is published by Le Genol, ii. 37-48.

† These particulars are taken from the dispatches of the French ambassador published by Letford, ii. 81-86. He says of the cardinal (Feb. 6), Je pense qu'il est le seul en Angleterre, qui veuille la guerre en Fran-

When Wolsey first solicited the commission and dispensation, he must have been aware that the pontiff would still be at liberty to revoke the cause from England to his own court, or to revise the sentence which might be pronounced by his delegates. He now ventured to proceed a step further. The secretary, Dr. Stephen Gardiner, a man eminently versed in the civil and canon law*, and the king's almoner, Dr. Edward Fox, a most earnest advocate for the divorce, were appointed agents, with instructions to call at Paris for recommendatory letters from the French king, to hasten thence to Venice, where they were to demand the restoration of Ravenna and Cervia to the Roman church, a restoration which Clement most anxiously desired; and from Venice to proceed to Orvieto, call to their aid Staphilino, and the brothers Gregorio and Vincenzio da Casale, and by their united efforts extort from the gratitude or timidity of the pontiff his signature to two instruments which had been sent from England. Of these one was a dispensation of the same import with the preceding, but in more ample form; the second was called a decretal bull, in which the pope was made to pronounce in favour of the prohibition in *Leviti-*

des; and Feb. 23, *peusset, que ce n'est pas de fins, que seussent une chose entre toutes autres, et avec le tort au mains de ce qui se peut veire le plus pris de son oeil.* See also *Holl.* 73, 74, 76. Sir Thomas More, who was one of the council, tells us that, when the others advised the king to remain at peace, and leave Claudius and Francis to quarrel with themselves, the cardinal always repeated a fable of certain wise men, who knew that a great rain was coming which would make floods of all whom it should fall upon, and to scrape it hid themselves underground, but when they came out they found the floods so numerous, that, instead of governing them, they were forced to submit to be governed by them. Whence he inferred that, if the English side still while the floods lasted, the floods would at last rise and fill up them. "I will not dispute," he adds, "upon his grace's necessity, and I trust we never made war; but as reason" *raison.* *En y en esto fable he l'ya parte dyable en l'ya dyes hely the l'ya; and the realme to spend many a myre paye.* But that parte is "paveil, and l'ya grace is pure, our Lorde amole his soule." *More,* 146. See also *State Pap.* i. 265; and *Bay.* iv. 216.

* Wolsey calls him, *primarius secretarius consiliorum secretorum, rex demissus, et quo seniores habes concilio.* *Barnet. Bae.* No. 71.

cus, and to declare that it was part of the divine law, admitting of no exception nor dispensation*.

It had been insinuated to Clement that the real object of the king was to gratify the ambition of a woman, who had sacrificed her honour to his passion, on condition that he should raise her to the throne: but after the Mar. perusal of a letter from Wolsey he believed, or at least professed to believe, that Anne Boleyn was a lady of unimpeachable character, and that the suit of Henry proceeded from sincere and conscientious scruples †. To the agents he replied that he was bound in gratitude to grant to the king every indulgence compatible with honour and equity, and would immediately sign the dispensation, because it could not affect in its consequences the interests of any third person. But with respect to the decretal bull, he demurred; a congregation of cardinals and theologians was convened; and it was unanimously agreed that to issue such a bull would be to determine a point of doctrine which had hitherto been freely discussed in the schools, and to condemn both the permission in Deuteronomy and the conduct of Julius II. After a long but ineffectual struggle, Gardiner abandoned this point: but he adduced so many objections against the allegations on which the original dispensation had been granted, urged with so much success the services of Henry to the holy see, and so discreetly interwove threats with his entreaties, that a second congregation was called, in which it was resolved that a commission might issue to examine into the validity of the dispensation, since it was said on many accounts to have been surreptitiously obtained. Such a commission was accordingly prepared, not in the terms required by the agents, but in the most ample form which the papal council would admit, authorising Wolsey with the aid of any one of the other English

* No copy of the decretal bull is extant. But that such was its purport is plain from the dispatches in Strype, i. App. 56. 61. 77.

† Ibid. 42.

prelates to inquire summarily, and without judicial forms, into the validity of the dispensation granted by Julius, and of the marriage between Henry and Catherine; to pronounce, in defiance of exception or appeal, the dispensation sufficient or surpetitious, the marriage valid or invalid according to the conviction of his conscience; and to divorce the parties, if it were invalid, but at the same time to legitimate their issue, if such legitimization were desired*.

May 21. When Fox, who returned immediately to England, explained the purport of these instruments to Henry and Anne Boleyn, the king declared himself satisfied; his mistress in the tumult of her joy mistook both persons and things, and expressed in the most significant terms her gratitude for the services of the agent. But by Wolsey the commission was received with feelings of alarm and disappointment: in an assembly of canonists and divines every clause was subjected to the most minute examination; and numerous explanations, additions, and corrections were suggested. These were immediately forwarded to Gardiner with new instructions to require that cardinal Campeggio should be joined in the commission with his English brother, as a prelate more experienced in the forms of the Roman courts †.

Wolsey had at first persuaded himself that a divorce

* Compare the records in Strype (86-77) with Puffendorf, l. 692. Puffendorf has published, under the name of the general bull, the commission such as it was passed in England. (*Reverchii* ii. No. 1.) By it inquiry was to be made whether peace could not have been preserved between England and Spain within the marriage of Henry and Catherine, whether Henry really desired the divorce for that purpose, and whether Isabella, the queen, carried in the deed, was alive at the time of the marriage; and the legate was authorized to pronounce the dispensation insufficient, in case any one of these questions were determined in the negative. This was refused. The real commission sent then Orsini may be seen in Rymer, xiv. 45.

† Strype, l. 49p. 77. When the reader considers all these negotiations at Rome, he will see what credit is to be given to Henry's assertion in the instructions to his agent at the northern courts; that the pope declared he would not be less the enemy of the cause of Rome, but it must be determined in England; and therefore requested the king to take out a commission to his judges at home. Burnet, ii. 162. 66.

might be justly pronounced, on the ground that the original dispensation had been issued without the knowledge of Henry, one of the parties concerned. He now began to hesitate; and took the opportunity of declaring to the king at one of the consultations, that though he was bound in gratitude, and was ready "to spend his goods, blood, and life," in the service of his highness, yet he was under greater obligations to God, at whose tribunal he would have to render an account of his actions, and therefore was determined to show the king no more favour than justice required; and, if he found the dispensation sufficient in law, "so to pronounce it, whatever might be the consequence." Henry at the moment suppressed his feelings; but in a short time gave way to his anger in language the most opprobrious and alarming*. Wolsey saw the danger which threatened him. Without a divorce his power, and fortune, and perhaps his life, were at stake; with a divorce the prospect was hardly less gloomy. Anne Boleyn was not his friend. Her relatives and advisers were his rivals and enemies; and he knew that they only waited for the expected marriage to effect his downfall with the aid of her influence over the mind of the king. To be prepared for the worst, he hastened to complete his different buildings, and to procure the legal endorsement of his colleges; and in discourse with his confidential friends assured them, that, as soon as the divorce should be pronounced, and the succession to the crown be permanently established, he would retire from court, and devote his remaining days to his ecclesiastical duties. They believed, however, that he would cling to his situation to the very last; and, when he could no longer re-

* The Bishop of Bayonne calls them "de terribles termes." *Le Grand*, iii. 164. See *Sherpe*, l. 409. 84. It might be thought that this was a mere form, had not the cardinal, a few days before, commissioned Gardiner to make out a case, and discuss some of the best accounts in France, whether he could or could not with a safe conscience pronounce a divorce on that ground. *Ibid.* 85.

tain it, would attempt to conceal his despair under the mask of a voluntary resignation*.

With these views the cardinal despatched new instructions to the envoys at Rome, and wrote a most urgent and supplicating letter to the pontiff. In it he appealed to the pity and the gratitude of Clement, whom he described as the author of his credit and destiny. One thing only could preserve him from ruin. Let the pope sign the decretal bull: it would restore him to his former place in the estimation of his sovereign; and the fidelity with which Wolsey would at the same time conceal its existence from the knowledge of all other persons would secure from blame the reputation of the pontiff†. Clement was now daily harassed with the arguments and entreaties, the threats and remonstrances of Gardiner and his colleagues. To pacify them, he July promised under his own hand never to revoke the cause
21. nor to reverse the judgment of the legates, and at last reluctantly signed the decretal commission. The pretences, however, of Wolsey did not deceive the penetration of the papal ministers; they were aware that, if he

* On il n'est venu en desespoir, il donna à entendre de s'en suivre volontairement. Le Grand, in. 261. 166.

† Why was he so desirous of procuring an instrument which he was never to employ? The reason which he gives could serve no one. *Uti hoc quasi nullus et pape summe pontificis S. D. N. ego regium negotium benevolentie apud me depositis, nec apud dictam magistratum neque autoribus.* Burnet, *Vol. ii. No. xiv.* But there were other reasons which he assigns in his instructions to Gardiner; that if the pope would once lay down the law, his conscience would be at ease, as he would have only to decide on the fact; and, the fact being once decided, the pope could not refuse to confirm the sentence of divorce, under pretence that Julius had possessed the power of granting the dispensation. *Simp. i. App. 73.* Whether the bull which he at last obtained were of the force which he required, is unknown; but, if we may believe the king, it pronounced the marriage between Henry and Catherine unlawful and invalid, provided it could be proved before the legates that Arthur was the king's brother, that Arthur and Catherine had reached the age of puberty when they married, and that the marriage, "as far as possession on the part," was consummated between them. *Burnet, in. lib. 69.* Trenchard holds it true that "the effect of the epistle" in question was that, if money and carnal knowledge were laid before "poor Arthur and her, the legates should pronounce for the divorce." *Sid. Pap. i. 431.* Thus after all, though it derived the point of doctrine, it left the question of fact to the decision of the legates.

had once possession of the bull, he would not hesitate to publish it in his own defence, either with or without the permission of the pontiff; and, to defeat his purpose, they intrusted it to the care of the legate Campeggio, with strict orders never to suffer it out of his own hands, but to read it to the king and the cardinal, and then to commit it privately to the flames*.

Campeggio, to whom at the request of Wolsey this June mission had been confided, was an eminent canonist, and experienced statesman. After the death of his wife in 1509 he had taken holy orders, had been honoured with the cardinal's cap in 1517, and had been repeatedly employed by Leo and his successors in delicate and important negotiations†. To Francis his former connexion with the emperor rendered him an object of jealousy: but Henry, who had named him to the bishopric of Salisbury, and had lately made him a present of a palace in Rome, refused to listen to the suggestions of the French minister. Campeggio himself laboured to decline the appointment on account of the gout, with which he was severely afflicted: but the English agents were importunate, and to Clement himself the infirmity of the legate proved an additional recommendation. If gratitude and affection led the pontiff to favour the king of England, the experience of what he had lately suffered taught him to fear the resentment of the emperor. Charles was not wanting in the defence of his aunt: his ambassador Guignonet systematically opposed every overture which was made by Gardiner; and each prince had significantly hinted that his subsequent obedience to the see of Rome would depend on the treatment

* The existence of this bull and the authenticity of the promise have been disputed. No one can doubt of either who has read the original correspondence. The latter is always called "the disgraph of politicatio" Bunsen, ii. No. xxix., also xxi. p. 36. It is in Herbert, p. 248, and Bunsen, iii. Rec. 18.

† The cardinal brought with him to England his second son, Bilello: whose name, who was ignorant that Campeggio had formerly been married, takes occasion to represent the young man as a bastard, and the father as a possessor of immoral character. Bunsen, i. p. 61.

which he should receive. To add to his perplexity, victory had now deserted the French for the imperial banner. Lautrec had, indeed, driven the latter under the walls of Naples, and confidently expected the fall of that capital: but Francis, occupied with his mistresses and his pleasures, neglected to supply him with reinforcements or money; a contagious disease insinuated itself into the camp; the commander-in-chief, the English commissary, and the greater part of the men perished; and the survivors at last surrendered prisoners of war*. Italy lay prostrate at the feet of Charles. Clement saw that, if on the one hand he were, as the friends of Catherine urged, to determine the cause in person, his judgment, unless he should reject the opinion of his best and wisest counsellors, would draw upon him the mortal enmity of Henry, and of Henry's ally, the king of France; and that, on the other hand, if he suffered it to proceed to a sentence of divorce by his legates in England, he must expose himself without friend or protector to the resentment of the emperor. In these circumstances he resolved to prolong the controversy, in the hope that some unforeseen event might occur to relieve him from his embarrassment; and, for that purpose, the infirmities of Campeggio might, it was thought, prove of considerable service. The legate was instructed to proceed by slow journeys; to endeavour to reconcile the parties; to advise the queen to enter a monastery; to conduct the trial with due caution, and according to the established forms; but at all events to abstain from pronouncing judgment till he had consulted the apostolic see: for, though his holiness was willing to do anything in his power to afford satisfaction to Henry, yet in a cause which had given rise to so many scandalous remarks, and in which one imprudent step might throw all Europe into a flame, it was ne-

* Salsford, &c. II.

cessary for him to proceed with due reflection and caution*.

In England the cardinal had hardly expedited his last dispatch, when the public business was suspended by the sudden appearance and rapid diffusion of the disease known by the name of the sweating sickness. The May mortality with which its first visit was attended in 1485³⁰ has been already described†; but experience had taught the method of cure; and those who now perished owed their fate to their own ignorance or their imprudence. The patient, who felt himself affected with sickness and headache, was immediately put to bed; a profuse perspiration followed; and at the close of twenty-four hours the danger was over. But if, during that period, any part of the body were exposed to the cold air, the perspiration ceased, delirium ensued, and in a few hours life was extinguished. Out of forty thousand cases in the city of London, it was calculated that only one in twenty proved fatal‡. At court the disease made its first appearance among the female attendants of Anne Boleyn. By the king's order she was immediately conveyed to the seat of her father in Kent; but she carried the infection with her, and communicated it to the family. Both Anne and lord Rochford were in imminent danger: but under the care of Dr. Butts, the royal physician, both recovered. Henry, who saw the contagion spread among the gentlemen of his

* *Lettres de Principi*, tom. ii. Scap's letters in the Pamphleteer, xlvii. 124. Pallon. i. 258. Sanders, 32.

† *Hist.* vol. v. 373.

‡ The bishop of Bayonne describes the malady with his characteristic piety. *Ce mal de siècle, Crest, Mon-éclément, aye malicie qui est survenue ley depuis quatre jours. Je plus saire du monde pour mourir: on a unq peu de mal de teste et de cuer, soudain on se met à sue. Il ne faut point de medecin, ne qui se deserre le mains du monde, on qui ce contre une; per trop, en quatre heures, adouces liés en deux ou boys: on est despesché sans langier, comme on fait de ces lachuses habiles, p. 138.* From entries in the privy purse expenses, edited by Sir Har. Nicolas, it appears that after this time the king, by way of prevention, was in the habit of stopping from Greenwich all infected, and probably supported families. He made them compensation. See pp. 73, 104, 125, 129, 174.

pry chamber, frequently changed his residence, locked himself up from all communication with his servants or strangers, and, instead of attending to his "secret matter," joined the queen in her devotional exercises, confessing himself every day, and receiving the communion every Sunday and festival*. At the same time his former esteem of the cardinal seemed to revive. He sent to Wolsey regulations for his diet during the time of the pestilence, insisted on receiving every other day June 23. an account of his health, and invited him to lodge in a house at no great distance, that, if either fell ill, they might hear from each other in the space of an hour, and might have the benefit of the same medical attendance. The cardinal, who, to conceal the place of his retreat, had eloped from his own family, imitated the conduct of the sovereign, and began to "order himself July 5. "anent God." He made his will, sent it to Henry for his approbation, and assured him, as truly as if he were speaking his last words, "that never, for favour, mede, gyfte, or promysse, had he done or consented to any thing that myght in the least poynte redowde to the 9. "king's dishonour or disprouff." Henry on his part also made a will, and promised to send, probably did send, it to the cardinal, "that he might see the trust and "harty mynd that he had unto him above all men "lyving†."

Whilst the pestilence continued, the absence of Anne Boleyn, the harmony in which the king lived with his wife, and the religious impression which the danger had left on his mind, excited a suspicion that he would abandon his project of a divorce: but the dispatches of Gardiner, announcing the departure of Campeggio with the decretal bull and the promise, kept alive his hopes Aug. 18. of success; and the contagion had no sooner ceased than he revolved his mistress to court. Anne was careful to

* All these particulars are taken from the letters of the bishop of Bayeux, p. 137, 140, 142.

† State Pap. 29—33.

employ every art to confirm her empire over her lover, and lavish protestations of gratitude on the cardinal to animate his exertions in her favour*. The French ambassador had foretold that the king's passion would evaporate during her absence; he now acknowledged his error, and declared that nothing short of a miracle could cure the royal infatuation†.

After a tedious journey, which had been repeatedly suspended by fits of the gout, Campeggio reached London, but in such a state of suffering and weakness, that he was carried in a litter to his lodgings, where he remained for several days confined to his bed. Previously to his arrival a sense of decency had induced the king to remove his mistress a second time from court. He lived with the queen apparently on the same terms as if there had been no controversy between them. They continued to eat at the same table, and to sleep in the same bed. Catherine carefully concealed her feelings, and appeared in public with that air of cheerfulness which she used to display in the days of her greatest prosperity‡. The arrival of Campeggio had added to

* Her letters to the cardinal at this period form a singular contrast with her hostility to him when he could no longer serve her—"my life I am most bound of all creatures, next the king's grace, to love and serve your grace; of the which I beseech you never to doubt that I ever I shall vary from this thought as long as any breath is in my body. And as touching your grace's trouble with the sword, I thank our Lord that them that I desired and prayed for are saved, and that is the king and you, . . . and so for the coming of the legate, I desire that much, and if it be God's pleasure, I pray him to send this matter shortly to a good end, and then I trust, my lord, to recompense part of your great pains." In another: "I do know the great pains and troubles that you have taken for me, both day and night, is never like to be recompensed on my part, but already in loving you, next to the king's grace, above all creatures living." In a third: "I assure you that, after this matter is brought to pass, you shall find me, as I am bound in the mean time to owe you my service; and then lord what thing in the world I can inquire to do you pleasure in, you shall find me the gladdest woman in the world to do it, and next unto the king's grace, of one thing I make you full promise to be assured to have it, and that is my hearty love, unchangeably during my life." See these letters in Dupuy, i. 55. Fiddes, 304, 305; and in Hume's *T. H. C.* p. 106.

† Je suis curieux de voir: et pour vous dire ma franchise, je croy que le roy en est si avert, qu'il vult que Dieu ne l'en secourit oster, p. 164.

‡ Ne a les vier estoient se souloit en de siens approuver; et jusqu'à cette heure n'est que sur list, et une table. *L'Éclaircissement de Bayonne*, p. 170. Oct. 16, 1594. I notice this passage, because our modern historians tell

the popularity of her cause; nor could Wolsey, though he had taken every precaution to prevent disturbance, silence the common voice of the people, who publicly declared that, let the king marry whom he pleased, the husband of the princess Mary should be his successor on the throne*.

A fortnight elapsed before the legate was sufficiently recovered to leave his house. By the king he was most Oct. 22. graciously received: but the caution of the Italian proved a match for all the arts both of Henry and Wolsey. Though the minister harassed him with daily conferences, and the king honoured him with repeated visits; though his constancy was tempted by flattery and promises; though his son received the honour of knighthood, and to himself an offer was made of the rich bishopric of Durham; he kept his real sentiments an impenetrable secret, and never suffered himself to be betrayed into an unguarded expression. To the reasons and the solicitations of the cardinal he invariably returned the same answer; that it was his wish and his duty to render the king every service consistent with the dictates of his conscience. To give a favourable bias to his judgment it was thought advisable to lay before him the opinions of canonists and divines; and these, as few among the natives approved of the royal cause, were chiefly sought among foreigners. For this purpose the bishop of Bayonne gave his own opinion in writing; and the most urgent solicitations were made to the French court to procure others with caution and secrecy. 27. Campesgi, after he had been introduced to Henry, waited on the queen, first in private, and then in the company of Wolsey and four other prelates. He ex-

posed that for some years the delivery of Henry's conscience had compelled him to abstain from Catherine's bed.

* *Il est dit que quelque face qui épousera la princesse, sera après moy d'Angleterre. Id. p. 294.*

† *L'évêque de Bayonne, p. 295. Il est très d'avis de son opinion. Je tiens qu'après que le Pape, et tous les cardinaux eussent, et par le passé et par le présent approuvé le mariage, qu'ils s'en ont peu pourveoir faire, et ont pourveue comme on dit qu'il est, que le feu roy (Henry) et elle ont eux ensemble, et se mariés à jamais, mesmes donne sa sentence, p. 296.*

hurled her in the name of the pontiff to enter a convent, and then explained to her the objections against the validity of her marriage. Catherine replied with modesty and firmness; that it was not for herself that she was concerned, but for one whose interests were more dear to her than her own; that the presumptive heir to the crown was her daughter Mary, whose right should never be prejudiced by the voluntary act of her mother; that she thought it strange to be thus interrogated without previous notice on so delicate and important a subject; that she was a weak, illiterate woman, a stranger without friends or advisers; while her opponents were men learned in the law, and anxious to deserve the favour of their sovereign: and that she therefore demanded as a right the aid of counsel of her own choice, selected from the subjects of her nephew*. This request was partially granted: and, in addition to certain English prelates and canonists, she was permitted to choose two foreign advocates, provided they were natives of Flanders, and not of Spain†.

A few days later the king undertook to silence the Nov. murmurs of the people, and summoned to his residence in the Bridewell the members of the council, the lords of his court, and the mayor, aldermen, and principal citizens. Before them he enumerated the several injuries which he had received from the emperor, and the motives which induced him to seek the alliance of the king of France. Then, taking to himself credit for delicacy of conscience, he described the scruples which had long tormented his mind on account of his marriage with the widow of his deceased brother. These he had at first

* The speech in Hall, who says he copied it from the report made by the secretary of Cambray (Hall, 180), is in several particulars different from that given by the bishop of Bayonne (p. 189), and by Cowlish (p. 42). The reproaches with which, according to him, she loaded Wolsey, could hardly merit the praise given by the legate, modest cum locutione falsa—*Rapport de Bourne, ii. No. xxiv. p. 48.*

† Berni, *lib. l. Histoire de Bourne, 156.* The counsel from Flanders came to England, but did not again before the trial began. *Ibid. 316.*

endeavoured to suppress; but they were revived and confirmed by the alarming declaration of the bishop of Tarbes in the presence of his council. To tranquillise his mind he had recourse to the only legitimate remedy. He consulted the pontiff, who had appointed two delegates to hear the cause, and by their judgment he was determined to abide. He would therefore warn his subjects to be cautious how they ventured to arraign his conduct. The proudest among them should learn that he was their sovereign, and should answer with their heads for the presumption of their tongues. — Yet, with all this parade of conscious superiority, he did not refuse the aid of precaution. A rigorous search was made for arms; and all strangers, with the exception of ten merchants from each nation, were ordered to leave the capital*.

It was now expected that the legates would proceed to the trial; but delays were sought and created, not by the pontiff but by the king himself. Campeggio had read the decretal bull to him and his minister, who saw that, if they could once procure its publication, they were assured of success. But Campeggio adhered to the letter of his instructions; and the English agents were ordered to extort from the pontiff a permission that it might be exhibited at least to the members of the privy council. Clement, however, was inexorable: he insisted on the faithful performance of the conditions on which it had been granted; and condemned his own weakness in listening to the prayer of a minister, who for his personal interest scrupled not to endanger the reputation of his benefactor, and who had hitherto neglected to perform any one of the promises to which he had bound himself†.

* *Qu'il n'y auroit si belle veue, qu'il n'est fist ordier.* Id. BIR. Hall has given us in his memory a different version of this speech, p. 180. The cause of Floodes since translated to 1509 in the *Baronet*, 222.

† *Baronet*, i. Records, n. No. xvi. 224. "Which decretal," says the king "by his commandement, after and because he would not have the effect thereof to raise, was after the sight thereof, embroiled by the *Con-sail* endmak." *Baronet*, ii. Rec. 26.

Ever since the breaking up of the French army before Naples, the war had languished in Italy; and the undisputed ascendancy maintained by the emperor enabled that prince to treat with generosity his feeble opponent, the Roman pontiff. To the surprise of the confederates he ordered the cardinal of Santa Croce to restore Civita Vecchia, and all the fortresses belonging to the Holy See; but gave him at the same time instructions to watch with care every proceeding in the papal courts, and to oppose every measure hostile to the interests of Catherine. Henry received this intelligence of the emperor's moderation with alarm: he suspected the existence of a secret understanding between Charles and Clement, complained in bitter terms of the supineness and ingratitude of Francis, and despatched two new agents to Rome, sir Francis Bryan, master of the Debenhamen, and Peter Vances, his secretary for the ⁸ Latin tongue. They were instructed to call on Francis, and represent to him the insidious and hostile machinations, as Henry considered them, of Charles; and then, proceeding to the pontiff, to withdraw him, if it were possible, from his connexion with the emperor, to offer to him a body guard of two thousand men in the pay of the kings of England and France; and to suggest that he should proclaim of his own authority an armistice among all christian princes, and summon them to meet in the city of Avignon, where they might settle their differences under the mediation of their common father. But in addition to this visionary project, they had received instructions to retain the ablest canonists in Rome as counsel for the king; and to require, with due secrecy, their opinions on the three following questions: 1^o. whether, if a wife were to make a vow of chastity and enter a convent, the pope could not, of the plenitude of his power, authorise the husband to marry again; 2^o. whether, if the husband were to enter into a religious order, that he might induce his wife to do the same, he might not be afterwards released from his vow, and at

liberty to marry; 3. and whether, for reasons of state, the pope could not license a prince to have, like the ancient patriarchs, two wives, of whom one only should be publicly acknowledged and enjoy the honours of royalty.*

The reader is aware that the objections to the original dispensation were of two sorts; one denying the power of the pontiff to dispense in such cases, the other denying the truth of the allegations on which the bull of Julius had been founded. Henry had wavered from one to the other, but at last relied chiefly on the latter. To his surprise Catherine exhibited to him the copy of a *breve* of dispensation, which had been sent to her from ^{Dec.} Spain. It was granted by the same pope, was dated on the same day, but was worded in such manner, as to elude the objections made to the *bull*. The king and his advisers were perplexed. The ground on which they stood was suddenly cut from under their feet. The very commission of the legates empowered them to determine the validity of the bull only: and it was moreover found that the *pollentation* itself was not absolute but ^{1529,} conditional. Henry grew peevish and suspicious; and repeated mortifications announced to the minister the precarious tenure by which he held the royal favour, when his ambition and his master's hopes were revived by the unexpected intelligence that the pontiff was ^{Feb.} dying, probably was dead. The kings of England and ^{6.} France immediately united their efforts to place him in the chair of St. Peter: and their respective ambassadors were commanded to employ all their influence and authority to procure in his favour the requisite number

* April Collier, ii. 23, 50. Could the proposer of these questions have, as he asserted, no other object than to quiet his present scruples? Is it not evident that he sought to surmount by any means that could be discovered the obstacle to his marriage with another woman?

* Of these mortifications it was not the least, that the king maintained a private correspondence with Bryan at Rome, who answered by letters addressed to Anne Boleyn; a plan proved to Wolsey that he no longer possessed the royal confidence. State Pap. i. 336.

of votes*. But Clement defeated their expectations. He rose, as it were, by miracle, from the grave, then relapsed into his former weakness, and ultimately recovered. During his convalescence, he received a letter from the legates, stating that they saw no way out of the difficulties which surrounded them, and imploring him to revoke the excommunication, with a secret promise to Henry to decide in his favour. This letter was followed by agents from the king, demanding a more ample commission, an unconditional solicitation, and a revocation of the *breve*, or a summons to the emperor to exhibit the original within a limited time. They did not deny that some of their demands were contrary to the practice of the courts, and the due course of law; but they might be granted out of the plenitude of the papal power, and Clement was bound to do so, in compliance with his promise, and in return for benefits received. Nor did they spare any pains to obtain their object. They sometimes joked, sometimes threatened the pontiff; they forced their way to his sick bed, and exaggerated the danger to his soul, should he die without doing justice to Henry; they accused him of ingratitude to his best friend, and of indifference to the prosperity of the church. To all their remonstrances he returned the same answer, that he could not refuse to Catherine what the ordinary forms of justice required; that he was devoted to the king, and eager to gratify him in any manner conformably with honour and equity; but that they ought not to require from him what was evidently unjust, or they would find that, when his conscience was concerned, he was equally insensible to considerations of interest or of danger: that

* *Burnet, Reigns, i. No. 11. Fize's Acta and Moea, ii. 200-205. Le Grand, iii. 296-305.*

† "It was on those special terms de plenitudine potestatis, and on trust that the pope would make use of it, I was sent father, with finding your highness, I should not, right well remember with how much Wolsey, Mr. Bell, and I, shared your highness such things as were required, were not impetrate." *Gaol to Henry, Burnet, ii. No. 10.*

Catherine had already entered a protest in his court against the persons of the judges, and that the best advice which he could give to the king was that he should proceed without loss of time to the trial and determination of the cause within his own realm.

In this manner no fewer than seven months had been consumed since the arrival of Campegius. But in proportion as the prospect of success grew fainter, the passion of Henry was seen to increase. Within two Dec. months after the removal of his mistress from court, he dismissed Catherine to Greenwich, and required Anne Boleyn to return. But she affected to resent the manner in which she had been treated: his letter and intimation were received with contempt; and, if she at length yielded, it was not to the command of the king, but to the tears and entreaties of her father. To sooth her pride, Henry gave her a princely establishment; allotted her apartments richly furnished, and contiguous to his own; and exacted of his courtiers that they should attend her daily levees, in the same manner in which they had attended those of the queen*. It is plain from the king's letters, that though she had indulged him in liberties which no modest woman would grant, she had 329 not hitherto gratified his passion; but after her return to court, it was rumoured that she occupied the place of the queen in private as well as public, in bed as well as at board; and it was believed that the hope or the fear

* Mademoiselle de Boucha à la fin y est venue, et la le roy logea en fort beau logis, où il a fait bien amasser tout surplus du sien, et bre est la cour faite ordinairement tous les jours plus grosse que de long temps elle ne fut faite à la reine. *L'Éclaircissement de Bayonne*, p. 591. Dec. 2. At Christmas Henry took her with him to Greenwich, where both he and the queen kept open house as usual, whilst Anne had a separate establishment of her own. *Le Grand*, 491. In 1529 and 1530 the same holidays were kept in like manner but in 1530: "all men saide that there was no marke in that Christmas because the queene and the ladies were absent." *Hall*, 74. In his yearly purse expenses from Nov. 1529 to Dec. 1530, are more than forty entries regarding "Maistres" afterwards called "the boys," Anne. He gives her £100 and £110 at Christmas, "for to dispart her with, paye her bills, and makes her presents of jewels, robes, furs, silks, cloth of gold, a nightgown, and a hymen for shew." But during the same time there are only two entries of sums of £. s. d. given to his daughter Mary, and none of anything to Catherine

of her pregnancy would compel Henry to cut short all delay, and to proceed immediately with his suit*. At the same time it was understood that the mother of the king of France had agreed to meet at Cambrey the archduchess Margaret, for the purpose of signing a peace, the preliminaries of which had already been concluded in secret by the courts of Paris and Madrid. The intelligence dismayed and irritated Henry. He inveighed against the bad faith of his "good brother and perpetual ally," and apprehended from the reconciliation of the two powers new obstacles to his divorce; while Anne Boleyn and the lords of the council laid the whole blame on the cardinal, who, they maintained, had deceived his sovereign, and sacrificed the real interests of England, to his partiality for the French alliance. It was resolved to proceed to trial without delay: Gardiner was hastily recalled from Rome to be the leading counsel for the king; a licence under the broad seal was issued, empowering the legates to execute their *May* commission; and, when Wolsey solicited the appointment of ambassador at the congress of Cambrey, he was told to remain at home, and aid his colleague in the discharge of his judicial functions. On the part of the English cardinal there was no want of industry and expedition: but Campeggio obstinately adhered to established forms; and neither the wishes of the king, nor the entreaties of Wolsey, nor the exhortations of Francis, could accelerate his progress†.

The court met in the parliament chamber at the Blackfriars, and summoned the king and queen to appear on the eighteenth of June. The latter obeyed, 31. but protested against the judges, and appealed to the

* Je me doute bien que depuis quelque temps on ne ait approuvé bien près de Mathevelle d'arr: pour ce ne sera esloigné pas, si l'on voudra expédier; car, si le ventre croist, tout sera prest. L^e p. 285, Juin 15.

† See the letters of the bishop of Bayonne from May 20 to June 31, in Le Grand, ii. 303—306, 352. Wolsey, in his distress, solicited the king of France to write to Campeggio, and urge the expeditious of the cause.

pope. At the next session Henry sat in state on the right of the cardinals, and answered in due form to his *June* name. Catherine was on their left; and, as soon as she was called, rising from her chair, renewed her protest on three grounds; because she was a stranger; because the judges held benefices in the realm, the gift of her adversary; and because she had good reason to believe that justice could not be obtained in a court constituted like the present. On the refusal of the cardinals to admit her appeal, she rose a second time, crossed before them, and accompanied by her maids, threw herself at the king's feet. "Sir," said she, "I beseech you to pity me, a woman and a stranger, without an assured friend, and without an indifferent counsellor. I take God to witness, that I have always been to you a true and loyal wife; that I have made it my constant duty to seek your pleasure; that I have loved all whom you loved, whether I had reason or not, whether they were friends to me or foes. I have been your wife for years; I have brought you many children. God knows that, when I came to your bed, I was a virgin; and I put it to your own conscience to say, whether it was not so. If there be any offence which can be alleged against me, I consent to depart with infamy; if not, then I pray you, do me justice." She immediately rose, made a low obeisance, and retired. An officer followed to recall her. She whispered to an attendant, and then walked away, saying, "I never before disputed the will of my husband, and shall take the first opportunity to ask pardon for this disobedience.*" Henry, observing the impression which her address had made on the audience, replied that she had always been a faithful wife: that his present suit did not proceed from any dislike of her, but from the tenderness of his own conscience; that his scruples had not been suggested, but on the contrary, discouraged by the cardinal of

* *Cæsar* 4:3, 421. *Saxton*, 20, 41.

York; that they were confirmed by the bishop of Turbes; that he had consulted his confessor, and several other bishops, who advised him to apply to the pontiff; and that in consequence the present court had been appointed, in the decision of which, be it what it might, he should cheerfully acquiesce*.

Notwithstanding the queen's appeal the cause proceeded, and on her refusal to appear in person or by her attorney, she was pronounced contumacious. Several sittings were held, but the evidence and the arguments were all on the same side. The king's counsel laboured to prove three allegations; 1^o. that the marriage between Arthur and Catherine had been consummated; whence they inferred that her subsequent marriage with Henry was contrary to the divine law; 2^o. that supposing the case admitted of dispensation, yet the bull of Julius II. had been obtained under false pretences; and 3^o. that the *breve* of dispensation produced by the queen, which remedied the defects of the bull, was an evilent forgery. As Catherine declined the jurisdiction of the court, no answer was returned: but if the reader impartially weigh the proceedings, which are still upon record, he will admit, that on the two first points the royal advocates completely failed; and that the third, though appearances were in their favour, was far from being proved†. Wolsey had his own reasons to urge his

* *Chronol.* 465—468. These speeches are treated by Burnet as fictitious. He supposes that the queen did not attend on the 11th, because according to the register of the trial she left on that day ordered her to be served with a peremptory citation to appear; and adds, that Henry never appeared in the court at all. (*Burnet*, iii. 46.) He had however forgotten a letter published by himself in his first volume from the king to his agents, in which Henry says, "on that day we and the queen appeared in person"—and adds, "after her departure she was twice prosecuted, and called to answer to return, and on her refusal a citation was deferred for her appearance on Friday 20th." *Burnet*, i. *Reverend*, 78. Hence it appears that the narrative of Cavendish is so exact; and that the citation was ordered not in consequence of her non-appearance at all, but of her departure after appearing.

† According to Catherine's answer she stated her case to him thus: "first that it was in lines of God's truest pleasure and evident that she was never known of prince Arthur: secondly that neither of the judges were competent, being both the king's subjects: thirdly that she ne

colleague to a speedy decision; but Campeggio, unwilling to pronounce against his conscience, and afraid to irritate the king, solicited the pope by letter to call the cause before himself. To add to their common perplexity, dispatches had arrived from the agents at Rome, stating that the queen's appeal, with an affidavit of the reasons on which it was grounded, had been received; that the ambassadors of Charles and his brother Ferdinand daily importuned the pontiff in favour of Catharine;

June
21. French army under St. Pol had led to an alliance between the pope and the emperor, which rendered the former less apprehensive of the royal displeasure; that to prevent an inhibition, they had been compelled to deny that proceedings had commenced in England, an assertion which every one knew to be false; and that Clement, unable to refuse to an emperor what he could not in justice refuse to a private individual, would in a few days revoke the commission, and reserve the cognisance of the cause to himself*.

The legates had been careful to prolong the trial, by repeated adjournments, till they reached that term, when the summer vacation commenced, according to the practice of the Rota. On the twenty-third of July they held the last session: the king attended in a neighbouring room, from which he could see and hear

* had no might have within this prime verge indifferent recourse: " finally that she had in space two bulles, the one being of lesser date than the other, but both of such effect and strength as should serve to remove all objections and cavillations." Singer, 511. See note (E) at the end of the volume.

• During the trial (July 1) Henry presented letters patent from archbishop Warham, and the bishops of London, Rochester, Carlisle, Ely, Exeter, St. Asaph, Linc' and Bath and Wells, stating that the king, having scruples concerning his marriage, had consulted them, the cardinal of York, and other bishops, and having sent to them a book written by himself on the subject, had requested them (some) to remove his scruples, and establish the tranquillity of his mind, the health of his body, and the right of succession: unless he they had come to the conclusion, that he was not married without god and worthy witness, and that he ought in the first place to consult the judgment of the pope. 1 July, 1529. *Transactions of N. Rymer*, 106. Assuredly he must have been disappointed by this late and impotent conclusion.

July
23.

the proceedings; and his counsel in lofty terms called for the judgment of the court. But Campeggio replied: that judgment must be deferred till the whole of the proceedings had been laid before the pontiff; that he had come there to do justice, and no consideration should divert him from his duty. He was too old, and weak, and sickly to seek the favour, or fear the resentment, of any man. The defendant had challenged him and his colleague as judges, because they were the subjects of her opponent. To avoid error, they had therefore determined to consult the apostolic see, and for that purpose did then adjourn the court to the commencement of the next term, in the beginning of October. At these words the duke of Suffolk, as had been preconcerted, striking the table, exclaimed with vehemence, that the old saw was now verified: "Never did cardinal bring good to England!" Though Wolsey was aware of the danger, his spirit could not brook this insult. Rising with apparent calmness, he said, "Sir, of all men living you have least reason to dispise cardinals: for if I, a poor cardinal, had not been, you would not at this present have had a head upon your shoulders wherewith to make such a brag in disrepute of us, who have ment you no harm, and have given you no cause of offence. If you, my lord, were the king's ambassador in foreign parts, would you venture to decide on important matters without first consulting your sovereign? We are also commissioners, and cannot proceed to judgment without the knowledge of him from whom our authority proceeds. Therefore do we neither more nor less than our commission alloweth: and if any man will be offended with us, he is an unwise man. Patefy yourself then, my lord, and speak not reproachfully of your best friend. You know what friendship I have shown you: but this is the first time I ever revealed it either to my own praise or your dishonour." The court was now dissolved, and in less than a fortnight it was known that Clement had

revoked the commission of the legates on the fifteenth of the same month*.

Henry seemed to bear the disappointment with a composure of mind which was unusual to him. But he had been prepared for the event by the conduct of the legates, and the dispatches of his envoys: and the intelligence of the revocation was accompanied with a soothing and exculpatory letter from the pontiff. By the advice of Wolsey he resolved to conceal his real feelings, to procure the opinions of learned men in his favour, to effect the divorce by ecclesiastical authority within the realm, and then to confirm it by act of parliament. The bishop of Bayonne, who had unequivocally pronounced his opinion in its favour, was desired both by the king and the cardinal to return to France under the pretence of visiting his father, and to solicit the approbation of the French universities†.

But Wolsey's good fortune had now abandoned him. At this moment, while Henry was still smarting under his recent disappointment, arrived from Rome an instrument, forbidding him to pursue his cause before the legates, and citing him to appear by attorney in the papal court under a penalty of 10,000 ducats. The whole process was one of mere form: but it revived the irritation of the king: he deemed it a personal insult, and insisted that Wolsey should devise some expedient to prevent it from being served on him, and from being made known to his subjects. This, after a tedious negotiation, was effected with the consent of the queen and her counsel‡. But it was in vain that the cardinal laboured to recover the royal favour. The proofs of his disgrace became daily more manifest. He was suffered

* Cascardi, 434. Herbert, 28. The divorce between the duke and the cardinal has been rejected by some writers, because the presence of Suffolk is not mentioned in the register. But he may be included among "the duke of Norfolk, the bishop of Ely, and others;" and it is improbable that a writer, who was present, should have omitted or confined the account, if it had been false.

† *Lettres de l'Évêque de Bayonne*, 339, 342, 355.

‡ *State Pap.* 308, 341, 6, 7.

to remain the whole month of August at the Moore without an invitation to court: on matters of state his opinion was seldom asked, and then only by special messengers; even letters addressed to him were intercepted, opened, and perused by Henry. Still, amidst the misgivings of his own breast and the sinister predictions of his friends, he cherished the hope that some lucky chance might replace him on his former pre-eminence, and imprudently trusted to the hollow professions of men, who, though they had served him faithfully in prosperity, were ready to betray his confidence in his declining fortune*. But most he had reason to fear the arts of the woman, who the last year so solemnly assured him, that her gratitude should be commensurate with her life. It was not long since Anne had mescreed her influence with his, and had proved victorious. For some offence Wolsey had driven sir Thomas Cheney from court. Cheney appealed to the king's mistress; and Henry reprimanded the cardinal, and recalled the exiled. Now she openly avowed her hostility, and eagerly seconded the dukes of Norfolk and Suffolk, and her father the viscount Rochford, in their united attempts to precipitate the downfall of the minister. They insinuated that he had never been in earnest in the prosecution of the divorce, and had uniformly sacrificed the interests of his sovereign to those of the king of France. In proof of the first charge they instanced his request to attend the congress at Cambray, instead of opening the commission: in proof of the second they alleged that during the war with France he had constantly corresponded with the lady regent, had accepted presents from her, and at her request had compelled the duke of Suffolk to retreat from Montdidier, when he might have advanced and taken the city of Paris‡. The

* *Je voy qu'il a fiancee en certains dais de sa vie, lesquels je suis veu par cet mariage la voir. Le pis est, qu'il ne l'entend pas.* L'Évêque de Bayonne, 56.

† L'Évêque de Bayonne, 56.

‡ 1b. 372. 373. The charge of the presents seems to have been founded

willingness with which the king listened to these suggestions assured them of success; and over their cups they not only ventured to predict the ruin of Wolsey, but threatened to humble the pride of the churchmen, and to ease them of that load of wealth which encumbered the successors of the apostles*. Aware of their hostility the cardinal rested all his hopes on the result of a personal interview; and, after many disappointments, was at last gratified†. He obtained permission to accompany Compeggio when that prelate took leave of the king at Grafton. The Italian was received by the officers of the court with the attention due to his rank; the fallen minister found to his surprise that, though an apartment had been ordered for his companion, none was provided for himself. He was introduced into the 'presence.' Every tongue foretold his disgrace—every eye watched his reception. To the general surprise, when he knelt, the king graciously raised him up with both hands, led him aside in a friendly manner, and conversed with him familiarly for a considerable time. The cardinal dined with the ministers; Henry with the lady Anne in her chamber: but after dinner he sent for Wolsey again, conducted him by the hand into his closet, and kept him in private conference till it was dark. At his departure—for he slept at a gentleman's house in the neighbourhood—he received a command to return on the following morning. Wolsey's enemies now trembled for their own safety; they were relieved from their apprehensions by the ascendancy of Anne

Quant on luy presenta le cardinal espere que mal-haine ne luy avoit pas, ou il en sera peulx: de toutes autres choses il se recommande en sa bonte grace. *Ibid.*

* La fantaise de ces seigneurs est que, Jay mort ou vif, ils dedecent tacitement le royaume de France, et proposent tous les biens.... Ils le croient en pleine fable. Je cray qu'ils font de beaux vaines. p. 374

† One of his attendants was thus. He pretended that he had a secret of immense importance to communicate, but of such a nature that he dared not trust it to any messenger. Henry replied that he might come to him at Westminster, but resister on knowing previously what was the subject of the communication. State Pap. i. 384. *Essex Corerandah and Alward* (Elix. i. 305) refers that he did not speak, or was not suffered to speak licensed of this permission.

Boleyn, who extorted from her lover a promise that he *Se,t* would never more speak to the cardinal*. When Wolsey ²⁰ returned in the morning the king was already on horseback, and having sent a message to him to attend the council, and then depart with Campeggio, rode out in the company of the lady Anne, and dined at Hartwell Park. After that day he and Wolsey never met each other †.

When the Michaelmas term came, the two cardinals separated. The Italian set out on his return to Rome, but met with an unexpected affront at Dover. The officers of the customs burst into his apartment, rifled his trunks, and charged him with being in possession of Wolsey's treasure. The charge was false: and it was thought that the real object of the search was to seize certain papers which it might be the king's interest to possess‡. Nothing, however, was found; and Campeggio, after a strong remonstrance on his part, and an unmeaning apology on that of the officers, was suffered to set sail. A worse fate awaited his English colleague. On the very day on which Wolsey opened his court as ⁹ chancellor, Hales, the attorney-general, filed two bills against him in the king's bench, charging him with having, as legate, transgressed the statute of the 16th

* We are indebted for this interesting narrative to Corenfish, who was present (438—444). The promise is added from the bishop of Bayonne's letter. *Mémoires de l'histoire d'un prince et d'un pape*, p. 375.

† Corenfish, 438—444. *Le Grand*, 375. According to *Howard* the king did not ride till after dinner, when he dismissed Wolsey very graciously. I have preferred the narrative of Corenfish. Both were present: but though Wolsey's account was written immediately, there is this to detract from its credit, that it was written to enable Cromwell to contradict the report that Wolsey had left the king in disgrace. 166, 314.

‡ *Le Grand*, ii. 363. These papers may have been the decretal bull, or letters from Wolsey to the pope, or Henry's letters to Anne Boleyn, which had come by some unknown means into the hands of Campeggio. But the latter he had already sent to Rome, where they may still be seen in the Vatican library, seventeen in number, but without dates. From internal evidence, however, we may conclude that the 16th was written about the end of 1517, or the beginning of 1518. No. 1, 4, 5, 8, prevailed in No. 3, 7, 12, 13, were written during the absence of Anne from court, that is from June to the middle of August, 1518. No. 6, 14, 17, during her second absence in the same year in September, October, and November. No. 2, 9, 11, 15, are of very uncertain date: probably they belong to the more early period.

of Richard II., commonly called the statute of premunire. Nothing could be more iniquitous than this prosecution. It was doubtful whether the legatine court could be brought within the operation of the statute: it was certain that the cardinal had previously obtained the royal licence, and was therefore authorised to hold it both by immemorial usage, and the sanction of parliament*. This stroke, though it was not unexpected, plunged him into despair. He knew the stern and irritable temper of his prosecutor: to have maintained his innocence would have been to exclude the hope of forgiveness; and there was moreover a "night-crow," to use his own expression, that possessed the royal ear, and misrepresented the most harmless of his actions.

On these accounts he submitted without a murmur to every demand; resigned the great seal into the hands of the dukes of Norfolk and Suffolk; transferred to the king the whole of his personal estate, valued at 500,000 crowns, saying that, as he owed all to the bounty of his sovereign, so he restored all with pleasure to his benefactor; and, when he found that Henry insisted on an entire and unconditional submission, granted to him, by indenture, the yearly profits of his ecclesiastical benefices, ordered his attorney to plead guilty to the

* See his History, vol. iv. p. 311. 312.

† The reader may form an accurate notion of his present situation by the following extract from a letter written by an eye-witness, the bishop of Bayonne. "I have been to visit the cardinal in his diocese, and have witnessed the most striking change of fortune. He explained to me his hard case to the worst theatre that was ever heard. Both his tongue and his heart failed him. He recommended himself to the pity of the king and his people (France and his mother) with sighs and tears; and at last set me without having said anything near so moving as his appearance. His face is dwindled to one half of its natural size. In truth his misery is such that his countrymen, Englishmen as they are, could not help pitying him. Still they will carry things to extremities. As for his legation, the seals, his archbishop, &c. he thinks no more of them. He is willing to give up everything, even the shirt from his back, and to use as a hermitage, if the king would but desire from his disciples" says' April Letter, n. 371.

‡ Henry sent a verbal order: he refused to obey without a written order. This was necessary for his own security.

§ Le Grand, n. 37, 9. Kim, n. 35. State Papers, i. 385.

¶ Henry accepted the grant, but with a proviso that such acceptance

indictment, and threw himself without reserve on the royal mercy*. It was now intimated to him that the king meant to reside at York-place during the parliament, and that he might retire to Esher, a seat belonging to his bishopric of Winchester. When he entered his barge, he was surprised to behold the river covered with boats, and lined with spectators. Both the courtiers and the citizens had crowded together to behold his arrest and commitment to the Tower: but he disappointed their curiosity, landed at Putney, and, as he ascended the hill, was met by Norris, a groom of the chamber, who brought him a secret but gracious message from Henry; not to despair, but to remember, that the king could at any time give him more than he had now taken away. The cardinal instantly alighted from his mule, sunk on his knees, and uttered a fervent prayer for the prosperity of his sovereign †.

This incident, which proved to Walsley that his case was not yet hopeless, alarmed his opponents. They had gone too far to desist with safety: they must either complete his ruin, or submit to be afterwards the victims of his resentment. Hence they laboured to keep alive the royal displeasure against him. They represented him as an ungrateful favourite, who had sought nothing but his own interest and gratification: they attempted to show, from one of his letters which had fallen into their hands, that, whilst he pretended to promote, he had clandestinely opposed the project of divorce: and they charged him with having maintained a secret correspondence with Madame Louise, with having received from her bribes in the shape of presents, and with having, in order to retain her favour, cramped and marred all the designs of the duke of Suffolk in the campaign of 1623 ‡. Still the king's partiality for his former fa-

* It will not prevent him from proceeding at law against the cardinal. *Transcripts for 229 B. 16.*

† *Carroll's*, 259.

‡ *Ibid.*, 480.

; *Hobbes*, 123. *Le Grand*, iii. 574.

Oct.
25.

vourite seemed to be proof against all the representations of the council and the arts of his mistress. He continued to send to the cardinal from time to time soothing messages and tokens of affection, though it was generally by stealth, and sometimes during the night. When the court pronounced judgment against him, he took him under the royal protection; and when a bill of impeachment, enumerating forty-four real or imaginary offences, and signed by fourteen peers and the law-officers of the crown, had been introduced into the house of commons*, he procured it to be thrown out by the agency of Cromwell, who from the service of the cardinal had passed to that of the king†. The French ambassador, unable to foresee what might be the issue of the struggle, advised his court to render to the fallen minister such good offices as, without giving cause of offence to the existing administration, might be gratefully remembered by Wolsey, if he should finally triumph over his enemies‡.

Esler, though sufficiently stored with provisions, was a large, unfurnished house, where the cardinal and his numerous family found themselves destitute of most of the conveniences and comforts of life. There for three months he had leisure to meditate on the sad prospect before him. The comparison of his present with his past condition, the unmitigated hostility of his enemies,

* *Fishes, Collect.* p. 172. The contents of this bill, which evidently contain whatever could be said against Wolsey by his interest enemies, may be considered as a presumptive proof of his innocence. Burnett unaccountably tries to ground every charge in it, but he should have recollected that it was not only not passed, but actually rejected by the house of commons. Wolsey says of its contents: "whereof a great part 'to be untrue: and those, which be true, are of such sort, that by the doing thereof no malice or untruth can be ascribed unto me, neither to the prince's person, nor to the realm." *Ibid.* 307. *State Papers*, i. 284.

† *Cronicles*, 464. I venture its rejection to the king, from the character of Cromwell, and the general subserviency of the parliament in this reign. Cromwell would not have dared to oppose the bill, nor the commons to reject it, had they not received an intimation that such was the royal pleasure.

‡ *L'Écuyer de Bretagne*, p. 260.

§ He was intended to answer to her "of the dysposure of my lady

Anne" (formerly she was mistress Anne) "to be somewhat approved, as

and the delay in fulfilling any one of the conditions in Deu, his favour according to his compact with the two dukes¹, filled him with the most gloomy apprehensions. The anguish of his mind rapidly consumed the vigour of his constitution. About Christmas he fell into a fever, which obstinately defied the powers of medicine. When Henry heard of his danger, he exclaimed, "God forbid that he should die. I would not lose him for twenty thousand pounds." He immediately ordered three physicians to hasten to Esher; repeatedly assured the cardinal of his unabated attachment, and, no longer concealing his anxiety from Anne Boleyn, compelled her to send to the sick man a tablet of gold for a token of reconciliation².

As the agitation of Wolsey's mind subsided, the health of his body was restored; but his enemies had prepared for him a new conflict, and required of him additional sacrifices. The promises which had been made to him were still disregarded; the resolution of one day was recalled by that of the next; and the cardinal at last intrusted his interests to the discretion of Cromwell, who purchased a final settlement by the grant of annuities to the friends of the opposite party 1530, out of the bishopric of Winchester³. It was ultimately agreed that Wolsey should retain the administration, temporal as well as spiritual, of the archiepiscopal see of York⁴, but make over to the crown, for

"I pray God the same may be." In that case she was "to be further honoured." Her favour was "the only help and remedy." For information on that head he looked to sir Henry Norris. State Papers, 352.

¹ Ibid. † Carew's Hist. 47.

² These were the lord Saurbry and his son Thomas, sir William Fitzwilliam, sir Henry Guildford, sir John Russell, and sir Henry North. Their pensions ought to have ceased at the death of the cardinal, who had only a life interest in the bishopric; but they were then settled on them for life by an act of parliament. Bolls, cxxxviii. St. 32 Hen. VIII. 21. State Papers, i. 365.

³ Henry was so delighted with York place (afterwards Wiltshill), that he required Wolsey to make a transfer of it from the church to the crown. The essential object that he was only tenant for life. Her Shelley, a justice of the court of common pleas, came and informed him that it was the opinion of all the judges and of all the king's counsel, "that his grace should recieve before a judge the right of York place to

the term of his natural life, all the profits, all advowsons, and all nominations to offices, spiritual or secular, in his gift, as bishop of Winchester and abbot of St. Allans, and that in return he should receive a general pardon, an annuity of one thousand marks from the bishopric of Winchester, and a release from all monies due to the king for his maintenance since the day of his conviction*.

When he had assented to every demand, he was Feb. allowed to exchange Esher for Richmond, where he spent most of his time with the monks of the Charterhouse. Still his vicinity to the court alarmed the jealousy of his enemies; and a peremptory order to reside within his archbishopric drove him, notwithstanding his entreaties and remonstrances, to a distance of two hundred miles. Henry, to soften the rigour of his exile, April had recommended him in the warmest terms to the attention of the northern nobility; and Wolsey by his conduct and generosity quickly won their esteem. His thoughts seemed entirely devoted to the spiritual and temporal concerns of his station. On every Sunday and holiday he rode to some country church, celebrated mass in public, ordered one of his chaplains to preach to the people, and at the conclusion distributed alms to the poor. He made it his favourite employment to reconcile families at variance; a tedious and expensive office, as he frequently satisfied the injured or discontented party out of his own purse. Every gentleman in the county was welcome to his table, which was plentifully though not extravagantly supplied; and, in repairing the houses

he in the king and his successors." He replied that he was ready to obey, "in answer," said he, "to us ye, the fathers of the law, say that I may have fully do it. Therefore I charge your conscience, and discharge mine. Howbeit, I pray you, show his majesty your me, that I most humbly" Josephus writes to call to his most gracious remembrance that there "is both justice and law." He then executed the resignation. Singer's *Chron.* i. 28. This formed a precedent for subsequent surrender of the king's property to the crown.

* *Wyn.* 141-142-143. Henry had supplied him with money to pay part of his debts, and with a quantity of plate, furniture, and provisions, valued at 675*l.* in 714.

and buildings belonging to his see, he gave employment to three hundred workmen. The more he was known, the more he was beloved; the men, to whom in prosperity he had been an object of hatred, applauded his conduct under adversity; and even at court his name was occasionally whispered with feelings of approbation. But the fear of offending Anne imposed silence on his friends; and his enemies were careful to paint all his actions to the king in false and odious colours*.

The cardinal had invited the nobility of the county to assist at his installation on the 7th of November: on the 4th he was unexpectedly arrested at Catwold on a charge of high treason. What was the particular crime⁴ alleged against him, we know not; but the king asserted that his very servants had accused him of practising against the government both within and without the realm; and it is probable that the suspicion of Henry was awakened by the correspondence of the cardinal with the pope and the king of France. Wolsey betrayed no symptoms of guilt: the king had not, he maintained, a more loyal subject than himself; there lived not on earth the man who could look him in the face and charge him with untruth: nor did he seek any other favour than to be confronted with his accusers†.

His health (he suffered much from the dropsy) would not allow him to travel with expedition; and at Sheffield park, a seat of the earl of Shrewsbury, he was seized †.

* These particulars appear from the extracts of Cromwell's letters to Wolsey at this period, in *Parks's Collect.* p. 268, 269.

† If we may believe Cavendish, he wrote to them, to reconcile him with Henry, *Cav. poem.* 538. *Mi disse de te, che entrato s'è, di machinara religione tua, e mi detto disse et non è, che tu l'è fessio den' de suoi servitori l'hanno e sospeso et accusato.* *Joachino apud Le Grand,* iii. 521. No. 111. The king took great pains to convince Joachino that he was not suspect of being an accomplice: the dukes of Norfolk and Suffolk even swore that he was not. Hence I think it probable that the cardinal's letters passed through his hands.

‡ It is most improbable that the cardinal could have committed any act of treason since his parole in February; and a man not be credulous indeed, to believe it, on the mere testimony of the dispatches sent to ambassadors abroad. Such dispatches with general charges were always sent on similar occasions to justify the government in the eyes of foreign princes.

N. with a dysentery which confined him a fortnight. As
 24. soon as he was able to mount his mule, he resumed his
 journey: but feeling his strength rapidly decline, he
 26. said to the abbot of Leicester, as he entered the gate of
 the monastery, "Father abbot, I am come to lay my
 "bones among you." He was immediately carried to
 his bed; and the second day seeing Kyngston, the lieuten-
 ant of the Tower, in his chamber, he addressed him
 in these well-known words: "Master Kyngston, I pray
 "you have me commended to his majesty; and beseech
 "him on my behalf to call to mind all things that have
 "passed between us, especially respecting good queen
 "Catherine and himself; and then shall his grove's
 "conscience know whether I have offended him or not.
 "He is a prince of most royal courage: rather than miss
 "any part of his will, he will endanger one half of his
 "kingdom: and I do assure you, I have often kneeled
 "before him, sometimes for three hours together, to
 "persuade him from his appetite, and could not prevail.
 "And, master Kyngston, had I but served God as dili-
 "gently as I have served the king, he would not have
 "given me over to my grey hairs. But this is my just
 "reward for my pains and study, not regarding my
 "service to God, but only my duty to my prince*." Having received the last consolations of religion, he ex-
 29. pired the next morning in the sixtieth year of his age.

The best eulogy on his character is to be found in the contrast between the conduct of Henry before, and after the cardinal's fall. As long as Walsey continued in favour, the royal passions were confined within certain bounds; the moment his influence was extinguished, they burst through every restraint, and by their caprice and violence alarmed his subjects, and astonished the other nations of Europe.

* *Harleian*, 517-535. In the printed editions it is asserted that the cardinal gave and took off, but Dr. Walsworth has shown that it was not in circulation. The passage is not in the manuscript copies. *Ibid.*, also *Trager's* *Cornwall*, 47.

The eventful history of this great minister has led us 1599, into the autumn of the year succeeding his disgrace: it will be necessary to revert to that event, and to notice the changes occasioned by his removal from the royal councils. The duke of Norfolk became president of the cabinet; the duke of Suffolk, earl marshal, and the viscount Rochford, soon afterwards created earl of Wiltshire, retained their former places. To appoint a successor to Wolsey in the chancery was an object of great importance. If Warham, archbishop of Canterbury, was proposed, he was rejected on the ground of his being a churchman*; and the office was at length given to sir Thomas More, the treasurer of the household, and chancellor of the duchy of Lancaster. Sir William Fitzwilliam succeeded More; and Dr. Stephen Gardiner was made secretary to the king, who believed him to have inherited the abilities of the cardinal, and would have raised him perhaps to equal power, could he have been induced to relinquish his profession as a churchman†. These six formed the privy council: but, if we may believe the account given by the French ambassador to his court, Anne Boleyn was the real minister, who through her uncle and father roled in the cabinet, and by the influence of her charms exercised the most despotic sway over the heart and mind of her lover‡.

It may justly excite surprise that More should accept this dangerous office. With a delicate conscience and a strong sense of duty, he was not a fit associate for less timorous colleagues: the difficulties, which in the course of two years compelled him to retire from court must

* Erasmus (Ep. p. 134*) says that Warham refused the office. I rather believe the bishop of Bayonne, who, only three days before More accepted it, says that it would not be given to a churchman. On ne saut encore qui aura le sens. Je croi bien que les protestans n'y touchent plus, et que si ce parlement lis savent de terribles alarmes. Oct. 22 p. 278.

† Il sera fait au sur au maintien des affaires, principalement s'il recit jette le fre aux barbes. Bayonne, p. 278.

‡ Le duc de Norfolk est très chef de ce conseil, et en son absence par le duc de Suffolk, et par dessus tout maternelle Anne. Id. p. 277. 280. 284.

even now have stared him in the face; and it was still in his power to avoid, but uncertain if he could weather the storm. As a scholar he was celebrated in every part of Europe, and as a lawyer he had long practised with applause and success. From the office of under-sheriff or common serjeant Henry had called him to court, had employed him in different embassies, and had rewarded him with lucrative preferments which have already been mentioned. The merit of More was universally acknowledged; even Wolsey declared that he knew no one more worthy to be his successor; but there were few instances in which the seals had been intrusted to any but dignified churchmen, none in which they had been given to a simple knight. On this account he was accompanied to the star chamber by a crowd of bishops and noblemen; and the duke of Norfolk conducted him to his seat, pronounced an eulogium on his talents and virtues, and observed that, if in this instance the king had departed from ancient precedent, he was fully justified by the superior merit of the new chancellor. More in return professed his obligation to the king, and to the duke; and at the same time paid an eloquent compliment to the abilities of his predecessor, whose example would stimulate him to the faithful discharge of his duty, and whose fall would teach him to moderate his ambition*.

For some time a rumour had prevailed that a great stroke was meditated against the wealth or the immunities of the church. When the parliament assembled, three bills respecting mortuaries, the probate of wills, and the plurality of benefices, were passed in the lower house; but in the house of lords the bishops and abbots offered so vigorous an opposition, that the most obnoxious clauses were either modified or expunged. Of those which remained, two deserve the notice of the reader, as being the first which in this reign were

* Hist. vie 360. Supplicat. 7th Mart. 1534-37. See More's character in P. 1. c. 51. et seq.

enacted in opposition to the papal authority. By these every clergyman, who had obtained in the court of Rome or elsewhere a license of non-residence on his cure, or a dispensation to hold more benefices than the statute allowed, became liable, in the first case, to a penalty of twenty pounds; and in the second, to a penalty of seventy pounds; and the forfeiture of the profits arising from such benefices*. At the same time the new administration introduced a bill to release the king from the payment of any loans of money which might have been made to him by his subjects. It passed through the upper house with few observations: in the lower the opposition was obstinate; but a majority had been previously secured by the introduction of members, who held offices either under the king or his ministers. By the nation this iniquitous act was loudly condemned. Six years had elapsed since the loans were made; and in many instances the securities had passed by sale or gift or bequest from the hands of the original creditors into those of others. To justify the measure, it was contended in the preamble of the bill, that the prosperity of the nation under the king's paternal care called on his subjects to display their gratitude by cancelling his debts; a pretext which, if true, reflected the highest credit on the administration of Wolsey; if false, ought to have covered his successors with disgrace†.

I have already noticed the reconciliation between the courts of Rome and Madrid. It was followed by an interview between Charles and Clement at Bologna, where Oct. during four months they both resided under the same roof. To Henry this meeting seemed to present a

* The lower house of commons complained, but in vain, of these statutes, because the clergy had neither given their assent to them, nor been asked for their advice. (*Ad quæ lachrima. see consensum per se, nec per procuratores suos, neque super libere consilio factum.* Collier, ii. 269, 270.) This was certainly the constitutional language of former times: but it was no longer used, that it was disregarded by the king.

† Bull. cap. Harw. i. Rec. 51. A similar grant was made by the clergy, Wilk. Cou. ii. 717.

favourable opportunity of proceeding with the divorce; and, as he had hitherto employed clerical negotiators without success, he now intrusted the charge to a lay nobleman, the father of his mistress. By most men the earl of Wiltshire was deemed an objectionable agent: but Henry justified his choice by the observation, that no one could be more interested in the event of the mission than the man whose daughter would reap the fruit of it*. To the earl, however, were joined three colleagues, Stokesley, bishop elect of London, Lee, the king's almoner, and Beuret, doctor of laws; and these were accompanied by a council of divines, among whom was Thomas Cramer, a clergyman attached to the Boleyn family, and afterwards archbishop of Canterbury. They were furnished with powers to treat of a general confederacy against the Turks; and with instructions to offer to the pope a considerable present, to warn him against the ambitious projects and treacherous friendship of Charles, and to exhort him to do justice to a prince, who was the firmest support of the see of Rome. The negotiation with the emperor was intrusted to the dexterity of the earl of Wiltshire, who was ordered to address that prince in the French language, stating the grounds on which Henry demanded the divorce, and adroitly intermingling with those grounds hints of the great power of the English king, of the benefits which might be derived from his friendship, and of the evils which might spring from his enmity. If this discourse made no favourable impression, the ambassadors were to return; and the earl, when he took leave, was to observe that, if Henry had consulted Charles, it was only through courtesy; and that he would follow his own judgment, and not submit to the arbitration of the pope, against whose authority he had many good grounds of

* A letter of Josephus apud La Grand, vi. 408. Anne Boleyn's father had been created earl of Wiltshire with remainder to his heirs male, and earl of Ormonde in Ireland with remainder to his heirs general, on the 20th December, 1522.

exception*. With his confidants the king spoke of this as of his last attempt: if it failed, he would withdraw himself from the obedience of Clement as of a pontiff unfit for his station through ignorance, incapable of holding it through simony; and that he might have no occasion to recur to the papal see in beneficiary matters, he would establish a bishop with patriarchal powers within his own dominions, an example which he had no doubt would be eagerly followed by every sovereign in Europe†.

Among the many causes of solicitude which preyed on the mind of Clement, the divorce of Henry was one of the most perplexing. He had indulged a hope that, after the revocation of the commission, the cardinal would have pronounced judgment in virtue of his ordinary powers, and the king would have proceeded to a second marriage without asking the papal consent, or interfering with the papal authority‡. With this view he had declined for nine months the cognizance of the cause: but at length, unable to resist the personal application of Charles, he signed a breve, forbidding Henry Max. to marry before the publication of his sentence, and 7. enjoining him in the mean while to treat Catherine as his lawful wife§.

Within a few days the ambassadors arrived; and their arrival furnished him with a specious reason for suspending the operation of the breve. He received them graciously, and gave them his word, that he would do in favour of Henry whatever his conscience would permit. But when they were introduced to Charles, that prince did not conceal his feelings at the sight of the father of

* See these instructions among the transcripts for the N. Dymer, 168.

† Letters of Jusseimo apud Le Grand, iii. p. 489. 419.

‡ A ce qu'il n'en a de lors des lins plus de trois en s'ent, il seroit content que le dit mariage fut jū fait on par dispense du legs d'auc'clerc ou autrement, mais que ce ne fut par son auctorité, ny aussi démentant sa puissance. Lettre de Perleque de Tarbes. A. Bologna, 27. Mars. Apud Le Grand, ii. 491.

§ Le Grand, iii. 416. He had previously communicated the case with the writings in favour of Henry to the celebrated Cajetan, whose answer may be seen in Bayle's, xxiii. 156. It was adverse to the king.

ber, who was the rival of his aunt. "Stop, sir," said the emperor, "allow your colleagues to speak. You are a party in the cause." The earl replied with firmness, that he did not stand there as a father defending the interests of his child, but as a minister representing the person of his sovereign; that if Charles would acquiesce in the royal wish, Henry would rejoice; if he did not, the imperial disapprobation should never prevent the king of England from demanding and obtaining justice. As the price of his consent, the ambassadors offered him the sum of three hundred thousand crowns, the restoration of the marriage portion paid with Catherine, and security for a maintenance suitable to her birth during life. But he replied, that he was not a merchant to sell the honour of his aunt. The cause was now before the proper tribunal. If the pope should decide against her, he would be silent; if in her favour, he would support her cause with all the means which God had placed at his disposal*.

The new ministers condescended to profit by the advice of the man whom they had supplanted; and sought, in conformity with his recommendation, to obtain in favour of the divorce the opinions of the most learned divines, and most celebrated universities in Europe. Henry pursued the scheme with his characteristic ardour; but, if he was before convinced of the justice of his cause, that conviction must have been shaken by the obstinacy of the opposition which he every where experienced. In England it might have been expected that the influence of the crown would silence the partisans of Catherine: yet even in England it was found necessary to employ commands, and promises, and threats, sometimes secret intrigue, and sometimes open violence, before a favourable answer could be extorted from either of the universities†.

* These particulars are extracted from letters written from Bologna by the bishop of Tarragona the 27th and 30th of March. Le Grand, iii. 411. 484

† On the subscriptions of the universities, see note (F).

In Italy the king's agents were active and numerous; their success and their failures were perhaps nearly balanced: but the former was emblazoned to catch the eye of the public, while the latter were discreetly concealed. From the pontiff they had procured a breve, exhorting every man to speak his sentiments without fear or favour; and taking their respective stations in the principal cities from Venice to Rome, they distributed, according to their discretion, the monies which had been remitted to them from England. They drew an ingenious, but in this case not very intelligible, distinction between a fee and a bribe; and contended that when they rewarded the subscriber for his trouble, they paid him nothing as the price of his signature. The result of their exertions were the real or pretended answers of the universities of Bologna, Padua, and Ferrara, and the subscriptions of some hundreds of individuals.

In the Germanic states Henry was less successful. Not one public body could be induced to espouse his cause: even the reformed divines, with a few exceptions, loudly condemned the divorce; and Luther himself wrote to Barnes the royal agent, that he would rather allow the king to have two wives at the same time, than to separate from Catherine for the purpose of marrying another woman*.

It was therefore from France and her fourteen universities that the most valuable aid was expected. The bishop of Bayonne had been for some months employed in soliciting the votes of the leading members of the different faculties; and Henry had written to the king

* *Antequam tale negotium proficere, potius regi permittere alienam reginam quopam ducere, et exemplo patrum et regum ducis simul uxorem esse regina habere.* Luther Epist. Holo, [17], p. 250. Melancthon was of the same opinion (Epist. ad Cantuar. 30). Henry had ordered inquiries to be made at Rome on this very subject: and if we may believe Greg. de Casale, the imperialists had suggested the expedient to Clement, who communicated it to that minister. Herbert, 50. But Casale was already suspected of being bought by the imperialists; and it does not appear that any notice was taken of the communication.

to employ the royal authority in his favour. But Francis artfully pretended that he dared not risk the offence of Charles, so long as his two sons were detained prisoners in Spain; nor could they be liberated according to the treaty, till he had paid two millions of crowns to the emperor, five hundred thousand to the king of England, and had redeemed, in favour of Charles, the lily of diamonds, which Maximilian and Charles had formerly pawned to Henry VII. for the sum of fifty thousand crowns of gold*. The impotence of the king Feb. swallowed the bait; he was content to make every scri-
15. vice, that he might obtain the subscriptions which he sought; he forgave the debt, made a present of the pledge, and added to it a loan of four hundred thousand crowns†.

Still the business languished till the earl of Wiltshire was returned from Bologna. The university of Paris had long possessed the first place among the learned societies of Europe; and it was deemed of the first importance to obtain from it a favourable decision. Henry wrote to the dean with his own hand; Francis commanded the faculty of divinity to deliberate on the subject; Montmorency, his prime minister, canvassed for votes from house to house; and every absent member in the interest of the court was summoned to Paris. Yet the majority was decidedly hostile to the pretensions of the king of England. From the beginning of June to the middle of August they continued to meet and adjourn; and in one instance only, on the second of July, was a plurality of voices obtained, by dexterous management, in favour of Henry. By the order of the court, the bishop of Senlis carried away the registers, that the entry might not be effaced or rescinded in any subsequent meeting; and an attested copy was forwarded to England, and published by the king as the real decision of the university of Paris. From Orleans and Toulouse,

* *Pl. nec. xii.* 233. A.

† *Rym. arc. 265.* 368—369. 374—384. *Le Grand.* ii. 428—466.

from the theologians of Bourges, and the civilians of Angers, similar opinions were received; but the theologians of the last city pronounced in favour of the existing marriage*. The other universities were not consulted, or their answers were suppressed.

It had been originally intended to lay before the pontiff this mass of opinions and subscriptions, as the united voice of the christian world pronouncing in favour of the divorce. But Clement knew (and Henry was aware that he knew) the arts by which they had been purchased or extorted; and both were sensible, that, independently of other considerations, they did not reach the real merits of the question; for all of them were founded on the supposition that the marriage between Arthur and Catherine had actually been consummated, a disputed point which the king was unable to prove, and which the queen most solemnly denied. In the place of these opinions it was deemed more prudent to substitute a letter to the pope, subscribed by the lords spiritual and temporal, and by a certain number of 30. commons, in the name of the whole nation. This instrument complains in forcible terms of Clement's partiality and tergiversation. What crime had the king of England committed that he could not obtain what the most learned men, and the most celebrated universities declared to be his right? The kingdom was threatened with the calamities of a disputed succession, which could be averted only by a lawful marriage; and yet the celebration of that marriage was prevented by the affected delays and unjust partiality of the pontiff. Nothing remained, but to apply the remedy without his interference. It might be an evil: but it would prove a less evil, than the precarious and perilous situation in which England was now placed †.

* *Arch. Le Grand*, ii. 36.

† *Disputes of Jacobus*, Foh. 32 p. 443.

‡ *Nello* and *ASU* de *prece et postulo*. *Epis. Clementis apud Beza*, p. 67. | *Herbert*, 380.

87. To this uncourteous and menacing remonstrance, Clement replied with temper and firmness; that the charge of partiality would have come with more truth and a better grace from the opposite party; that he had pushed his indulgence for the king beyond the bounds of law and equity, and had refused to set on the queen's appeal, till the whole college of cardinals unanimously charged him with injustice; that, if he had not since proceeded with his cause, it was because Henry had appointed no attorney to plead for him, and because his ambassadors at Bologna had asked for additional time; that the opinions which they mentioned had never been officially communicated to the holy see, nor did he know of any, which were fortified with reasons and authorities to inform his judgment; that if England were really threatened with a disputed succession, the danger would not be removed, but augmented, by proceedings contrary to right and justice; that if lawless remedies were employed, those with whom they originated must answer for the result; that, in short, he was ready to proceed with the cause immediately, and to show to the king every indulgence and favour compatible with justice; one thing only he begged in return, that they would not require of him, through gratitude to man, to violate the immutable commandments of God¹.

Shortly after the receipt of this answer, the king was

¹ Herbert, 365. With the remonstrance Henry sent a letter from himself complaining of the treatment which he had received. He mentions the commission, the promise not to revoke it, the decretal bull which was burnt, and then adds, "if your holiness will grant us all these things justly, we will joyfully revoke them: if there were no deceit or fraud in the execution, then how wrongfully and suddenly have been done all these things that have been done." (Burnet, i. Rec. 62. The date should be Aug. 1589.) We are not acquainted with Clement's answer. With respect to the bull, he would only acknowledge his own weakness in allowing it to be extorted from him by the entreaties of Wakeley and the agents. But to the other part of the complaint, when it was urged by Booner, he replies that "if the queen had not given an oath round upon special non-sua justice over; lest in justice, he would not have stricken the matter at all: but seeing she gave that oath, and received the judges as super, appealing also to his seat, he will be might and ought to bear her, his promise made to your holiness, which was qualified, notwithstanding." Burnet, i. Rec. 61.

informed by his agents, that the imperialists were most urgent in their solicitations, and that Clement, though he interposed every obstacle in his power, would soon be compelled to issue an inhibitory breve, forbidding all archbishops or bishops, courts or tribunals, to give judgment in the matrimonial cause against Catherine. It was observed that he became more pensive than usual. All his expedients were exhausted; he saw that he could neither remove the opposition of the emperor, nor obtain the consent of the pontiff; and found that after so many attempts he was involved in greater difficulties than before. He began to waver; and observed to his confidants that he had been grossly deceived: he should never have sought a divorce, had he not been assured that the papal approbation might be easily obtained: that assurance had proved false; and he would now abandon the attempt for ever*. These words were soon whispered from one to another; they quickly reached the ear of Anne Boleyn; and dismay was painted on the countenances of the mistress and her advocates, of the ministers and their adherents. Their ruin was confidently foretold; when they were rescued from danger by the boldness and ingenuity of Cromwell.

The subsequent elevation of Cromwell to the highest honours in the state reflects an interest on the more obscure portion of his private life. His father was a fuller in the neighbourhood of the capital. The son in his early youth served as a trooper in the wars of Italy; from the army he passed to the service of a Venetian merchant; and after some time, returning to England, exchanged the counter for the study of the law. Wolsey had employed him to dissolve the monasteries which had been granted for the establishment of his colleges, a trust which he discharged to the satisfaction of his patron, at the same time that he enriched himself. His

* This is the account given by those to whom the king had disclosed his sentiments. *Mití nelerbat qúanahit. Apolog. al Carl. V. Cap. liij.*

principles, however, if we may believe his own assertions, were of the most dignified description. He had learned from Machiavelli that vice and virtue were but names, fit indeed to amuse the leisure of the learned in their colleges, but pernicious to the man who seeks to rise in the courts of princes. The great art of the politician was, in his judgment, to penetrate through the disguise which sovereigns are accustomed to throw over their real inclinations, and to devise the most specious expedients by which they may gratify their appetites without appearing to outrage morality or religion*. By acting on these principles he had already earned the hatred of the public; and, when his patron was disgraced, was singled out for punishment by the voice of the populace. He followed Wolsey to Esher: but despising the fortune of the fallen favourite, hastened to court, purchased with presents the protection of the ministers, and was confirmed in that office under the king, which he had before held under the cardinal, the stewardship of the lands of the dissolved monasteries†.

The day after the king's intention had transpired, Cromwell, who, to use his own words, was determined to "make or maze," solicited and obtained an audience. He felt, he said, his own inability to give advice: but neither affection nor duty would suffer him to be silent, when he beheld the anxiety of his sovereign. It might be presumption in him to judge: but he thought the king's difficulties arose from the timidity of his counsellors, who were led astray by outward appearances, and by the opinions of the vulgar. The learned, and the universities had pronounced in favour of the divorce. No-

* This relates that he received these lessons from the mouth of Cromwell himself in Wolsey's palace. *Pole*, 138—136. See also Pole's discourse with John Leyton Martindale, *MS Chap. E. vi. 361*.

† *Utinam scire, quæ aliqd. de se intelligerent, ad supplicium processerit. Ille enim alterius possion, quæ Londoniæ terra affuit, et terras videtur. Nec vna populi sunt spectacula libentis expectabat.* *Pole*, 147. [Cromwell], 463.

thing was wanting but the approbation of the pope. That approbation might indeed be useful to check the resentment of the emperor: but, if it could not be obtained, was Henry to forego his right? Let him rather imitate the princes of Germany, who had thrown off the yoke of Rome; let him, with the authority of parliament, declare himself the head of the church within his own realm. At present England was a monster with two heads. But were the king to take into his own hands the authority now usurped by the pontiff, every anomaly would be rectified; the present difficulties would vanish; and the churchmen, sensible that their lives and fortunes were at his disposal, would become the obsequious ministers of his will. Henry listened with surprise but with pleasure to a discourse, which flattered not only his passion for Anne Boleyn, but his thirst of wealth, and greediness of power. He thanked Cromwell, and ordered him to be sworn of his privy council*.

It was evident that the adoption of this title would experience considerable opposition from the clergy: but the cunning of Cromwell had already organized a plan, which promised to secure their submission. The reader may have observed in a preceding volume, that when the statutes of premonition were passed, a power was given to the sovereign to modify or suspend their operation at his discretion; and from that time it had been customary for the king to grant letters of license or protection to particular individuals, who meant to act or had already acted against the letter of these statutes. Hence Wolsey had been careful to obtain a patent under the great seal, authorizing him to exercise the legitime authority; nor did any person during fifteen years presume to accuse him of violating the law.

* *Ibid.* 118-122. This is not a supposititious disease. He says of it: *Ille possum afferre nihil in la cruce possum afferre no ment, quod non vel ab eodem natus (Cromwell himself) no narrate iudicet, vel ab illis qui ejus consilio fuerunt participes, p. 122.*

When, however, he was indicted for the offence, he refused to plead the royal permission, and through motives of profluence suffered judgment to pass against him. Now, on the ground of his conviction, it was argued that all the clergy were liable to the same penalty, because, by admitting his jurisdiction, they had become, in the language of the statute, his futors and abettors; and the attorney-general was instructed to file an information against the whole body in the court of king's bench. The convocation hastily assembled, and offered 1531 a present of one hundred thousand pounds in return for Feb. a full pardon. To their grief and astonishment Henry 7. refused the proposal, unless in the preamble to the grant a clause were introduced, acknowledging the king "to be the protector and only supreme head of the church and clergy of England." Three days were consumed in useless consultation; conferences were held with Cromwell and the royal commissioners; expedients were proposed and rejected; and a positive message was sent by the viscount Rochford, that the king would admit of no other alteration than the addition of the words "under God." What induced him to relent is unknown: but an amendment was moved with his permission by archbishop Warham, and carried 11. with the unanimous consent of both houses*. By this Mar. the grant was made in the usual manner: but in the 2. enumeration of the motives on which it was grounded was inserted within a parenthesis the following clause "of which church and clergy we acknowledge his majesty to be the chief protector, the only and supreme Nov. 4. head, and, as far as the law of Christ will allow, the "supreme head." The northern convocation adopted

* With Can. ii. 735. The king had also demanded a recognition that it was by his protection that they were enabled to serve *curia annorum regni sui* as common. *Ibid.* This, however, was evaded, by the following amendment, *hæc curia populi majestati ejus commisit. Ibid.* 741.

* *Ibid.* 742. Burnet (i. 133) uses every argument to show that Bernard Pole was probably concerned in this vote. But Pole himself

the same language, and voted for the same purpose a grant of eighteen thousand eight hundred and forty pounds*. It is plain that the introduction of the words, "as far as the law of Christ will allow," served to invalidate the whole recognition; since those who might reject the king's supremacy could maintain that it was not allowed by the law of Christ. But Henry was yet wavering and irresolute: he sought to intimidate the court of Rome, but had not determined to separate from its communion: it was therefore thought sufficient to have made a beginning; the qualifying clause might be afterwards expunged, whenever the occasion required.

In the mean while the inhibitory brief had been signed *Jan.* by Clement, and published with the usual solemnity *5.* in Flanders†. That it might make the less impression on the minds of the people the new chancellor, attended by twelve peers, went to the lower house; the answers of *Mar.* the universities were read; above a hundred papers, said *30.* to contain the opinions of theologians and canonists were exhibited; and the members were exhorted, on their return to their homes, to acquaint their neighbours with the justice of the royal cause‡. After the prorogation *May* several lords were deputed to wait on the queen, and to request, that for the quiet of the king's conscience, she would refer the matter to the decision of four temporal and four spiritual peers. "God grant him a quiet conscience," she replied; "but this shall be your answer: I am his wife lawfully married to him by order of holy church;

reminds the king that, though he heard him refuse the grant without the title, he was not present when the concession assented to give him the title. *Dem. linc. statuerunt, non addit, &c. xiv. lxxvi.*

* *Wilk. Con. iii. 74.* In consequence a parliament was granted. *Sc. of Beaulieu, ii. 33.*

† Tunstall, bishop of Durham, though he had received many letters from Henry, had the courage to protest against it. If the clause meant nothing more than that the king was head in temporal, why, he asked, did it not say so? If it meant that he was the head in spirituals, it was contrary to the doctrine of the catholic church, and he called on all present to witness his dissent from it, and to enter the entry of his protest among the acts of the convocation. *Wilk. Con. iii. 74.*

‡ *Le Grand, iii. 33.* | *Hall, 196—199.*

“and so I will abide until the court of Rome, which was
 “privy to the beginning, shall have made thereof an
 “end.” A second deputation was sent with an order
 for her to leave the palace at Windsor. “Go where I
 Jovly “may,” she answered, “I shall still be his lawful wife.”

14. In obedience to the king, she repaired to Amptill;
 where, if she was no longer treated as queen, she no
 longer witnessed the ascendancy of her rival *.

The bishoprics of York and Winchester, two of the
 most wealthy preferments in the English church, had
 remained vacant since the death of Wolsey, through
 the desire of Henry to bestow one of them on his kin-
 sman, Reginald Pole. That young nobleman was the
 son of sir Richard Pole, a Welsh knight, and of Marga-
 ret, countess of Salisbury, the daughter of George, duke
 of Clarence, who had been put to death by the order of
 his brother, Edward IV. Henry had taken on himself
 the charge of his education; and Reginald spent five
 years in the university of Padua, where his birth and
 manners, his talents and industry, attracted the notice,
 and won the esteem of the first scholars in Italy. On
 his return to England, situating the favours which his
 sovereign offered him, he retired to the house lately
 belonging to dean Colet within the Carthusian monas-
 tery at Shene; and at the expiration of two years, that
 he might avoid the storm which he saw gathering, ob-
 tained the royal permission to pursue his theological
 studies in the university of Paris. But the peace of his
 asylum was soon invaded by an order from the king to
 procure, in conjunction with Langey, the brother of the
 bishop of Bayonne, opinions in favour of the divorce; a
 charge from the execution of which his conscience re-
 coiled, and which under the pretence of youth and inex-
 perience, he resigned to the address of his colleague.
 Soon after his recall he was told by the duke of Norfolk
 that the king had marked him out for the first dignities

* Hal. 290. Herb. 384.

in the English church, but previously expected from him a faithful explanation of his opinion concerning the divorce. Pole frankly owned that he condemned it: but by the advice of the duke requested the respite of a month that he might have leisure to study the question. After many debates with his brothers and kinsmen, and a long struggle with himself, he fancied that he had discovered an expedient, by which, without wounding his conscience, he might satisfy his sovereign. His conversion was announced to Henry, who received him most graciously in the gallery at Whitehall: but that moment Pole began to hesitate; he deemed it a crime to dissemble; and in a faltering voice ventured to disclose his real sentiments. The king heard him with looks and gestures of anger, interrupted his discourse with a volley of reproaches and, turning on his heel, left him in tears. At his departure he was assailed with the remonstrances of lord Montague and his other brothers, who complained that by his obstinacy he had ruined not only himself but also them. Moved by their complaints, he wrote to the king, lamenting his mis-
June.
 fortune in dissenting from the opinion of his benefactor, and detailing with modesty the motives of his conduct. It was now thought that nothing could save him from the royal displeasure: lord Montague waited on the king to deplore the infaturation of his brother: but Henry replied, "My lord, I cannot be offended with so dutiful and affectionate a letter. I love him in spite of his obstinacy; and, were he hot of my opinion on this subject, I would love him better than any man in my kingdom."

* See Pole, *Pro eccles. unit. defen.* fol. lxxviii. Apolog. ad Anglie Pontificem. Epistolatum tom. i. p. 190. Ep. ad Edward. reg. iii. 87—82. Henry communicated this letter to Cromer, who had now returned to England, and joined the Poleys family at court. He gives the following account of it to his patron the earl of Wiltshire. "He hath written with such write that it appeareth that he might be by his conscience of the counsel to the king bys grace; and of such eloquence, that if it were set forth and knowne to the common people I suppose it were not possible to persuade them to the contrary. The kynge and my lady Anne

Instead of withdrawing his pension of five hundred crowns, he allowed him again to leave England, and to prosecute his studies abroad. The see of York was given to Lee, who had accompanied the earl of Wiltshire to Bologna; that of Winchester to Gardiner, whose prospect of monopolizing the royal favour had been clouded by the growing influence of Cromwell. The new prelates, however, did not conceive that the recognition of the king's supremacy had enabled him to confer episcopal jurisdiction. They solicited institution from the pontiff; and Henry, as soon as the papal bulls arrived, issued the customary writs for the delivery of their temporalities*.

De.
3.

By this time the Imperialists had acquired a decided superiority at Rome: but their progress was checked by the obstacles which Clement's secret partiality for the king of England repeatedly threw in their way. They prayed judgment against him on the ground that he refused to plead: the pontiff, to elude the demand, requested Henry to appoint an agent with the office of excusator, who might show cause for his absence. The king consented; but not till he had proposed two questions to the university of Orleans, the faculty of law at Paris, and the principal advocates in the parliament of that capital; who replied, 1^o that he was not obliged to appear at Rome either in person or by his attorney, but that the cause ought to be heard in a safe place before delegates unobjectionable to either party; 2^o that it was not necessary to furnish the excusator with powers for the performance of his office, because it was a duty which every subject owed to his sovereign, in the same manner as a child to his parent †. Sir Edward Carne was now sent, but with verbal instructions, and without powers in writing. If Clement was mortified with this

June
22.

* vide yesterday at Windsor, and this night they be looked for agayne "at Hampton court. God be their guyde." June xiii. Stowe's Chronicle, 439. 361. i.

† *Deum. iiii.* 421.

† *Deum. iiii.* 421—422.

omission, he was still more distressed when he received a letter from Catherine, announcing her formal expulsion from court, and praying the pontiff no longer to refuse her justice. In the most forcible but affectionate terms Jan. he wrote to the king, and painted the infamy which by his late conduct he had stamped on his own character. He had married a princess of distinguished virtue, and allied in blood to the first sovereign in Europe; and now, after the lapse of more than twenty years, he had ignominiously driven her from his court, to introduce in her place another woman with whom he publicly cohabited, and to whom he transferred the conjugal affection due to his wife. Let him recall his queen, and dismiss her rival. It was what he owed to himself; but Clement would receive it as a favour, the most signal favour, which Henry had ever conferred on the apostolic see*.

But the time was past when the king sought to conciliate: his present object was intimidation; and with that purpose he had assembled the parliament. In a former volume I have noticed the origin of the annates or first-fruits, which were paid to the Roman see from most nations in Europe, and formed the chief fund for the support of the cardinals in attendance on the pontiff. An act was passed for the abolition of this ecclesiastical impost. In the preamble it was stated that the annates had been originally established for the defence of christianity against the infidels; that they had been insensibly augmented, till they became a constant drain on the wealth of the nation; and that it was necessary to provide an immediate remedy before the decease of the present bishops, of whom many were far advanced in years. It was therefore enacted that, if any prelate

* Herbert, 300. Le Grand, iii. 560. The pontiff's expressions aimed not at a doubt as to the character which he had received of Anne Boleyn. *Esse autem ejus quendam Annam in tantum conversatione et cohabitacione receptam, equæ maritalis affectione inter eos debita exhibens. Idem.*

* The amount was estimated at 4000*l.* per annum, on an average of many years.

hereafter should presume to pay first-fruits to the see of Rome, he should forfeit his personalities to the king, and the profits of his see as long as he held it; that, if in consequence of the omission the necessary bulls were refused, he should nevertheless be consecrated by the archbishop, or two other bishops, as was usual in ancient times; and that if, on such account, any censures or interdicts were issued by the pope, they should be utterly disregarded. It was not, however, that Henry sought to save the money, for he would eagerly have purchased the divorce with more costly sacrifices; nor that he wished to proceed to an open rupture with the court of Rome, for he still held out hopes of a reconciliation. But his real object was to influence the resolves of the pontiff by considerations of interest. Hence the rigour of the act was mitigated by the following provisions; 1^o. that for the expediting of his bulls, each bishop might lawfully pay fees after the rate of five per cent. on the amount of his yearly income; and 2^o. that (in order to come to an amicable composition with the pope) it should be at the option of the king to suspend or modify, to annul or enforce, the present statute by his letters patent, which in this instance should have the force of law*.

At the same time Cromwell ventured to proceed a step further in the prosecution of his plan for annexing to the crown the supreme jurisdiction in ecclesiastical concerns. An address was procured from the house of commons, complaining that the convocations of the clergy, without consulting the other estates, often enacted laws which regarded temporal matters, and which, though contrary to the statutes of the realm, were notwithstanding enforced by spiritual censures, and prosecutions for heresy. This address was sent by Henry to the convocation, and was followed by a requisition, that the clergy should promise never more to enact, publish,

* *Rolls, cxxxv.* Stat. of Reals, III. 28-7.

or enforce their constitutions without the royal authority and assent; and that they should submit all those now in force to the consideration of a committee of thirty-two members, half laymen and half clergymen, to be chosen by the king, and to have the power of determining what constitutions ought to be abolished, and what ought to be retained. Though Gardiner composed an eloquent answer to the address; though the clergy maintained that they had received from Christ authority to make such laws as were necessary for the government of their flocks in faith and morals, an authority omitted by all Christian princes, founded in Scripture, and "defended with most vehement and inexpugnable reasons" and authorities by his majesty himself in his most excellent book against Luther;^a though they consented to promise that in consideration of his zeal and wisdom they would never make any new constitutions during his reign without his assent, and were willing to submit the consideration of the old constitutions to the judgment of his grace alone, the king was inexorable; and after many discussions, a form of submission, which he My consented to accept, was carried by large majorities. 15. The clause limiting the promise to the duration of the present reign was rejected, but the king was added to the committee, and the assent of the clergy was said to be grounded on their knowledge of his superior learning and piety*.

These proceedings, so hostile to the authority of the clergy, and the interests of the pontiff, were immediately communicated to Carne at Rome. He had demanded to be admitted as executor, and was opposed by the Imperialists; the arguments of counsel were heard on both sides; and Clement, having spent the July discussion for some months, pronounced against the 13.

^a Hence I have no doubt that they meant to contend afterwards that it was a personal grant, limited to him, and not inheritable by his successors. Wals. C. c. 10, 72, et seq.

claim, and summoned the king to proceed with the *N. case* in November. When the day came Carne protested against the summons: but the pontiff rejected the protest, and requested Henry to appear by his attorney; in which case delegates might be appointed to take informations in England, though the final judgment must be reserved to the Roman see. At the same time he signed a breve, complaining that in defiance of public decency the king continued to cohabit with his mistress, declaring both of them excommunicated, unless they should separate within a month after the receipt of the present letter; and, in case they should presume to marry, pronouncing such marriage invalid, and confirming his former prohibition against it*. It seems, however, that for some reason, which is unknown, the publication of this breve was suspended.

During the summer Henry had renewed his former treaties with France, and in addition had concluded a defensive alliance against any subsequent aggression on the part of the emperor. He had frequently solicited an interview with Francis: he now repeated his request in so urgent a manner, that the French king, though with considerable reluctance, acquiesced. But Anne Boleyn also sought to be of the party; and the ambassador was employed to procure for her an invitation from Francis, who on his part might be accompanied by the queen of Navarre. Whether he succeeded is very uncertain †: at the appointed time the two kings repaired,

* *Darrel, l. Boyns, ii. 111-113. Le Grand, l. 229-230. ii. 558-563.*

† *Rem. no. 434.*

‡ *Le Grand, ii. 562.* In this letter the bishop of Bayonne details the high favour in which he is with Henry and Anne. The former spends several hours with him every day, and discloses to him all his secrets. He accompanies the other on all hunting parties; has received from her a present of a goshawk, a horn, and a hunter's jacket and cap; and the king always orders for them a proper station, from which with their cross bows they shoot the deer as they run by. He does not say that the request to be present at the meeting was made by Anne, but intimates as much by adding, that he is so far south as to conceal the quarter from which he comes. Henry washed both monarchs to be on a footing of equality

the one to Calais, the other to Boulogne. As Henry had Oct. requested the meeting, he paid the first visit; and at 21. the end of four days Francis returned with him to Calais, where he remained the same time. On the 28. Sunday evening after supper the door was suddenly thrown open; twelve persons in masks and female dresses entered the room; and each singled out a gentleman to dance. Henry after some time took off the viings of the maskers; and it appeared that Francis had danced with Anne Boleyn. He conversed with her for some minutes apart, and the next morning sent her as a present a jewel valued at fifteen thousand crowns*.

Curiosity was alive to discover the object of this meeting; but, while the royal attendants were amused with reports of a confederacy against the Turks, the two princes communicated to each other in secret the real or imaginary wrongs which they had suffered from the pontiff, and concerted measures to confound within narrower limits the pretensions of the holy see. But they came to the discussion with far different feelings. The irritation of Henry sought to set at defiance the papal authority, provided he could secure the co-operation of his ally; Francis affected an equal parade of resentment, but laboured, while he concealed his object, to effect a reconciliation between his friend and the pope. When the king of England proposed a general council, so many difficulties were objected, such a succession of delays, remonstrances, and discussions was anticipated, that he reluctantly acquiesced in the more temperate advice of the French king, to invite Clement to meet the two monarchs at Marseilles, where they might settle their existing differences in an amicable manner. Henry promised that he would attend in person, or by

and desired that, if he brought Anne, Francis should bring the queen of Navarre; for he would not meet the queen of France, the emperor's sister. Il faut est bien d'aller à l'Espaignolle, tant qu'il luy semble estre un diable, p. 256. Francis, however, did not comply with his wish, and was not accompanied by any lady.

* Hall, 106-108. Le Grand, i. 231.

the first nobleman in his realm; and that in the interval he would abstain from every act which might tend to widen the breach between himself and the pope; and Francis despatched to Rome the cardinals of Grandmont and Tournon to arrange the preliminaries of the meeting, write a letter to Clement protesting against the insult which he had offered to all crowned heads, by citing the king of England out of his dominions, and insisted that the cause ought to be heard and decided on the spot by delegates fully authorized to determine without appeal or procrastination. The monarchs separated with professions of mutual esteem, and assurances of the most lasting attachment*.

Five years had now rolled away since Henry first solicited a divorce, three since he began to exhibit with Anne Boleyn, and still he appeared to have made but little progress towards the attainment of his object. The reader, who is acquainted with the impetuosity of his character, will perhaps admire his patience under so many delays and miscarriages; he may discover its true cause in the infirmity of Anne, which had hitherto disappointed the king's most anxious wish to provide for the succession to the throne. Instead of making her his wife, he had in September last granted to her, and to the heirs male of her body for ever, the dignity of marchioness of Pembroke, with an annuity of one thousand pounds for life out of the bishopric of Durham, and of another thousand out of several manors belonging to the crown: but four months later she proved to be in a condition to promise him an heir; and

* *Le Grand*, l. 233. 234. ff. 472.

* The charge of seduction has given offence. Yet if there were no other authority, the very circumstance would justify it. A young woman of one-and-twenty listens to declarations of love from a married man who has already seduced her sister; and, on his promise to obtain from his wife a licence to marry her, she quits her parental home, and consents to live with him under the same roof, when for three years she is constantly in his company at meals, on his journeys, on occasions of ceremony, and at parties of pleasure. Can it be any great want of candour to suppose the innocence of such intimacy between the two lovers?—See, however, *Mr. Hallam, Const. Hist.* l. 24. note.

the necessity of placing beyond cavil the legitimacy of 1533, the child induced him to violate the pledge which he Jan. had so solemnly given to the king of France. On the 25th 25th of January, at an early hour, Dr. Rowland Lee, one of the royal chaplains, received an order to celebrate mass in a room in the west turret of Whitehall. There he found the king attended by Norris and Hennege, two of the grooms of the chamber, and Anne Boleyn, accompanied by her train-bearer Anne Savage, afterwards lady Berkeley. We are told that Lee, when he discovered the object for which he had been called, made some opposition: but Henry calmed his scruples with the assurance that Clement had pronounced in his favour, and that the papal instrument was safely deposited in his closet*.

As soon as the marriage ceremony had been performed, the parties separated in silence before it was light; and the viscount Rochford, the brother of Anne, was despatched to announce the event, but in the strictest confidence, to Francis. At the same time he was instructed to dissuade that king from consenting to the intended marriage of his second son with the niece of Clement; or, if it could not be prevented, to prevail on him to make it a condition of the marriage that the pope should proceed no farther in his measures against Henry. Francis received the intelligence with sorrow. Henry's precipitancy had broken all the measures which had been planned for the reconciliation of the English king with the pontiff: but in answer to his complaints by Langey his ambassador, Henry pleaded scruples of conscience, and promised that he would conceal the marriage till the month of May, by which time the

* Burnet treats this account as one of the fictions of Sander: but it is taken from a manuscript history of the divorce presented to queen Mary, thirty years before the work of Sander was published. (See Le Grand, li. 119.) and agrees perfectly with the attempt to keep the marriage secret for two or three months. Lee was male bishop of Chester, was translated to Lichfield and Coventry, and honoured with the presidency of Wales, Stone &c.

† Transcripts for the N. B. m. 176.

interview between Francis and Clement would have taken place. Then, if Clement did him justice, the recent proceeding would prove of no detriment; if not, he was determined to set the papal authority at defiance.

But, contrary to his hopes, the interview was postponed; the pregnancy of the bride became visible; and on Easter eve orders were given that she should receive the honours due to the queen consort. The marriage was thus acknowledged; still the date of its celebration April remained involved in mystery; and, to encourage the
 12. notion that the child had been conceived in wedlock, a report was artfully circulated that the nuptials had occurred at a more early period, immediately after the separation of the two kings at Calais*.

Archbishop Warham, who had been driven from court by the ascendancy of Wolsey, was zealousy attached to
 153. the ancient doctrines and the papal authority: his death
 Aug. in the course of the last summer had empowered the
 23. king to raise to the first dignity in the English church a prelate of opposite principles, and more devoted to the will of his sovereign. Thomas Cranmer, at the recommendation of Henry†, had been taken into the family of the Boleyns, and had assisted the father and the daughter with his sermons and advice: his book in favour of the divorce, the boldness with which he had advocated the royal cause at Rome, and the industry

* Hence the marriage is dated on the 16th of November, 1532, the day when Henry and Anne sailed from Calais, by almost all our historians. But Galton (Annals 51.) and Stone (Annals, 540) have assigned it to the 25th of January, the feast of the conversion of St. Paul; and that they are right, is inconceivably proved from a letter still extant, written by archbishop Cranmer to his friend Hawkins, the ambassador to the emperor. After an account of the conversion, he proceeds thus: "But, none, sir, you may with strange that this conversion was before her marriage, for she was married much about Sainte Paul's daye laste, as the com-
 "dious the red darke well appare by reason she ys now somewhat bigger
 "with chylde. Notwithstanding yt hath ben reported thowra a great
 "parte of the realm that I married her, which was plainly faise: for I
 "myself knewe not thereof a fortnight after yt was donee." Archaeologia, xviii. 41.

† Not at least we are told on the very questionable authority of a long story in base, and a MS. life of Cranmer, C. C. Coll. Cam. See Pildes, 41.

with which he had solicited signatures in Italy, had raised him in the esteem of the king; and soon after his return he was appointed orator ad Cæsarem, or ambassador attendant on the emperor. Both Henry and Anne flattered themselves that, by selecting him for the successor of Warham, they would possess an archbishop according to their own hearts. There was, however, one objection which might have proved fatal to his elevation with a prince, who till his last breath continued to enforce with the stake and the halber the observance of clerical celibacy. Cranmer after the death of his wife had taken orders; but, during one of his agencies abroad, he had suffered himself to be captivated with the charms of a young woman, the niece of Oslander or of his wife, had married her in private, and had left her in Germany with her friends*. Whether this marriage had come to the knowledge of Henry, or was considered by him invalid according to the canon law, is uncertain; but, "to the surprise and sorrow of many", he resolved Oct. 1. to raise Cranmer to the archbishopric, and appointed Dr. Hawkins to succeed him in the embassy. From Nov. Mantua, where the emperor then held his court, Cranmer returned to England; the papal confirmation was asked and obtained; the necessary bulls were expedited in the usual manner, and in a very few days after their arrival the consecration followed†. But by

* There appears some doubt as to the time of this marriage. Goldwin, in his annals, says: *Canne jurisdictione oratoris, quam adulescens dicitur, postea collegian amari incipit benehabeat (hinc erat nepos uxoris Oslanderii) quam etiam sibi secundo conuictis conjugere cœtulit dicitur*—*venit*, p. 63. De Presbiteris Anglicanis, he says: *Quod maxime angebat, consuetudo fuit dicitur uxoris et fuit Oslanderii*, p. 138.

† *Preter opinionem et seorsum multorum*. *Antiq. Brit. 307.*

‡ Without noticing the question whether Cranmer was eager or reluctant to accept the dignity, I shall state the principal dates for the satisfaction of the reader—Aug. 24. Warham dies. Oct. 1. Henry signs the recall of Cranmer, and appoints Hawkins to succeed him (*Transcripts for New Rymer*, 73.) Oct. 4. The embassy, with whom Cranmer resides as ambassador, leaves Vienna for Italy (*Saunders*, 29.) Nov. 6. He fixes his residence at Mantua (16. 124.) Nov. 18. He is still at Mantua, where he has received the official notice of Cranmer's recall, and of the appointment of Hawkins; and on the same day delivers his answer into the hands of Cranmer to take with him to England. This seven

what casuistry could the archbishop elect, who was well acquainted with the services expected from him, reconcile it with his conscience to swear at his consecration canonical obedience to the pope, when he was already

resolved to act in opposition to the papal authority?

30. With the royal approbation he called four witnesses and a notary into the chapter-house of St. Stephen's at Westminster, and in their presence declared that by the oath of obedience to the pope, which for the sake of form he should be obliged to take, he did not intend to bind himself to anything contrary to the law of God, or prejudicial to the rights of the king, or prohibitory of such reforms as he might judge useful to the church of England*. From the chapter-house, attended by the same persons, he proceeded to the steps of the high altar, declared in their presence, that he adhered to the protestation which he had already read in their hearing, and then took the pontifical oath. The consecration followed: after which, having again reminded the same five individuals of his previous protest, he took the oath a second time, and received the pallium from the hands of the papal delegates†.

Weeks have elapsed since the date of Cromer's recall; for which we may safely account by the supposition that, ignorant of the emperor's departure from Vienna, Blewina proceeded towards that city, instead of going direct to Italy—Cromer was prevented by the pope in a consulate in January (Bocchati, *ivi* 234) thus leaving two months only for his journey from Mantua to England, his acceptance of the archiepiscopal mission of the doctor to Rome, and his proceedings there. The different bulls were promulgated on the 21st and 23rd of February, and the 3rd of March, and they arrived in England in sufficient time for the consecration on the 30th of the latter month.

* See it in the original Latin in *Strype*, *App.* p. 9. and not in the English translation, which is very unfaithful. By one clause he declared that it had never been his intention to empower his prelate to take any oath in his name contrary to the oath which he had taken or might take to the king; and yet he must have known the contents of the oath to be taken by the prelate, and have given him the usual authority to take it; otherwise the prelate would not have been admitted to act in the court of Rome.

† The question of the privacy or publicity of Cromer's protest has been set at rest by an extract from the original instrument in Lambeth MSS., 1166, published by Mr. Todd, *i. 68*. It proves, beyond the possibility of doubt, that he read the protest once only, and that before witnesses privately assembled in the chapter-house. In the church he did no more than say to the same witnesses that he would swear in the sense of the protest made by him already; but there is no evidence, that any one

This extraordinary transaction gave birth to an animated controversy; the opponents of the archbishop branding him with the guilt of fraud and perjury, his advocates labouring to wipe away the imputation, and justifying his conduct by the extraordinary circumstances in which he was placed. I will only observe that oaths cease to offer any security, if their meaning may be qualified by previous protestations, made without the knowledge of the party who is principally interested*.

With an archbishop subservient to his pleasure, Henry determined to proceed with the divorce. The previous arrangements were intrusted to the industry of Cromwell. To prevent Catherine from opposing any obstacle to the proceedings meditated by Cranmer, an act of parliament was passed, forbidding, under the penalty of premunire, appeals from the spiritual judges in England to the courts of the papist†; and, to furnish grounds for the intended sentence, the members of the convocation were divided into two classes, of theologians and canonists, and each was ordered to pronounce on a question separately submitted to its decision. Of the former Max it was asked, whether a papal dispensation could authorise a brother to marry the relict of his deceased brother

besides them heard his words, or that any one else was acquainted with the contents of the protest. It was evidently his object to clothe it with all the essential forms, but at the same time to conceal its purport from the public.

* The archbishop himself, in excuse of his duplicity, made the words to queen Mary, that his chief object was to be at liberty to reform the church. *Pink. answered:* "To what did this serve but to be forewarned before you did swear? O her preachers be woe to break their oath after they have sworn: you break it before. Men fumed to swear yet 'time et manum may have some colour of defence, but you had no such 'excuse.' " *Strype's Chron. Sup. 433.* Some of his modern apologists think that they have found a parallel case in the protest of archbishop Wetton, who in 1533, alarmed of the ecclesiastical intentions of the court, recanted in the strongest terms his dissent in his own name and the name of his church, to every statute passed or to be passed by parliament derogatory from the authority of the papal see, or abridgement of the rights of the church of Canterbury, (*Wilkins, con. in. 706.*) But the recantation is only in the technical form and title of the instrument. Wetton proclaims his own participation in the acts of others; Cranmer his resolution not to be bound by his own deed, by the oath which he was about to take; the one will never give his consent to what he disapproves in conscience, the other will take the oath which he conscientiously disapproves, and will then break it.

† Stat. of Hen. viii. c. 27.

in the case where the first marriage had been actually consummated: of the latter, whether the depositions taken before the legates amounted to a canonical proof that the marriage between Arthur and Catherine had been consummated. The two questions were debated for some days in the absence of the new archbishop, he then took his seat; the votes were demanded; and on both questions answers favourable to the king were carried by large majorities.* As soon as the convocation had separated, a hypocritical farce was enacted between Henry and Cramer. The latter, as if he were ignorant of the object for which he had been made archbishop, wrote a most urgent letter to the king, representing the evils to which the nation was exposed from a disputed succession, and begging to be informed, if it were the pleasure of the sovereign that he should bear the cause of the divorce in the archiepiscopal court. This letter, though its language was sufficiently humble, and sufficiently intelligible, did not satisfy the king or his advisers; and Cramer was compelled, in a second letter of the same date, to take the whole responsibility on himself. It was, he was made to say, a duty, which he owed to God and the king, to put an end to the doubts respecting the validity of Henry's marriage; wherefore prostrate at the feet of his majesty he begged permission to hear and determine the cause, and called on God to witness that he had no other object in making this petition than the exonerating of his own conscience and the benefit of the realm. There was no longer any demur. The king graciously assented to his request; but at the same time reminded the primate

* Among the theobicians there were 19 votes (Barnes strangely transformed them into 19 conventicles, i. 123, but acknowledged the error in his first volume, p. 223, note.) and 66 naves. The majority consisted of 3 bishops, 42 abbots and priors, and the rest clergymen. Of forty-four canonists, only six voted against Henry. The same questions were answered in the same manner at the convocation at York, on the 23d of May, with only two dissentient votes in each class. I may add that Care is certainly mistaken, when he supposes this transaction to have happened some years before.

† See note (G).

that he was nothing more than the principal minister of the spiritual jurisdiction belonging to the crown, and that "the sovereign had no superior on earth, and was "not subject to the laws of any earthly creature". It was in vain that the French ambassador remonstrated against these proceedings as contrary to the engagements into which Henry had entered at Boulogne and Calais. Catherine was cited to appear before Crammer at Dunstable, within four miles of Ampthill, where she resided; and a post was established to convey with despatch the particulars of each day's transactions to Cromwell. At the appointed time the archbishop, with the bishop of Lincoln as his assessor, and the bishop of Winchester and seven others as counsel for the king, opened the court, and hastened the trial with as much expedition as was permitted by the forms of the ecclesiastical courts. In his letters to Cromwell the primate earnestly entreated that the intention of proceeding to judgment might be kept an impenetrable secret. Were it once to transpire, Catherine might be induced to appear, and, notwithstanding the late statute, to put in an appeal from him to the papist; a measure which would defeat all their plans, and entirely disconcert both himself and the counsel. On Saturday the service of the citation was proved, and the queen, as she did not appear, was pronounced "contumacious." On the following Monday, after the testimony of witnesses that she had been served with a second citation, she was pronounced "verily and manifestly contumacious;" and the court proceeded in her absence to read depositions, and to hear arguments in proof of the consummation of the marriage between her and prince Arthur. On the 17. Saturday she received a third citation to appear, and hear the judgment of the court. Catherine took no notice of these proceedings; for she had been advised to abstain from any act which might be interpreted as

* State Papers, i. 290-2. Collar, ii. Records, No. 1211.

† Heriot's Reformation, p. 17, edition of 1674.

an admission of the archbishop's jurisdiction. Cramer waited for the first open day (it was Ascension week), and on the Friday pronounced his judgment, that the marriage between her and Henry was null and invalid, having been contracted and consummated in defiance of the Divine prohibition, and therefore without force or effect from the very beginning*.

This decision was communicated to the king in a letter from the primate, who with much gravity exhorted him to submit to the law of God, and to avoid those censures which he must incur by persisting in an incestuous intercourse with the widow of his brother. But what, it was then asked, must be thought of his present union with Anne Boleyn? How could he have lawfully effected a new marriage before the former was lawfully annulled? Was the right of succession less doubtful now than before? To silence these questions Cramer held another court at Lambeth, and having first heard the king's proctor, officially declared that Henry and Anne were and had been joined in lawful matrimony; that their marriage was and had been public and manifest; and that he moreover confirmed it by his judicial and pastoral authority†. These proceedings

May
25.

* Dom. iii. 46. Wils. Con. 78. Cramer's letter to Hawkyne, Archid. vol. 75. Ellis, ii. 36. State Pap. i. 294-7. It appears from Ben's letter to Cromwell, that the whole process had been "despised" "before the king's grace," and that "my lord of Canterbury handled himself very well, and very uprightly without any evident cause of suspicion" "to be noted in him by the counsel of the Lady Katherine, if she had had" "my presence." State Pap. i. 284.

† Quil verus? says Pole in a letter to Cramer, an non desunt que videbas, cum interquis uerens quibus legitimis iurisdictionibus? P. II. Epist. de Sac. Ecol. p. 6. Cremona, 1584.

‡ I maintain that, immediately after judgment was pronounced by Cramer, Henry and Anne were married again. Otherwise Lee archbishop of York, and Tunstall bishop of Durham, could have asserted a falsehood, when they told Catherine, that "after his highness was discharged of the marriage" "made with her, he contracted a new marriage with his lawful wife, queen Anne." State Pap. i. 419. It is plain from all that precedes and follows this passage, that they mean, after the divorce publicly pronounced by archbishop Cramer. Of a private divorce preceding the marriage in January, neither they nor any others, their contemporaries, had any notion. But a second marriage after the judgment of the court was never said, otherwise the issue by Anne could not have been legitimate. Henry had, indeed, been aware of the illegality of marrying her before a

were preparatory to the coronation of the new queen, June which was performed with unusual magnificence, attended by all the nobility of England, and celebrated with processions, triumphal arches, and tournaments. The honours paid to his consort gratified the pride of the king; her approaching parturition filled him with the hope of what he so earnestly wished, a male heir to the crown. He was under promise to meet Francis again in the course of the summer: but, unwilling to be absent on such an occasion, he despatched lord Rochford to the French court, who, having first secured the good offices of the queen of Navarre, the sister of the king, solicited him in the name of Anne—for Henry wished to appear ignorant of the proceeding—to put off the intended interview till the month of April. In the eighth month after their nuptials Anne bore the Sept. king a child: but that child, to his inexpressible disappointment, was a female, the princess Elizabeth, who afterwards ascended the throne.⁷

As soon as Cramer had pronounced judgment, Catherine received an order from the king to be content with the style of dowager princess of Wales; her income was reduced to the settlement made on her by her first husband Arthur; and those among her dependents, who gave her the title of queen, were irrevocably dismissed from her service. Still to every message and menace she returned the same answer: that she had come a clean maid to his bed; that she would never be her own sanderer, nor own that she had been a harlot for twenty

distance from Catherine: but he justified his conduct by declaring, that he had examined the corpse "the court of his own conscience, which was "enlightened and directed by the spirit of God, who possesseth and "directeth the hearts of princes;" and he was convinced that "he was "at liberty to excuse and enjoy the benefit of God for the procurement of "children in the lawful use of matrimony, no man ought to interfere at "this his doing." Burn. iii. Rec. 84.

* State Pap. i. 386.

† Transcript in X. B. 225, 178.

‡ State Pap. i. 407. Hall, 312. Cramer's letter to Hawkins, Archæol. vol. 31. I may here observe that this was the last coronation during Henry's reign. Of his four following wives not one was crowned.

years; that she valued not the judgment pronounced at Dunstable at a time when the cause was still pending "by the king's license" at Rome; pronounced too, not by an indifferent judge, but by a mere shadow, a man of the king's own making; that no threats should compel her to affirm a falsehood; and that "she feared not those which have the power of the body, but Him only that hath the power of the soul." Henry had not the heart to proceed to extremities against her. His repudiated wife was the only person who could leave him with impunity*.

In foreign nations the lot of Catherine became the object of universal commiseration: even in England the general feeling was in her favour. The men, indeed, had the prudence to be silent; but the women loudly expressed their disapprobation of the divorce; till Henry, to check their boldness by the punishment of their leaders, committed to the Tower the wife of the viscount Rochford, and the sister-in-law of the duke of Norfolk. At Rome Clement was daily importuned by Charles and Ferdinand to do justice to their aunt, by his own ministers to avenge the insult offered to the papal authority; but his irresolution of mind, and partiality for the king of England, induced him to listen to the suggestions of the French ambassadors, who advised more lenient and conciliatory measures. At length, July
11. that he might appear to do something, he annulled the sentence given by Crommer, because the cause was at the very time pending before himself, and excommunicated Henry and Anne, unless they should separate before the end of September, or show cause by their attorneys why they claimed to be considered as husband and wife. When September came, he prolonged the Sept.
25. term, at the request of the cardinal of Tournon, to the end of October; and embarking on board the French

* State Pap. i. 117—118, 115—116. Collier, 2. Bæ. xxv.

fleet, sailed to meet Francis at Marseilles, where, he was assured, a conciliation between Henry and the church of Rome would be effected*.

By the French monarch this reconciliation was most ardently desired, as a preliminary step to an offensive alliance against the emperor, under the sanction of the holy see. But the mind of Henry perpetually wavered between fear and resentment. Sometimes his apprehension that Clement, in a personal conference, might debauch the fidelity of his ally, induced him to listen to the entreaties and remonstrances of Francis; at other times his love of wealth and authority, joined to his resentment for the repeated delays and refusals of the pontiff, urged him to an open breach with the see of Rome. In conformity indeed with the promise given at Calais, the duke of Norfolk had proceeded to France, accompanied by the lord Rochford, and Pawlet, Brown, and Aug. Bryan, with a retinue of one hundred and sixty horse-
men: but he was bound by secret instructions to dis-
suade the king from the intended interview, and to offer him a plentiful subsidy, on condition that he would establish a patriarch in his dominions, and forbid the transmission of money to the papal treasury. Francis replied that he could not violate the solemn pledge which he had already given; and doubted not that at Marseilles, with a little condescension on each side, every difficulty might be surmounted. The duke took his leave, assuring the king that the only thing which Clement could now do to reconcile himself with Henry was to annul the marriage with the lady Catherine: yet he was so impressed with the arguments of Francis, that he prevailed on his sovereign to send two ambassa-

* Herb. 365. Barret, i. 139. Le Grand, ii. 593. It is remarkable that on the 9th of July, just two days before Clement annulled the judgment of Clermont, Henry gave the royal assent to the suspended act, abolishing the payment of annates to the see of Rome. Stat. of Beaulieu, iii. 267. The reason assigned for the delay is—"that by some gentle wayes the said "enachous might have been released"—and the reason for the king's assent—"that the pope had made us unaware of his mynde therein." Stat. of Beaulieu, 42.

dors, the bishop of Winchester and Bryan, to supply his place at the interview. They professed that they came to execute the orders of the French monarch: but were in reality unfurnished with powers to do any act, and only commissioned to watch the progress of the conference, and to send the most accurate information to their own court. The truth was, that both Henry and Anne began to suspect the sincerity of Norfolk, and were ignorant whom to trust, or what measures to pursue[†].

About the middle of October Clement made his public
 Oct. entry into Marseilles, and was followed the next day by
 11 the king of France. The two sovereigns met with expressions of respect and attachment: but the king pertinaciously refused to entertain any other question till he had received from the pope a promise that he would do in favour of Henry whatever lay within the extent of his authority. To his surprise and disappointment he now learned that the ambassadors were not authorised to treat either with the pontiff or himself: but at his solicitation they despatched a courier to request full powers: and in the interval a marriage was concluded between the duke of Orleans, the son of Francis, and Catherine of Medici, the pope's niece. In point of fortune it was a very unequal match: but the king, if we may believe his own assertion, had assented to it, in the hope of bringing to an amicable conclusion the quarrel between Henry and the holy see. The reconciliation seems to have been proposed on this basis; that each party should reciprocally revoke and forgive every hostile measure: and that the cause of the divorce should be brought before a consistory, from which all the cardinals, holding preferment or receiving pensions from the emperor, should be excluded as partial judges.

[†] Muret. l. 7. c. 23.

† Il se peut dire qu'il a pris une telle exécution toute une pour lui-même à son conseil les choses tenues à son qu'il a revocatoires et si par conséquent peut, que le bon, qui qu'il pensait avoir fait un grand gain en laissant cette chose. Le Grand, liv. 36.

Clement had promised to return an answer to this project on the 7th of November: that very morning Bonner, who had lately arrived from England, requested an audience; and the same afternoon he appealed in the name of Henry from the pope to a general council. Both Clement and Francis felt themselves offended. The former, besides the insult offered to his authority, began to suspect that he had been duped by the insincerity of the French monarch: the latter saw that he negotiated for Henry without possessing his confidence; and deemed the appeal a violation of the hospitality due to so exalted a guest under his own roof. Both yielded to the suggestions of their resentment; both afterwards relented. Clement affected to believe the assertion of the king, that the appeal opposed no new obstacle to a reconciliation; Francis despatched the bishop of Bayonne, now bishop of Paris, to Henry, to complain of his precipitation, and to request that he would consent to the renewal of the negotiation which had thus been interrupted*.

The reader is aware that this prelate possessed a high place in the esteem of the king of England. Henry listened to his advice, and gratefully accepted his offer to undertake the care of the royal interests in the court of Rome. Of the instructions with which he was furnished we are ignorant: but the English agents in that city were ordered to thank Clement for the assurances which he had made to the king of his friendship; to object on different grounds to the expedients which had been suggested; to propose that the royal cause should be tried in England, with an understanding that the judgment given there should receive the papal ratification; and to promise that on such conditions the kingdom should remain in full obedience to the apostolic see. They were also informed that this was not a final resolution, but that Henry was prepared to make greater

* Du Bellay's instructions, apud Le Grand, ii. 571—583; Barlet, ii. 62 et. seq. p. 47—51.

concessions in proportion to the readiness which Clement might show to serve him*. Stimulated by his hopes, the bishop of Paris hastened in the depth of winter to Rome: the French ambassador and the English agents seconded his endeavours; and so promising were the appearances, or so eager was his zeal, that he deceived himself with the assurances of success. To Francis he sent a list of the cardinals who would vote for the king of England; to Henry he wrote in terms of exultation, exhorting him to suspend for a few days all measures of a religious nature which might have been brought before parliament. The friends of Charles and Catherine were not less sanguine: at their solicitation a consistory was held on the twenty-third of March; the proceedings in the cause were explained by Simon-
 1534 Mar. etta, deputy auditor of the Rota; and out of two-and-
 2 twenty cardinals, nineteen decided for the validity of the marriage, and three only, Trivulzio, Pisani, and Rodolph, proposed a further delay. Clement himself had not expected this result: but he acceded, though with reluctance, to the opinion of so numerous a majority; and a definitive sentence was pronounced, declaring the marriage lawful and valid, condemning the proceedings against Catherine of injustice, and ordering the king to take her back as his legitimate wife. The imperialists displayed their joy with bonfires, discharges of cannon, and shouts of *viva l'imperio, viva l'Espagna*. The bishop and his colleagues were overwhelmed with astonishment and despair; while Clement himself forbade the publication of the decree before Easter, and consulted his favourite counsellors on the means the most likely to mollify the king of England, and to avert the effects of his displeasure.

But in reality it mattered little whether Clement had pronounced in favour of Henry or against him. The die was already cast. The moment the bishop of Paris

* *Ap. Hist.*, ii. 84.* *Le Grand*, i. 373—376. ii. 650—538.

was departed, violent counsels began to prevail in the English cabinet; and a resolution was taken to erect a separate and independent church within the realm. That prelate was indeed suffered to negotiate with the pontiff; but in the mean time act after act derogatory from the papal claims was debated, and passed in parliament; and the kingdom was severed by legislative authority from the communion of Rome long before the judgment given by Clement could have reached the knowledge of Henry*.

The charge of framing these bills, and of conducting them through the two houses, had been committed to the policy and industry of Cromwell, whose past services had been lately rewarded with a patent for life of the chancellorship of the exchequer. ¹ The submission, Mar. which during the last year had been extorted from the ²⁰ fears of the clergy, was now moulded into the form of a

* It is generally believed on the authority of Fra Paolo and Du Bellay, the brother of the bishop of Paris, that this event was owing to the persuasion of Clement. We are told that the pontiff requested time to receive the answer of Henry, which he expected would be favourable; that the short delay of six days was refused; and that two days after the sentence a courier arrived, the bearer of the most extraordinary dispatches. Now it is indeed true that the bishop expected an answer to his letter, and probable that a courier arrived after the sentence: but, 1^o, it is very doubtful that he asked for a delay till the courier arrived. For in his own account of the proceedings he never mentions it; and instead of going to the consistory to demand it, was certainly absent, and went afterwards to the pope to ask the result. 2^o, It is certain that the answer brought by the courier was unfavourable; because all the actions of Henry about the time when he was despatched prove a determination to separate entirely from the papal communion. 3^o, The judgment given by Clement could not be the cause of that separation, because the bill abolishing the power of the pope within the realm was introduced into the commons in the beginning of March, was transmitted to the lords a week later, was passed by them five days before the arrival of the courier (March 29), and received the royal assent five days after his arrival in Rome (March 30). See Lett's Journals, 75, 77, 82. It was not possible that a transaction in Rome on the 23d could induce the king to give his assent on the 29th. There was however, appended to the least important of these acts (that respecting the abolition of Peter pence and tithes) a proviso that it should not be in force before the nobility of St. John Baptist, unless the king by letters patent should so order it; and that, in the interval, he might according to his pleasure amend or modify it. The object probably was to keep open one subject of negotiation with Clement, and to prevent him from possessing judgment. But eight days later (Apr. 7), as soon as the news from Rome arrived, Henry, by his letters patent, ordered that act to be put in execution. See Stat. of Reins, ii, 47.

statute, while the preamble, which seemed to confine its duration to the present reign, was artfully omitted. In this state it passed the two houses, received the royal assent, and became part of the law of the land: but a most important clause had been added to it: "that all such canons and ordinances, as had been already made, and were not repugnant to the statutes and customs of the realm, or the prerogatives of the crown, should be used and enforced, till it should be otherwise determined according to the tenor and effect of the said act." To Henry it was sufficient that he possessed the power of modifying the ecclesiastical laws at pleasure: that power he never thought proper to exercise; and the consequence has been, that in virtue of the additional clause the spiritual courts have existed down to the present time. 2°. The provisions of the late statute, prohibiting appeals to Rome in certain cases, were extended to all cases whatsoever; and in lieu of the right thus abolished, suitors were allowed to appeal from the court of the archbishop to the king in chancery, who should appoint commissioners, with authority to determine finally in the cause. This occasional tribunal has obtained the name of the court of delegates. 3°. In addition to the statute, by which the payment of annates had been forbidden, and which had since been ratified by the king's letters patent, it was enacted that bishops should no longer be presented to the pope for confirmation, nor sue out bulls in his court; but that, on the vacancy of any cathedral church, the king should grant to the dean and chapter, or to the prior and monks, permission to elect the person, whose name was mentioned in his letters missive; that they should proceed to the election within the course of twelve days, under the penalty of forfeiting their right, which in that instance should devolve to the crown; that the prelate named or elected should first swear fealty; after which the king should signify the election to the archbishop or, if there be no archbishop, to four bishops,

requiring them to confirm the election, and to invest and consecrate the bishop elect, who might then sue his temporalities out of the king's hands, make corporal oath to the king's highness and to no other, and receive from the king's hands restitution of all the possessions and profits spiritual and temporal of his bishopric. 4^o. It was also enacted, that since the clergy had recognised the king for the supreme head of the church of England, every kind of payment made to the apostolic chamber, and every species of license, dispensation, and grant, usually obtained from Rome, should forthwith cease; that hereafter all such graces and indulgences should be sought of the archbishop of Canterbury; and that if any person thought himself aggrieved by the refusal of the archbishop, he might by a writ out of chancery compel that prelate to show cause for his refusal. By these enactments, in the course of one short session was swept away what yet remained of the papal power in England; and that at a time when the judgment pronounced at Rome, was not only not known, but probably not even anticipated by Henry*.

From the establishment of the king's supremacy the attention of parliament was directed to the succession to the crown; and by another act the marriage between Henry and Catherine was pronounced unlawful and null, that between him and Anne Boleyn lawful and valid; the king's issue by the first marriage was of course excluded from the succession, that by the second was made inheritable of the crown; to slander the said marriage, or seek to prejudice the succession of the heirs thereof, was declared high treason, if the offense were committed by writing, printing, or deed; and misprision of treason, if by words only; and all the king's subjects of full age, or who hereafter should be of full age, were commanded to swear obedience to the same act, under the penalty of misprision of treason†.

* Stat. 25 Hen. VIII. 10, 20, 21.

† *Ibid.* c. 32. Not sworn will incur the rebellion of his own

This act deserves the particular notice of the reader. For the preservation of the royal dignity, and the security of the succession as by law established, it provided safeguards and created offences hitherto unknown; and thus stamped a new character on the criminal jurisprudence of the country. The statute itself was indeed swept away in the course of two or three years: but it served as a precedent to subsequent legislatures in similar circumstances; and regulations, of the same nature, but enforced with penalties of less severity, have been occasionally adopted down to the present times.

The king had now accomplished the two objects, which had been promised him by Cromwell; he had bestowed on his mistress the rights of a lawful wife, and had invested himself with the supremacy of the church. But the opposition, which he had experienced, strengthened his passions, and steeled his heart against the common feelings of humanity. He was tremblingly alive to every rumour; his jealousy magnified the least hint of disapprobation into a crime against the state; and each succeeding year of his reign was stained with the blood of many, and often of noble and innocent victims. The first who suffered were implicated in the conspiracy attributed to Elizabeth Barton, and her adherents. This young woman, a native of Aldington in Kent, had been subject to fits; and the convulsions of body, which she suffered on these occasions, were attributed by the ignorance of her neighbours to some preternatural agency. In a short time they considered as prophecies the incoherent expressions which she uttered during the paroxysms of her disorder*: she herself

subject, Henry ordered an instrument to be drawn up, which should be presented by the king of France, in which the latter declared that Henry's first marriage was null, the second valid; that Mary was illegitimate, Elizabeth legitimate; and promised most faithfully to maintain these assertions, even to the uttermost of his power, against all opponents. It is published by Burnet from a copy (H. Rec. 58), but in all probability was never executed.

* A collection of these expressions had been made, and sent to the king, who shewed it to our historian Mary, and asked his opinion: "I told him," says More, "that in profane I found nothing in these words that I could

insensibly partook of the illusion; and the rector of the parish advised her to quit the village, and to enter the convent of St. Sepulchre in Canterbury. In her new situation her extasies and revelations were multiplied; and the fame of her sanctity obtained for her the appellation of the "holy maid of Kent." Had she confined her discourses to less important objects, she might perhaps have eluded the suspicions of Henry; but she had the impudence to extend them to affairs of state, had formerly communicated them to Wolsey, and more recently to the king himself. God, she repeatedly affirmed, had shown her a root with three branches, and had declared that it would never be merry in England, till both branches and root were plucked up: a revelation, which was interpreted by her admirers to relate to Wolsey as the root, and to the king, and Norfolk and Suffolk, as the branches. To the cardinal she described a vision, in which she saw the Almighty deliver into his hand three swords, signifying the authority which as legate he exercised over the clergy, as chancellor over the temporality, and as minister "in the great matter of the king's marriage;" and heard him at the same time declare that, unless that prelate made a proper use of these swords, "it should be laid surely to his charge." Her prediction to Henry was of more dangerous tendency, that, if he were to repudiate Catherine, he would die within a month, and be succeeded by his daughter Mary. Years had elapsed since the king first heard of this woman, her visions, and her prophecies. Hitherto he had treated her with contempt and ridicule: but now the archbishop viewed the matter in a different light. He persuaded himself that, as her visions and prophecies had formerly made some impression on the minds of Wolsey and Warham, so they still contributed

1333.

Jan.

21.

"*regard to esteem.* For seeing that some poet fall in rhythm, and that "God wit, all rable say, for my reason that I saw therein a right simple" woman might in my mind speak it of her own wit well enough." More's Letter to Cromwell, *apud* Burnet, ii. Hist. p. 286. Another collection of her visions and prophecies may be seen in Strype, i. 177.

keep alive among the people a hostile feeling against the divorce of Catherine, and the new statutes respecting the church. She was taken from her convent; was examined by Cramer first, and then by Cramer and Cromwell; and was brought to acknowledge, that whatever she had said "was feigned of her own imagination" only, to satisfy the minds of them which resorted to her, "and to obtain worldly praise." The chief of her friends and advisers were immediately apprehended: after 1533. several examinations, all were arraigned in the star-
No. chamber, and adjudged to stand during the sermon, at St. Paul's cross, and to confess the imposture. From the cross they were led back to prison; and it was thought that, as Henry had courted the pretended propheticness of falsehood, by outliving the period assigned by her, he would have been content with the punishment already inflicted; but he now thirsted for the blood of the offenders, and deemed it necessary to restrain by severity other pretenders to communications from heaven. A bill of attainder was brought into the house 1574 of lords, of attainder of treason against the maid, and
Feb. her abettors, Brooking, Masters, Deering, Gold, Rich,
21. and Risle; and of misprision of treason against several others charged with having known of her predictions without revealing them to the king. To sustain the charge of treason, it was presumed, that the communicators of such prophecies must have had in view to bring the king into peril of his crown and life; and, if this were treason, it followed of course that to be acquainted with such facts, and yet conceal them, amounted to the legal offence of misprision of treason. The accused were not brought to trial. They had already confessed the imposture; and, if we may judge from similar proceedings during this reign, it would be contended that the traitorous object of such imposture could not be doubted. Still to attain without trial, except in cases

* *Syst. of Penal. l. ii. 448.* Burnet, in *Rec. 1533* 286, 287, and Cramer's letter to Tol. l. i. 47.

of open rebellion, was so inconsistent with men's notions, Mar. that at the third reading the lords resolved to inquire, 6. whether it might stand with the good pleasure of the king that they should send for the accused into the star-chamber, and hear what defence they could make. The answer is not recorded: but no defence was allowed: 17. the two houses did the bidding of their lord, and the bill 30. received the royal assent. The parties attainted of 4. treason suffered at Tyburn, where Barton confessed her 21. delusion, but threw the burden of her offence on her companions in punishment: she had been, she said, the dupe of her own credulity: but then she was only a simple woman whose ignorance might be an apology for her conduct, while they were learned clerks, who, instead of encouraging, should have detected and exposed the illusion*.

Among the others who had been charged with mis-prison of treason, were two men of more elevated rank, Fisher, bishop of Rochester, and sir Thomas More, lately lord chancellor. Fisher was far advanced in age, the last survivor of the counsellors of Henry VIII., and the prelate to whose care the countess of Richmond recommended on her death-bed the youth and inexperience of her royal grandson. For many years the king had revered him as a parent, and was accustomed to boast that no prince in Europe possessed a prelate equal in virtue and learning to the bishop of Rochester†. But his opposition to the divorce gradually effaced the recollection of his merit and services; and Henry embraced with pleasure this opportunity of humbling the spirit, or punishing the resistance of his former monitor‡. It was asserted that he had concealed from the king his knowledge of Barton's predictions; and Cromwell sent

* Lamb's Journal, l. 71. Hall, 219—224. Gairdner, 53, 54.

† April. Pol. p. 95. He adds that on one occasion the king turned round to him and said, "Se-judicare me nunquam invenisse in vobis: et perperatorem meum, qui literis et civitate cum Boffense esset comparatorem." Ibid.

‡ I derive this inference from the peevish answer of Cromwell, published by Usher, i. Records, ii. p. 123.

to him message after message conceived in language most imperious and unfeeling, yet tempered with an assurance that he might obtain pardon by throwing himself without reserve on the royal mercy. But Fisher disdained to acknowledge guilt, when he knew himself to be innocent. He replied that, after suffering for six weeks under severe illness, he was unfit to stir from home; that to answer letters he found a very dangerous task; for let him write whatever he would, it was taken as a proof "of craft, or wilfulness, or affection, or unkindness;" and that "to touch upon the king's great matter" was to him forbidden ground. He was unwilling to give offence, or to betray his conscience. The consciences of others he did not condemn: but he knew that he could not be saved by any conscience but his own. Henry, however, was resolute: the name of Fisher was included in the bill of attainder for misprision of treason; and the bishop deemed it necessary to address to the lords a justificatory letter, in which he contended that there could be no offence against the law in believing on the testimony of several good and learned men, that Barton was a virtuous woman; with this impression on his mind he had conversed with her, and heard her say, that the king would not live seven months after the divorce. He had not, indeed, communicated this discourse to his sovereign; but he had two reasons for his silence: 1^o. because she spoke not of any violence to be offered to Henry, but of the ordinary visitations of Providence: 2^o. because she assured him that she had already apprised the king of the revelation made to her; nor had he any reason to doubt her assertion, as he knew that she had been admitted to a private audience. He was therefore guiltless of any conspiracy. "He knew not, as he would answer before "the throne of Christ, of any malice or evil that was "intended by her or by any other earthly creature unto "the king's highness." But the lords dared not listen to the voice of innocence in opposition to the royal plea-

sure: the bill was read a second time, and Fisher made an attempt to pacify the king by assuring him that, if he had not revealed to him the prediction of Barton, it was because he knew that Henry was already acquainted with it; and because after "the greivous letters and moche fearful woetes" addressed to him on account of his disapproval of the divorce, he was loth to venture into the royal presence with such a tale pertaining to the same matter: wherefore he begged this only favour, that the king would free him from his present anxiety, and allow him to prepare himself in quiet for his passage to another world. His prayers, however, and his reasoning were fruitless; he was tainted with the others, and compounded with the crown for his freedom and personalities in the sum of three hundred pounds*.

Sir Thomas More had ceased to fill the office of chancellor. By the king's desire he had discussed the lawfulness of the divorce with the doctors Lee, Cramer, Fox, and Nicholas; but the apparent weakness of their reasoning served only to convince him of the soundness of his own opinion; and at his earnest request, he was indulged in the permission to retire from the council chamber, as often as that subject was brought under consideration. Still in the execution of his office he found himself unavoidably engaged in matters which he could not reconcile with his conscience; and at length he tendered his resignation, on the ground that age and infirmity admonished him to give his whole attention to the concerns of his soul. Henry, who had flattered himself that the repentance of More would gradually melt away, was aware how much his retirement would prejudice the royal cause in the mind of the public. But he deemed it prudent to suppress his feelings; dismissed the petitioner with professions of esteem, and promises of future favour; gave the seals to sir Thomas Audley, May a lawyer of less timorous conscience; and ordered the 16.

* See his original letters in *Collins*, ii. 37. and *Arch.* xxv. 39—40.

May 27. ²⁷ new chancellor, at his installation, to pronounce an eulogy on the merits of his predecessor, and to express the reluctance with which the king had accepted his resignation*. From the court More repaired to his house at Chelsea, where, avoiding all interference in politics, he devoted his whole time to study and prayer. Of Elizabeth Barton he had heard many speak with applause; once he had a short conversation with her himself in a chapel at Swan house, but refused to listen to any of her revelations; and on another occasion he wrote to her, advising her to abstain from speaking of matters of state, and to confine herself to subjects of piety in her communications with others. To her miraculous and prophetic pretensions he appears to have given no credit: but he looked upon her as a pious and virtuous woman, deluded by a weak and excited imagination. His letter, however, and the preceding interview, afforded a presumption that the ex-chancellor was also a party in the conspiracy; his name was introduced into the bill of attainder; nor was it till he had repeatedly written to the king and to Cromwell, protesting his innocence, and explaining the substance of his communication with the pretended prophetess, and till the archbishop, the chancellor, the duke of Norfolk, and Cromwell, had solicited Henry on their knees, that he could appease the king's anger, and procure the erasure of his name from the list of victims enumerated in the bill†.

The authority of Fisher and More was great, not only in England, but also on the continent; and the warmest opponents of the divorce were accustomed to boast that they followed the opinions of these two celebrated men. The experiment was now made, whether the danger to which they had been exposed had subdued their spirit.

* *Idem*, fol. xxii. Doubtless, if we may believe Maitland, the French ambassador was grand maître de justice. *Le Grand*, i. 221.

† See his letters in his printed works, p. 1423-1485; Burnet's *ed. hoc* t. 1, lib. ii. p. 296-297; and Strype, *l. App.* 156; *Edm.* li. 48.

Within a fortnight after the attainder of Barton and her¹⁵³⁴ abettors, the bishop and the ex-chancellor were summoned before the council at Lambeth, and were asked^{April 13.} whether they would consent to take the new oath of succession. But the act, the approval of which, "with all the whole effectes and contentes therof" was inserted in the oath, was not confined to the succession only; it embraced other matters of a very questionable nature; it taught that no power on earth could dispense within the degrees prohibited in the book of Leviticus, and that the marriage of Henry with Catherine had always been unlawful and of no effect. More, who was introduced the first, offered to swear to the succession alone, but not to every particular contained in the act, for reasons which prudence compelled him to suppress*. Fisher's answer was the same in substance. He divided the act into two parts. To that which regarded the succession he made no objection, because it came within the competence of the civil power; to the other part, of a theological nature, his conscience forbade him to subscribe. Both were remanded, that they might have more time for consideration. Cramer advised that their oaths should be received with the limitations which

* He has given an interesting account of his examination in a letter. It was intimated to him that, unless he gave the reasons for his refusal, that refusal would be attributed to obstinacy. More. It is not obstinacy, but the fear of giving offence. Let me have sufficient warrant from the king, that he will not be offended, and I will explain my reasons. Cromwell. The king's warrant would not save you from the penalties enacted by the statute. More. In that case I will trust to his majesty's honour. But yet it thinketh me, that I'll cannot decline the crosses without peril, then to leave them undetached is an obstinacy. Cromwell. You say that you do not blame any man for taking the oath. It is then, evident that you are not convinced that it is blameable to take it: but you must be convinced that it is your duty to obey the king. In refusing therefore to take it, you prefer that which is uncertain, to that which is certain. More. I do not blame men for taking the oath, because I know not their reasons and motives: but I should blame myself, because I know that I should act against my conscience. And truly such reasoning would ease us of all perplexity. Whosoever doubts disagree, we have only to obtain the king's commandment for either side of the question, and we must be right. *Abbot of Westminster.* But you ought to think upon conscience afterwards, when you have against you the whole council of the nation. More. I should, if I had not for me a still greater council, the whole council of Christendom. More's Works, p. 162, 166.

they had proposed, on the ground that it would deprive the emperor and his adherents abroad, Catherine and her advocates at home, of the support which they derived from the example of Fisher and More*. But Henry preferred the opinion of Cromwell, and determined either to extort from them an unconditional submission, or to terrify their admirers by the severity of their punishment. The oath was therefore tendered to them a second time; and both, on their refusal to take it, were committed to the Tower.

Art.
17.

Whether it were from accident or design, the form of this oath of succession had not been prescribed by the statute; and Henry, taking advantage of the omission, modelled and remodelled it at his pleasure. From the members of parliament, and probably from the lady (it was required from both men and women), he accepted a promise of allegiance to himself and his heirs, according to the limitations in the act; but from the clergy he required an additional declaration that the bishop of Rome had no more authority within the realm than any other foreign bishop, and a recognition that the king was the supreme head of the church of England, without the addition of the qualifying clause, which had been in the first instance admitted. The summer was spent in administering the oath, in receiving the signatures of the clergy and clerical bodies, and of the monks, friars, and nuns in the several abbeys and convents; and in obtaining formal decisions against the papal authority from both convocations, and the two universities†.

Nov.
4.

In autumn the parliament assembled after the prorogation, and its first measure was to enact that the king, his heirs and successors, should be taken and reputed the only supreme heads on earth of the church of England‡, with full power to visit, reform, and correct all such errors, heresies, abuses, contempts and enormities,

* See the letters of Fisher and Cromer to Cromwell. Strype's *Cromwell*, 12, 14.

† *Works of Henry VIII.* 774, 775. *Ann.* xiv. 485-507.

‡ Without the qualifying clause, "as far as the law of God will allow."

which by any manner of spiritual authority ought to be reformed or corrected. 2°. To remedy the defect in the late act of succession, it was declared that the oath administered at the conclusion of the session was the very oath intended by the legislature, and that every subject was bound to take it under the penalties in the same act. 3°. It was evident that the creation of this new office, of head of the church, would add considerably to the cares and fatigues of royalty; an increase of labour called for an increase of remuneration; and, therefore, by a subsequent act for "the augmentation of the royal estate and the maintenance of the supremacy," the first fruits of all benefices, offices, and spiritual dignities, and the tenths of the annual income of all livings were annexed to the crown for ever. 4°. To restrain by the fear of punishment the adversaries of these innovations, it was made treason to wish or will maliciously*, by word or writing, or to attempt by craft, any bodily harm to the king or queen, or their heirs, or to deprive any of them of the dignity, style, and name of their royal estates, or slanderously and maliciously to publish or pronounce by words or writing that the king is a heretic, schismatic, tyrant, or infidel. 5°. As an additional security a new oath was tendered to the bishops, by which they not only avowed the supremacy of the pope, and acknowledged that of the king, but also swore never to consent that the bishop of Rome should have any authority within the realm, never to appeal, nor to suffer any other to appeal to him, never to write or send to him without the royal permission, and never to receive any message from him without communicating it immediately to the king. 6°. If the reader think that Henry must be now satisfied, let him recollect the secret protest, the theological legendom, by which Cramer pretended to rul-

* It was not till after some struggle that the king yielded to the insertion of this qualification, "maliciously." Arch. xiv. 756. It appears, however, that at More's trial the judges continued to render it useless, by declaring that a refusal to acknowledge the supremacy was a proof of internal "malice."

lify the oath of obedience, which he was about to make to the pontiff. The king had been indeed privy to the artifice: but he was unwilling that it should be played off upon himself; and on that account he now exacted from each prelate a full and formal renunciation of every protest previously made, which might be deemed contrary to the tenor of the oath of supremacy*.

Penal statutes might enforce conformity: they could not produce conviction. The spiritual supremacy of a lay prince was so repugnant to the notions to which men had been habituated, that it was every where received with doubt and astonishment. To dispel these prejudices Henry issued injunctions, that the very word "pope" should be carefully erased out of all books employed in the public worship; that every schoolmaster should diligently inculcate the new doctrine to the children intrusted to his care; that all clergymen, from the bishop to the curate, should on every Sunday and holiday teach that the king was the true head of the church, and that the authority hitherto exercised by the popes was an usurpation, tamely admitted by the carelessness or timidity of his predecessors; and that the sheriffs in each county should keep a vigilant eye over the conduct of the clergy, and should report to the council the names, not only of those who might neglect these duties, but also of those who might perform them indeed, but with coldness and indifference†. At the same time he called on the most loyal and learned of the prelates to employ their talents in support of his new dignity; and the call

* St. 25 Hen. VIII. 1. 3. 12. Wik. Con. iii. 261. 262. It would appear that some of the prelates submitted with reluctance to this oath, and that threats were employed to enforce obedience. See Archbishop Lee's letter to Cromwell (St. Pap. i. 428). He will do anything the king wishes: "so that our Lord be not offended, and the unity of the Church and of the Catholic Church saved;" and with this he hopes "his highness will be content."

† Ibid. 72. Cromwell, as the first in dignity, gave the example to his brethren, and assiduously executed even the points, what his learning or fastidiousness had lately discovered, that the pontiff was the author of the apostasy (Roll. Exp. i. p. 444.): an assertion which then filled the circle with horror, but at the present day excites nothing but contempt and ridicule.

was obeyed by Sampson and Stokesley, Tunstall and Gardiner³; by the two former, as was thought, from affection to the cause, by the latter through fear of the royal displeasure. But though an appearance of conformity was generally obtained, there still remained men, chiefly among the three religious orders of Carthusians, Brigittins, and Franciscan observants, who were neither to be reclaimed by argument, nor subdued by terror. Secluded from the commerce and the pleasures of the world, they felt fewer temptations to sacrifice their consciences to the command of their sovereign; and seemed more eager to court the crown, than to flee from the pains of martyrdom. When to the reprimand which two friars observants, Peyto and Elstow, had received for the freedom of their sermons, Cromwell added, that they deserved to be enclosed in a sack, and thrown into the Thames, Peyto replied, with a sarcastic smile, "Threaten such things to rich and dainty folk, " which are clothed in purple, fare deliciously, and have " their chiefest hopes in this world. We esteem them " not. We are joyful that for the discharge of our duty " we are driven hence. With thanks to God we know

³ Reginald Pole, that he might take no share in these transactions, had retired to the north of Italy; but Henry sent Sir Sampson's work, and commanded him to signify his own sentiments on the same subject. Pole obeyed, and returned an answer in the shape of a large treatise, divided into four books, and afterwards entitled *Pro Ecclesiastice Unitatis defensione*. Not content with replying to the theological arguments of Sampson, he descended, in that style of declamatory eloquence in which he excelled, the various parts of the king's conduct since the commencement of his passion for Anne Boleyn. His Italian friends disapproved of this portion of the work; but he justified it on the ground, that the fear of shame was more likely to make impression on the mind of Henry than any other consideration. In this perhaps he argued correctly; for the king, suppressing his resentment, made him eleven copies of it, if he would destroy the work; and Pole himself so complaisant, that none of the injuries which he afterwards received from Henry could ever provoke him to publish it. That he wrote in this manner from affection, as he asserts, may be true; but it subjected him to the severe censure of his English friends, which have been followed by many others since his death. On the other hand he defended himself ably, and has found many adherents. See his Epistles, i. 436. 441. 456-471; his *Apologie ad Angl. parlamentum*, l. 179; his *Epistle to Edward VI.* cap. iv. 367-391, 395. *Rome*, iii. lib. 114-120. *Scepse*, i. 188-223. And *Quirini*, *Annodivensi in ejus Sarchini*, i-113.

"that the way to heaven is as short by water as by land, and therefore care not which way we go*." Peto and Elstow were dismissed: but it soon appeared that the whole order was animated with similar sentiments; and Henry deemed it necessary to silence, if he could not subdue, its opposition. All the Friars Observants were ejected from their monasteries, and dispersed, partly in different prisons, partly in the houses of the Friars Conventuals. About fifty perished from the rigour of their confinement: the rest, at the suggestion of Wriothesley, their secret friend and patron, were banished to France and Scotland.

1535
Ayl had waited on Cromwell to explain their conscientious
objections to the recognition of the king's supremacy.

69. From his house he committed them to the Tower, and contended at their trial, that such objections by "depriving the sovereign of the dignity, style, and name of his royal estate," amounted to the crime of high treason †. The jury, however, would not be persuaded that men of such acknowledged virtue could be guilty of so foul an offence. When Cromwell sent to hasten their determination, they demanded another day to deliberate: though a second message threatened them with the punishment reserved for the prisoners, they refused to find for the crown; and the minister was compelled to visit them himself, to argue the case with them in private, and to call intimidation to the aid of his arguments, before he could extort from their reluctance a

* Stone, 563. Collect. Anglo-Normannica, p. 533. Pale observes that the three orders of Carthusians, Dominicans, and Observants (by this name the reformed Franciscans were meant) had at that period the greatest reputation for piety. Quænam, he asks, habes, cum ab his tribus discussis, qui tunc præcipuis ab internis sui archiepiscopi gubernarentur? Pale, 61. ciii. He notices the banishment of the Observants, &c.

† By the 21st Hen. VIII. c. 1, the king was declared supreme head of the church, with the style and title thereof; by the same, c. xiii. it was made high treason to attempt by words or writing to deprive him "of the dignity, style, or name, of his royal estate."

verdict of guilty. Five days later, the priors, with Rev. Maynolds, a monk of Synn, and a secular clergyman, suffered ^{5.} at Tyburn; and they were soon afterwards followed by ^{June} three monks from the Charter-house, who had solicited ^{18.} in vain that they might receive the consolations of religion previously to their deaths*. On all these the sentence of the law was executed with the most barbarous exactitude. They were suspended, cut down alive, embowelled, and dismembered †.

The reader will have observed that the oath, for the refusal of which More and Fisher were committed, had not then obtained the sanction of the legislature. But the two houses made light of the objection, and passed against them a bill of attainder for misprision of treason, importing the penalty of forfeiture and perpetual imprisonment ‡. Under this sentence More had no other ^{Nov.} recourse for the support of life than the charity of his friends, administered by the hands of his daughter, Margaret Roper §. Fisher, though in his seventieth year, was reduced to a state of destitution, in which he had not even clothes to cover his nakedness. But their sufferings did not mollify the heart of the despot: he was resolved to triumph over their obstinacy, or to send them to the scaffold. With this view they were repeatedly and treacherously examined by commissioners, not April with respect to any act done or any word uttered by them ^{16.}

* That the offense for which he suffered was the denial of the king's supremacy, is not only asserted by the ancient writers, but proved by the true bill found against two of them, John Rochester and James Windesore, which is still extant. *Clomp. E. vi. l. 914.* See *Archæol.* xiv. 84.

† The reader may see the sufferings of these with those of the other Christian monks in *Clomney's Historia aliquot nostræ sevillæ Martyrum, Miquette, 1530.* Also in *Thié's Defensio Eccles. X. vi. fol. lxxxvi.* and his *Apology to Cosin, p. 98.* He bears testimony to the virtue of the nuns, with whom he was well acquainted, and who, quæ in parvis oculis generis hominum rejectæ, omnino liberalium virum excitationem non valent habere, eoque ex ipsâ haustum hoc, fol. cxi. See also *Strype, l. 166.*

‡ *Stat. of Reim, iv. 307, 8.*

§ From the petition of More's "poore miserable wyfe and children," it appears that Henry at first allowed her to retain the moveables and the rents of the prisoner for their common support; but that, after the passing of the last act, every thing was taken from them. See it in *Mr. Drane's collected documents relating to sir Thomas More, App. p. 11.*

May since their attainder, but with regard to their private
 4 opinions relative to the king's supremacy. If they
 could be induced to admit it, Henry would have the
 benefit of their example: should they deny it, he might
 indict them for high treason. Both answered with cau-
 tion: the bishop, that the statute did not compel any
 man to reveal his secret thoughts; More, that under the
 attainder he had no longer any concern with the things
 of this world, and should therefore confine himself to
 the preparation of his soul for the other. Both hoped
 to escape the snare by evading the question; but Henry
 had been advised that a refusal to answer was proof of
 June make, and equivalent to a denial; and a special com-
 2 mission was appointed to try the two prisoners on a
 charge of high treason. In the mean time news arrived
 that the pontiff, at a general promotion of cardinals, had
 named Fisher to the purple. To the person who
 brought him the intelligence the prisoner replied, that
 "If the bat were lying at his feet he would not stoop to
 "take it up; so little did he set by it*." Henry on the
 other hand is reported to have exclaimed; "Paul may
 "send him the bat, but I will take care that he have
 "never a head to wear it on." Previously to trial more
 12 examinations took place, but nothing criminal was
 elicited: and therefore the searching and fatal questions
 14 were put to each: "Would he repute and take the king
 "for supreme head of the church? would he approve
 "the marriage of the king with the most noble queen
 "Anne to be good and lawful? would he affirm the
 "marriage with the lady Catherine to have been unjust
 "and unlawful?" More replied, that to questions so
 dangerous he could make no answer: Fisher, that he
 should abide by his former answer to the first question;
 and that with respect to the second, he would obey the
 act saving his conscience, and defend the succession
 as established by law: but to say absolutely yea or no

* *Archæol. i. xv. 39.*

from that he begged to be excused*. These replies sealed their doom.

The bishop was the first placed at the bar, and Jones charged with having "falsely, maliciously, and traitor- 17.
"ously wished, willed, and desired, and by craft ima-
"gined, invented, practised, and attempted to deprive
"the king of the dignity, title, and name of his royal
"estate, that is of his title and name of supreme head
"of the church of England, in the Tower, on the 7th day
"of May last, when, contrary to his allegiance, he said
"and pronounced, in the presence of different true sub-
"jects, falsely, maliciously, and traitorously, these words:
"*The kyng our sovereign lord is not supreme head in
"erthe of the cherche of Englands.*" If these words
were ever spoken, it is plain, both from his habitual
caution and the place where the offence is stated to have
been committed, that they were drawn from him by the
arts of the commissioners or their instruments, and
could not have been uttered with the malicious and
traitorous intent attributed to him‡. He was, however,
found guilty and beheaded. Whether it was that 22.
Henry sought to display his hatred for his former min-
ister, or to diffuse terror by the example of his death,
he forbade the body to be removed from the gaze of the
people. The head was placed on London-bridge; but
the trunk, despoiled of the garments, the perquisite of
the executioner, lay naked on the spot till evening, when
it was carried away by the guards and deposited in the
churchyard of All Hallows, Barking§.

* State Papers, i. 411-4.

† I quote these words of the indictment from Archæol. xxx. 34, because it has been sometimes asserted that Fisher suffered, not for the denial of the supremacy, but for other, though unknown, acts of treason.

‡ It is possible that the words charged in the indictment may have been extracted from the "certain answer which he had once given, and to which, "if it were the king's pleasure, he was yet bound to stand." State Papers, 531. That answer produced forbade him to appear before the commis- sioners.

§ *Magni corporis radion perices in loco supradicti ad spectandum populo reimpugnandoverat.* Parl. Apud. ad. Cæs. 26. H. II. 260. Edw. 2. 266. In this account of Bishop Fisher, I am greatly indebted to a very interesting memoir by Mr. Bruce in *Archæologia*, vol. 155.

July The tale of Fisher did not intimidate his fellow victim.

1. To make the greater impression on the people, perhaps to add to his shame and sufferings, More was led on foot, in a coarse woollen gown, through the most frequented streets, from the Tower to Westminster-hall. The colour of his hair, which had lately become grey, his face, which though cheerful, was pale and emaciated, and the staff, with which he supported his feeble steps, announced the rigour and duration of his confinement. At his appearance in this state at the bar of that court, in which he was went to preside with so much dignity, a general feeling of horror and sympathy ran through the spectators. Henry dreaded the effect of his eloquence and authority; and therefore, as if it were meant to distract his attention and overpower his memory, the indictment had been framed of enormous length and unexampled exaggeration, multiplying the charges without measure, and clothing each charge with a load of words, beneath which it was difficult to discover its real meaning. As soon as it had been read, the chancellor, who was assisted by the duke of Norfolk, Fitz-james, the chief justice, and six other commissioners, informed the prisoner that it was still in his power to close the proceedings, and to recover the royal favour by abjuring his former opinion. With expressions of gratitude he declined the favour, and commenced a long and eloquent defence. Though, he observed, it was not in his power to recollect one-third part of the indictment, he would endeavour to show that he had not offended against the statute, nor sought to oppose the wishes of the sovereign. He must, indeed, acknowledge that he had always disapproved of the king's marriage with Anne Boleyn, but then he had never communicated that disapprobation to any other person than the king himself, and not even to the king till Henry had commanded him on his allegiance to disclose his real sentiments. In such circumstances to dissemble would have been a crime, to speak with sincerity was a duty. The indictment

charged him with having traitorously sought to deprive the king of his title of head of the church. But where was the proof? That, on his examination in the Tower he had said, he was by his attainder become civilly dead; that he was out of the protection of the law, and therefore could not be required to give an opinion of the merits of the law; and that his only occupation was and would be to meditate on the passion of Christ, and to prepare himself for his own death. But what was there of crime in such an answer? It contained no word, it proved no deed against the statute. All that could be objected against him was silence; and silence had not yet been declared treason. 2^d. It was maintained that in different letters written by him in the Tower he had exhorted Bishop Fisher to oppose the supremacy. He denied it. Let the letters be produced: by their contents he was willog to stand or fall. 3^d. But Fisher on his examination had held the same language as More, a proof of a conspiracy between them. What Fisher had said he knew not: but it could not excite surprise if the similarity of their case had suggested to each similar answers. This he could affirm with truth, that whatever might be his own opinion, he had never communicated it to any, not even to his dearest friends.

But neither innocence nor eloquence could avert his fate. Rich, the solicitor-general, afterwards lord Rich, now deposed, that in a private conversation in the Tower, More had said: "the parliament cannot make "the king head of the church, because it is a civil "tribunal without any spiritual authority." It was in vain that the prisoner denied this statement, showed that such a declaration was inconsistent with the caution which he had always observed, and maintained that no one acquainted with the former character of Rich would believe him even upon his oath; it was in vain that the two witnesses, who were brought to support the charge, eluded the expectation of the accuser by declaring that, though they were in the room, they did not attend to

the conversation; the judges maintained that the silence of the prisoner was a sufficient proof of malicious intention; and the jury, without reading over the copy of the indictment which had been given to them, returned a verdict of guilty. As soon as judgment of death had been pronounced, More attempted, and, after two interruptions, was suffered to address the court. He would now, he said, openly avow, what he had hitherto concealed from every human being, his conviction that the oath of supremacy was unlawful. It was, indeed, painful to him to differ from the noble lords whom he saw on the bench: but his conscience compelled him to bear testimony to the truth. This world, however, had always been a scene of dissension; and he still cherished a hope that the day would come when both he and they, like Stephen and Saul, would be of the same sentiment in heaven. As he turned from the bar, his son threw himself on his knees and begged his father's blessing; and as he walked back to the Tower, his daughter Margaret twice rushed through the guards, folded him in her arms, and, unable to speak, bathed him with her tears.

He met his fate with constancy, even with cheerfulness. When he was told that the king as a special favour, had commuted his punishment to decapitation, "God," he replied, "preserve all my friends from such favours." On the scaffold the executioner asked his forgiveness. He kissed him, saying, "Thou wilt render me to-day the greatest service in the power of any mortal: but" (putting an angel into his hand) "my neck is so short that I fear thou wilt gain little credit in the way of thy profession." As he was not permitted to address the spectators, he contented himself with declaring that he died a faithful subject to the king, and a true catholic before God. His head was fixed on London-bridge*.

* *Ep. 461. Corwin in App. ad Epist. Erasmi, p. 1763. Pale, lxxiii.—1672. Bayle, l. 3. More, 242. Supton, V. 3. Mar. 355. State Trials, i. 30. 1672.*

By these executions the king had proved that neither virtue nor talent, neither past favour nor past services, could atone in his eyes for the great crime of doubting his supremacy. In England the intelligence was received with deep but silent sorrow; in foreign countries with loud and general execration*. The names of Fisher and More had long been familiar to the learned; and no terms were thought too severe to brand the cruelty of the tyrant by whom they had been sacrificed. But in no place was the ferment greater than in Rome. They had fallen martyrs to their attachment to the papal supremacy; their blood called on the pontiff to punish their persecutor. Paul—Clement died ten months 1594, before—had hitherto followed the cautious policy of his²⁹ predecessors; but his prudence was now denominated³⁰ cowardice; and a bull against Henry was extorted from him by the violence of his counsellors. In this extraordinary instrument, in which care was taken to embody every prohibitory and vindictive clause invented by the most aspiring of his predecessors, the pontiff, having

120. His death spread here through the nation. On the 6th of August Erasmus wrote to Latomus, that the English lived under such a system of terror, that they dared not write to foreigners, nor receive letters from them. *Amicè, opus ecclesiæ hinc et inde hinc diplomatice, non necessitante nec militum quocumque, neque quicquam quocumque, neque, quasi sub eorum legge domum scriptis.* P. 150.

* *Ipsæ vniuersæ hinc et inde hinc, non necessitante nec militum quocumque, neque quicquam quocumque, neque, quasi sub eorum legge domum scriptis.* P. 150. See also Pole, Ep. it. 363, 368. The king of France spoke also of these executions with great severity to the ambassador, and desired that Henry should punish such offenders rather than put them to death. Henry was highly displeas'd. He replied that they had suffered by the course of law; and "were well worthy, if they had a thousand lives, to have suffered ten times a more terrible death and execution than any of them had suffer." Burnet, ii. Ret. 81. Several letters were written to the ambassadors abroad, that they might silence these reports to the king's prejudice; by asserting that both Fisher and More had been guilty of many villainous treasons. But in no one instance were these treasons particulariz'd. That they amounted in fact to nothing more than a refusal of acknowledging the king's supremacy, is plain from the indictment of Fisher already cited, and from that of More, which is in the Spanish hist. mention'd lately edited by Mr. Douce, App. 11—16. That indictment charges him with saying, in answer to the question of the king's supremacy, "that it was like a sieve with two edges," on May 7, and June 3, and of sleeping in to Sir Richard Rich on June 13, and thus obstructing the regent de la Roche, with other expressions capital in their language, besides peculiar detraction. No treason was on any other subject mentioned.

first enumerated the offences of the king against the apostolic see, allows him ninety, his factors and shettors sixty days to repent, and appear at Rome in person or by attorney; and then, in case of default, pronounces him and them excommunicated, deprives him of his crown, declares his children by Anne, and their children by their legitimate wives, incapable of inheriting for several generations, interdicts his and their lands and possessions, requires all clerical and monastic bodies to retire out of Henry's territories, absolves his subjects and their tenants from the oaths of allegiance and fidelity, commands them to take up arms against their former sovereign and lords, dissolves all treaties and alliances between Henry and other powers as far as they may be contradictory to this sentence, forbids all foreign nations to trade with his dominions, and exhorts them to capture the goods, and make prisoners of the persons, of all such as still adhere to him in his schism and rebellion*.

But when Paul cast his eyes on the state of Europe, when he reflected that Charles and Francis, the only princes who could attempt to carry the bull into execution, were, from their rivalry of each other, more eager to court the friendship than to risk the enmity of the king of England, he repented of his precipitancy. To publish the bull could only irritate Henry and bring the papal authority into contempt and derision. It was therefore resolved to suppress it for a time; and this weapon, destined to punish the apostasy of the king, was silently deposited in the papal armoury, to be brought forth on some future opportunity when it might be wielded with less danger and with greater probability of success †.

* Bullar. Rom. t. 704. edit. 1673.

† Ibid. t. 706. edit. 1673.

CHAPTER IV.

PROGRESS OF THE REFORMATION.

I. King's supremacy—Donner—Cornwall made Vice General—Bishops take out new powers—II. Dissolution of Monasteries—Lesser Monasteries suppressed—Death of Queen Catherine—Arrest, divorce, and execution of Anne—Insurrection in the north—Pope's Legation—Greater Monasteries given to the King—III. Doctrine—Henry's connections with the Lutheran Princes—Articles—Institution of a Christian man—Demotion of Sixtus—Publication of the Bible—IV. Persecution of Lollards—Anabaptists—Reformers—Trial of Lambert—Pope's second Legation—Execution of his Bulls—V. Struggle between the two parties—Statute of the six articles—Marriage with Anne of Cleves—Divorce—Fall of Cromwell—Marriage with Catherine Howard—Her execution—Standard of English Orthodoxy.

L. HENRY had now obtained the great object of his ambition. His supremacy in religious matters had been established by act of parliament: it had been admitted by the nation at large; the members of every clerical and monastic body had confirmed it by their subscriptions, and its known opponents had atoned for their obstinacy by suffering the penalties of treason. Still the extent of his ecclesiastical pretensions remained subject to doubt and discussion. That he meant to exclude the authority hitherto exercised by the pontiffs, was sufficiently evident: but most of the clergy, while they acknowledged the new title assumed by the king, still maintained that the church had inherited from her founder the power of preaching, of administering the sacraments, and of enforcing spiritual discipline by spiritual censures, a power which, as it was not derived from, so neither could it be dependent on, the will of the civil magistrate. Henry himself did not clearly explain, perhaps knew not how to explain, his own sentiments. If on the one hand he was willing to push his ecclesiastical prerogative to its utmost limits, on the other

he was checked by the contrary tendency of those principles which he had published and maintained in his treatise against Luther. In his answer to the objections proposed to him by the convocation at York, he clothed his meaning in ambiguous language, and carefully eluded the real point in discussion. "As to spiritual things," he observed, "meaning the sacraments, being by God ordained as instruments of efficacy and strength, whereby grace is of his infinite goodness conferred upon his people, for as much as they be no worldly or temporal things, they have no worldly or temporal head but only Christ." But then with respect to those who administer the sacraments, "the persons of priests, their laws, their acts, their manner of living, for as much as they be indeed all temporal, and concerning this present life only, in those we, as we be called, be indeed in this realm caput, and, because there is no man above us here, supremum caput*."

Another question arose respecting the manner in which the supremacy was to be exercised. As the king had neither law nor precedent to guide him, it became necessary to determine the duties which belonged to him in his new capacity, and to establish an additional office for the conduct of ecclesiastical affairs. At its head was placed the man whose counsels had first suggested the attempt, and whose industry had brought it to a successful termination. Cromwell already held the offices of chancellor of the exchequer and of first secretary to the king. He was after some delay appointed the "royal viceregent, vicar-general, and principal commissary, with all the spiritual authority belonging to the king as head of the church, for the due administration of justice in all cases touching the ecclesiastical jurisdiction, and the godly reformation and redress of all errors, heresies, and abuses in the said church†."

* *Wks.* Can. ii. 764.

† *Sec. d. Res.* VIII. 26. *Wks.* Can. ii. 784. *Colliv.* ii. *Res.* p. 31.

As a proof of the high estimation in which Henry held the supremacy, he allotted to his vicar the precedence of all the lords spiritual and temporal, and even of the great officers of the crown. In parliament Cromwell sat before the archbishop of Canterbury; he superseded that prelate in the presidency of the convocation. It was with difficulty that the clergy suppressed their murmurs, when they saw at their head a man who had never taken orders, nor graduated in any university: but their indignation increased, when they found that the same pre-eminence was claimed by any of his clerks, whom he might commission to attend as his deputy at their meetings*.

Their degradation, however, was not yet consummated. It was resolved to probe the sincerity of their submission, and to extort from them a practical acknowledgment, that they derived no authority from Christ, but were merely the occasional delegates of the crown. We have on this subject a singular letter, from Leigh and Ap Roe, two of the creatures of Cromwell, to their master. On the ground that the plenitude of ecclesiastical jurisdiction was vested in him as vicar-general, they advised that the powers of all the dignitaries of the church should be suspended for an indefinite period. If the prelates claimed authority by divine right, they would then be compelled to produce their proofs; if they did not, they must petition the king for the restoration of their powers, and thus acknowledge the crown to be the real fountain of spiritual jurisdiction†. This Sept. suggestion was eagerly adopted: the archbishop, by a circular letter, informed the other prelates, that the king, intending to make a general visitation, had suspended the powers of all the ordinaries within the realm; and these, having submitted with due humility during a month, presented a petition to be restored to the exercise of their usual authority. In consequence a

* Colton, ii. 113.

† Hist. i. 205. Strye, l. 4pp. 114.

commission was issued to each bishop separately, authorising him during the king's pleasure, and as the king's deputy, to ordain persons born within his diocese, and admit them to livings; to receive proof of wills; to determine causes lawfully brought before ecclesiastical tribunals; to visit the clergy and laity of the diocese; to inquire into crimes, and punish them according to the canon law; and to do whatever belonged to the office of a bishop besides those things which, according to the sacred writings, were committed to his charge. But for this indulgence a most singular reason was assigned: not that the government of bishops is necessary for the church, but that the king's vicar-general, on account of the multiplicity of business with which he was loaded, could not be everywhere present, and that many inconveniences might arise, if delays and interruptions were admitted in the exercise of his authority*.

11. Some years had elapsed since the bishop of Paris had ventured to predict, that whenever the cardinal of York should forfeit the royal favour, the spoliation of the clergy would be the consequence of his disgrace. That prediction was now verified. The example of Germany had proved that the church might be plundered with impunity; and Cromwell had long ago promised that the assumption of the supremacy should spare the wealth of the clerical and monastic bodies at the mercy of the crown †. Hence that minister, encouraged by the success of his former counsels, ventured to propose the dissolution of the monasteries; and the motion was received with welcome by the king, whose thirst for money was not exceeded by his love of power; by the lords of the council, who already promised themselves a considerable share in the spoils; and by arch-

* The suspension is in *Collin. ii. Bæ. p. 29*: the form of resumption of episcopal powers in *Bonnet's Bæ. ii. No. 616*. The latter was issued to different bishops in *October, Warner 32*. See also *Collin. ii. Bæ. p. 33*. A similar grant was afterwards made to all new bishops, before they entered on the exercise of their authority.

† *Dei Apud Cas. 12*.

bishop Cramer, whose approbation of the new doctrines taught him to seek the ruin of those establishments, which proved the firmest supports of the ancient faith. The conduct of the business was intrusted to the superior cunning and experience of the favourite, who undertook to throw the mask of religious zeal over the injustice of the proceedings.

With this view a general visitation of the monasteries was enjoined by the head of the church. Commissioners duly qualified were selected from the dependents of Cromwell*; and to these in pairs were allotted particular districts for the exercise of their talents and industry. The instructions which they received breathed a spirit of piety and reformation, and were formed on the model of those formerly used in episcopal and legislative visitations: so that to men, not intrusted with the secret, the object of Henry appeared not the abolition, but the support and improvement of the monastic institute †.

But in addition to their public instructions, the visitors had secret orders to repair in the first place to the lesser houses, to exhort the inmates to surrender their posses-

* I will transcribe the letter of Dr. Layton, who solicited the office of visitor: "Pleaseth your to understand, that whereas ye takele shortly to "state, and helike shall have many sisters unto yowre for the same, to "be your commissioners, if hit might stand with your pleasure that Dr. "Lee and I might have committid unto us the north countie, and to keepen "in Lincoln shires northwards here from London, Chester shires, Yorks, "and so furth to the border of Scotlande, to yorde downe one yorde, and "come up the other. Ye shall be well and fare assuredly that ye shall "rather bynde monks, chanoce, &c. that shall do the kyng's byness so "good servys, rather be so trewe, true and faithful to yowre. Than ye "rather not to wiske, sell, private, nor any other religious house in the "north, but other Dr. Lee or I have familiar acquaintance within or without of byt, so that no monastrie can be bynde from us, we know "and have experience both of the dissolucion of the monastrie and ruleless of "the papal." Cleop. E. iv. fol. 11.

† The inquiries, amounting to eighty-six questions, were drawn up by the same Dr. Layton; and to these were added injunctions in twenty-six articles to be left in each house by the visitors. Both are to be found in Cleop. E. iv. 18-24. The injunctions regard the papal power, the supremacy, the succession to the crown, the internal discipline of the monasteries, its revenues, and the giving of alms. The sixteenth touches the difference betwixt the ceremonies and the substance of religious worship; and seems to have furnished the model for six of the surrenders published by Rymer, xiv. 411-412.

sions to the king, and in case of resistance, to collect from every quarter such information as might justify the suppression of the refractory brotherhood. With respect to this their chief object, the visitors were unsuccessful. During the whole winter they could procure the surrender of no more than seven houses*: but from their reports a statement was compiled and laid before the parliament, which, while it allotted the praise of regularity to the greater monasteries, described the less opulent as abandoned to sloth and immorality. To some men it appeared contrary to experience, that virtue should flourish most where the temptations to vice were more numerous, and the means of indulgence more plentiful: but they should have recollected, that the abbots and priors of the more wealthy houses were lords of parliament, and therefore present to justify themselves and their communities: the superiors of the others were at a distance, unacquainted with the charges brought against them, and of course unable to clear their own characters, or to expose the arts of their accusers.

1533. A bill was introduced, and hurried, though not without opposition, through the two houses †, giving to the king and his heirs all monastic establishments, the clear yearly value of which did not exceed two hundred pounds, with the property belonging to them both real and personal, vesting the possession of the buildings and lands in those persons, to whom the king should assign them by letters patent; but obliging the grantees, under the penalty of ten marks per month, to keep on them an honest house and household, and to plough the same number of acres, which had been ploughed on an average of the last twenty years. It was

* These were, in Kent, Langton, Fillingstone, Blisington, and St Mary's in Dover: Mention in Yorkshire, Burnby in Lancashire, and Tilly's in Essex. *Ibid.* 355—358. See a letter from the visitors in Strype, i. 266.

† *Speyer* tells us, that it stuck long in the house of commons, and would not pass, till the king sent for the commons, and bid them he would have the bill pass or take off some of their beads. *Hist. of Scotland*, p. 155.

calculated that by this act about three hundred and eighty communities would be dissolved; and that an addition of thirty-two thousand pounds would be made to the yearly revenue of the crown, besides the present receipt of one hundred thousand in money, plate, and jewels.

This parliament by successive prorogations had now continued six years, and by its obsequious compliance with every intimation of the royal will, had deserved, if any parliament could deserve, the gratitude of the king. To please him it had altered the succession, had remodelled the whole frame of ecclesiastical government, and had multiplied the prerogatives, and added to the revenue of the crown. It was now dissolved; and commissioners were named to execute the last act for the suppression of the smaller monasteries. Their instructions ordered them to proceed to each house within a particular district, to announce its dissolution to the superior and the brotherhood, to make an inventory of the effects, to secure the convent seal and the title-deeds, and to dispose of the inhabitants according to certain rules. But the statute which vested these establishments in the king, left it to his discretion to found them anew; a provision which, while it left a gleam of hope to the sufferers, drew considerable sums of money into the pockets of Cromwell and his deputies. The monks of each community flattered themselves with the expectation of escaping from the general shipwreck, and sought by presents and annuities to secure the protection of the minister and the visitors. On the other hand the favourites, to whom Henry had already engaged to give or sell the larger portion of these establishments, were not less liberal in their offers, nor less active in their endeavours to hasten the dissolution*.

The result of the contest was, that more than a hun-

* Cromwell made a rich harvest during the whole time of the suppression. See letters on the subject, *Cleop. E. v. 61. 126. 196. 216. 220. 257. 264. 268.*

ered monasteries obtained a respite from immediate destruction; and of these the larger number was founded again by the king's letters patent, though each of them paid the price of that favour by the surrender of a valuable portion of its possessions. With respect to the suppressed houses, the superior received a pension for life: of the monks, those who had not reached the age of twenty-four were absolved from their vows, and sent adrift into the world without any provision; the others were divided into two classes. Such as wished to continue in the profession, were dispersed among the larger monasteries; those who did not, were told to apply to Crommer or Cromwell, who would find them employments suited to their capacities. The lot of the nuns was more distressing. Each received a single gown from the king, and was left to support herself by her own industry, or to seek relief from the charity and commiseration of others*.

During the suppression of these establishments the public attention had been in a great measure diverted to a succession of most important events, the death of Catherine, the divorce and execution of Anne Boleyn, and the king's marriage with Jane Seymour. †. During the three last years Catherine with a small establishment† had resided on one of the royal manors. In most points she submitted without a murmur to the royal pleasure: but no promise, no intimidation could induce her to forego the title of queen, or to acknowledge the invalidity of her marriage, or to accept the

* See *Hume*, 182. *Dev. iii.* p. 102. 157. *Wyn. air.* 574. *Stevens* has published an interesting document, containing the names of those houses which had obtained a respite from instant destruction; the names of the priors to whom they had been granted; and the names of such as had been confirmed or founded again at the time when the paper was written. Forty-six had been certainly confirmed; the writer had his doubts respecting five others; and out of this number thirty-three had previously been granted by Henry to different persons. *Stevens, Monast. ii.* App. p. 17. From the surrenders, which were afterwards made, it appears that several more in the catalogue were confirmed after the date of the document.

† In one of her letters she observes, that she had not even the means of raising out. *Beaune's Sylloge*, at the end of *Clara Liria*, p. 77.

offer made to her by her nephew, of a safe and honourable asylum either in Spain or Flanders. It was not that she sought to gratify her pride, or to secure her personal interests; but she still cherished a persuasion that her daughter Mary might at some future period be called to the throne, and on that account refused to stoop to any concession, which might endanger or weaken the right of the princess. In her retirement she was harassed with angry messages from the king: sometimes her servants were discharged for obeying her orders; sometimes were sworn to follow the instructions which they should receive from the court. Forest, her confessor, was imprisoned and condemned for high treason; the act of succession was passed to defeat her claim; and she believed that Fisher and More had lost their lives merely on account of their attachment to her cause. Her bodily constitution was gradually enfeebled by mental suffering; and feeling her health decline, she repeated a request, which had often been refused, that she might see her daughter, once at least before her death; for Mary, from the time of the divorce, had been separated from the company* that she might not imbibe the principles of her mother. But at the

* At the commencement of their separation Catherine wrote to her a letter of advice: "I beseech you agree to God's pleasure with a merry heart, and be you sure, that without that he will not suffer you to perish, if you beware to offend him. . . . Answer the king's message with a few words, obeying the king your father in every thing, save only that you will not offend God, and lose your soul. . . . And now you shall begin, and by Christ's blood I shall follow. I set not a rash by it; for when they hate done the utmost that they can, then I am one of the uncomforth. I pray you remember me unto my good lady of Salisbury, and pray her to have a good heart, for we never come to the kingdom of heaven but by troubles." *Apud Barret, ii. Henr. vi. p. 243.* From the tenor of this letter it has been inferred that Catherine had received advice of an intercession on the part of Henry to lend his daughter Mary to his will, or to proceed to extremities against her. If it were so, he subsequently changed his mind, and proposed to marry her to some prince out of the realm. One of her suitors was Duke Philip of Burgundy, count Palatine of the Rhine; and to a message from the king on the subject, she returned for answer, that she was ready to submit to her father's will, but felt so wish to enter that religion. *Syll. go. Epist. 138.* In former editions, I took this expression in its usual meaning of a religious order; but see *Fret. Madelin* in his *Private expenses of queen Mary* (p. 208.) has shown that it refers to the proposed marriage with Duke Philip.

age of twenty she could not be ignorant of the injuries which both had suffered; and her resentment was daily strengthened by the jealousy of a hostile queen, and the caprice of a despotic father*. Henry had the cruelty to refuse this last consolation to the unfortunate Catherine†, who from her death-bed dictated a short letter to "her most dear lord, king, and husband." She conjured him to think of his salvation; forgave him all the wrongs which he had done her; recommended their daughter Mary to his paternal protection; requested that her three maids might be provided with suitable marriages, and that her other servants might receive a year's wages. Two copies were made by her direction, of which one was delivered to Henry, the other to Eustachio Chapuys, the imperial ambassador, with a request that, if her husband should refuse, the emperor would reward her servants. As he perused the letter, the stern heart of Henry was softened: he even shed a tear, and desired the ambassador to bear to her a kind and Jan. consoling message. But she died before his arrival; and was buried by the king's direction with becoming pomp in the abbey church of Peterborough‡. The reputation which she had acquired on the throne did not suffer from her disgrace. Her affability and meekness, her piety and charity, had been the theme of universal praise: the fortitude with which she bore her wrongs raised her still higher in the estimation of the public.

¶ Four months did not elapse before Catherine was followed to the grave by Anne Boleyn. But their end

* One great cause of offence was that she persisted in giving to herself the title of princess, and refused it to the infant Elizabeth, whom she called nothing but sister. On this account she was banished from court, and confined to different houses in the country. See two of her letters in Foxe, tom. ii. l. iii. p. 131; and in Brewer's *Tours Livres*, p. 134.

† *Con hoc bene tunc cum lacrimis postulat, mater vitæ extremum spiritum dicens. Incidit, quod hucus usque credulissimum nunquam crepescit, conjux a viro, mater pro filio, impetrat: non potuit. P. 61. dyol. ad Claud. 162.*

‡ *Stander*, 144. *Herbert*, 452. *Henry's Memoirs*, 173. Her will is published by *Sney*, l. 8, p. 163. See note (H).

was very different. The divorced queen died peacefully in her bed; her successful rival by the sword of the bandsman on the scaffold. The obscurity of Henry had secured, as long as the divorce was in agitation, the ascendancy of Anne: but when that obstacle was removed, his caprice sought to throw off the shackles which he had forged for himself: his passions gradually subsided into neglect; and neglect was followed by dislike. In the early part of 1535 we discover the new queen plunged into the deepest distress. "Doubts, suspicions, and strange thoughts" respecting her had suggested themselves, or had been suggested, to the royal mind. To what in particular they related, we are ignorant: but we know that, to remove them, she had secretly implored, through the French agent, the friendly services of the king of France, and, when that resource failed her, had pronounced herself "a distracted and ruined woman."¹ Some sort of reconciliation followed: the past danger was forgotten; and at the death of Catherine she made no secret of her joy. Out of respect for the Spanish princess, the king had ordered his servants to wear mourning on the day of her burial: but Anne dressed herself in robes of yellow silk, and openly declared that she was now indeed a queen, since she had no longer a competitor. In this, however, she was fatally deceived. Among her maids was one, named Jane Seymour, the daughter of a knight of Wiltshire, who, to equal or superior elegance of person, added a gentle and playful disposition, as far removed from the Spanish gravity of Catherine, as from that levity of manner which Anne had acquired in the French court. In the midst of her joy the queen accidentally discovered Seymour sitting on the king's knee. The sight awakened her jealousy: in a few days she felt the pains of premature labour, and was delivered of a dead male child.²

¹ "Doutes, soupçons, étranges pensées." Goullet's Letter. See note [1].

² "Afflicte et perdue." *Ibid.*

To Henry, who most anxiously wished for a son, the birth of Elizabeth had proved a bitter disappointment: on this, the second failure of his hopes, he could not suppress his vexation. Anne is reported to have answered, that he had no one to blame but himself, that her miscarriage had been owing to his fondness for her maid*.

Unfortunately, if Henry had been unfaithful, she herself, by her levity and indiscretion had furnished employment to the authors and retailers of scandal. Reports injurious to her honour had been circulated at court: they had reached the ear of Henry, and some notice of them had been whispered to Anne herself. The king eager to rid himself of a woman whom he no longer loved, referred these reports to the council; and a committee was appointed to inquire into the charges against the queen. It consisted of the lord chancellor, the dukes of Norfolk and Suffolk, her own father, and several earls and judges; who reported that sufficient proof had been discovered to convict her of incontinence not only with Breton, Norris, and Weston, of the privy chamber, and Smeaton, the king's musician, but even with her own brother lord Rochford. They began with Breton, whom they summoned on the Thursday before May day, and committed immediately to the Tower. The examination of Smeaton followed on the Sunday, and the next morning he was lodged in the same prison. On that day the lord Rochford appeared as principal challenger in a tilting match at Greenwich, and was opposed by Sir Henry Norris as principal defendant. The king and Anne were both present; and it is said that, in one of the intervals between the courses, the queen, through accident or design, dropt her handkerchief from the balcony: that Norris, at whose feet it fell, took it up and wiped his face with it; and that Henry instantly changed colour, started from his seat, and

* Seeley, *J.C. Heylin*, 363. *Wyn in Singer's Cavalier*, 443.

retired. This tale was probably invented to explain what followed: but the match was suddenly interrupted; and the king rode back to Whitehall with only six persons in his train, one of whom was Norris, hitherto an acknowledged favourite both with him and the queen. On the way Henry rode with Norris, apart, and earnestly solicited him to deserve pardon by the confession of his guilt. He refused, strongly maintaining his innocence, and, on his arrival at Westminster, was conducted to the Tower.

Anne had been left under custody at Greenwich. The next morning she received an order to return by water; but was met on the river by the lord chancellor, *Mary* the duke of Norfolk, and Cromwell, who informed her that she had been charged with infidelity to the king's bed. Falling on her knees, she prayed aloud that if she were guilty, God might never grant her pardon. They delivered her to Kyngston, the lieutenant of the Tower. Her brother Rochford had already been sent there; Weston and Smeaton followed; and preparations were made to bring all the prisoners to immediate trial*.

From the moment of her confinement at Greenwich, Anne had foreseen her fate, and abandoned herself to despair. Her affliction seemed to produce occasional aberrations of intellect. Sometimes she would sit absorbed in melancholy, and drowned in tears; and then suddenly assume an air of unnatural gaiety, and indulge in immoderate bursts of laughter. To those who waited on her, she said, that she should be a saint in heaven; that no rain would fall on the earth till she were delivered from prison; and that the most grievous calamities would oppress the nation in punishment of her death. But at times her mind was more composed; and then she gave her attention to devotional exercises, and for

* Rochford, Weston and Norris had stood high in the King's favour. The two first often played with him for large sums at shrewsbard, chess, and other games, and also with the lady Jane. (They purse expenses, passim.) Norris was the only person whom he allowed to follow him in his bedchamber. *Archæol.* ii. 153.

that purpose requested that a consecrated host might be placed in her closet. The apartment allotted for her prison was the same in which she had slept on the night before her execution. She immediately recollected it, saying that it was too good for her: then falling on her knees, exclaimed, "Jesus, have mercy on me!" this exclamation was succeeded by a flood of tears, and that by a fit of laughter. To Kyngstone, the lieutenant of the Tower, she protested, "I am as clear from the company of man, as he sin, as I am clear from you. I am told that I shall be accused by three men; and I can say no more but nay, though you should open my body." Soon afterwards she exclaimed in great anguish, "O! Norris, hast thou accused me? Thou art in the Tower with me; and thou and I shall die together. And thou, Mark (Simenton), thou art here too! Mr. Kyngstone" (turning to the lieutenant), "I shall die without justice." He assured her, that if she were the poorest subject in the realm, she would still have justice; to which she replied with a loud burst of laughter.

Under the mild administration of justice at the present day, the accused is never required to condemn himself: but in former times every artifice was employed to draw matter of proof from the mouth of the prisoner by promises and threats, by private examinations in the presence of commissioners, and ensnaring questions put by the wardens and attendants. Whatever was done, or uttered within the walls of the Tower, was carefully recorded, and transmitted to the council. Mrs. Cosin, one of the ladies appointed to wait on the queen, asked, why Norris had said to her almoner on Saturday last, that he could swear for her that she was a good woman. Anne replied: "Marry, I hold him do so; for I asked him why he did not go through with his marriage; and he made answer that he would tarry a time. Then, said 'I, you look for deal men's shoes: for, if aught but 'good should come to the king'" (Henry was afflicted

with a dangerous ulcer in the thigh, you would look "to have me. He denied it; and I told him that I "could undo him, if I would." But it was of Weston that she appeared to be most apprehensive, because he had told her that Norris frequented her company for her sake, and not, as was pretended, to pay his addresses to Madge, one of her maids; and when she reproached him with loving a kinswoman of hers more than his own wife, he had replied that he loved *her* better than them both. When Mrs Stonor, another attendant, observed to her that Smeaton was treated more severely than the other prisoners, for he was in irons, she replied that the reason was, because he was not a gentleman by birth; that he had never been in her chamber but once, and that was to play on a musical instrument; and that she had never spoken to him from that day till the last Saturday, when she asked him why he appeared so sad, and he replied that a look from her sufficed him*.

Of the five male prisoners four persisted in maintaining their innocence before the council. Smeaton, on his first examination, would admit only some suspicious circumstances; but on the second he made a full disclosure of guilt, and even Norris, yielding to the strong solicitation of Sir William Fitzwilliam, followed his example. Anne had been interrogated at Greenwich. With her answers we are not acquainted; but she afterwards complained of the conduct of her uncle Norfolk, who, while she was speaking, shook his head, and said, "tut, tut." She observed enigmatically, that Mr. Treasurer was all the while in the forest of Windsor; and added that Mr. Comptroller alone behaved to her as a gentleman. At times she was cheerful, laughed heartily, and ate her meals with a good appetite. To Kyngstone she said, "If any man accuse me, I can say "but nay; and they can bring no witness †."

* These particulars are taken from the letters of the Dictastant; and may be seen in Herbert, 46. Burnet, i. 129; Strype, i. 281-282; and Ellis, ii. 53-62.

† Strype, i. 282; and the letters of Cornwall and Baynton, Heylin, 56.

I have related these particulars, extracted from the letters of the lieutenant, that the reader may form some notion of the state of the queen's mind during her imprisonment, some conjecture respecting the truth or falsehood of the charge, on which she suffered. From them it is indeed plain that her conduct had been imprudent; that she had descended from her high station to make companions of her men servants; and that she had even been so weak as to listen to their declarations of love. But whether she rested here, or abandoned herself to the impulse of licentious desire, is a question which probably can never be determined. The records of her trial and conviction have mostly perished, perhaps by the hands of those who respected her memory; and our judgment is held in suspense between the contradictory and unauthenticated statements of her friends and enemies. By some we are told that the first disclosure was made by a female in her service, who, being detected in an unlawful amour, sought to excuse herself by alleging the example of her mistress; by others that the suspicion of the king was awakened by the jealousy of lady Rochford, whose husband had been discovered either lying on, or leaning over, the bed of his sister. But that which wrought conviction in the royal mind, was a deposition made upon oath by the lady Wingfield on her death-bed; of which the first lines only remain, the rest has been accidentally or designedly destroyed*. This, however, with the depositions of the other witnesses, was embodied in the bill of indictment, and submitted to the grand juries of Kent and Middlesex, because the crimes laid to the charge of the prisoners were alleged to have been committed in both counties †.

¹⁰ I have not inserted Anne's letter to the King, supposed to be written by her in the Tower; because there is no reason for believing it authentic. It is said to have been found among Cromwell's papers, but bears no resemblance to the queen's ordinary letters in language or spelling, or writing or signature. See Fables, 157.

* Burnet, i. 156. We still possess the most important of the few documents seen by Burnet, and some others of which he was ignorant, particularly Constable's Memoir in Archæol. 2211.

† In the indictment the offence with Norris was laid on 12th Oct. 1536,

The four commoners were arraigned in the court of May king's bench. Smeaton pleaded guilty; Norris recalled his previous confession: all were convicted, and received sentence of death*. But the case of the queen was without precedent in English history; and it was determined to arraign her before a commission of lords, similar to that which had condemned the late duke of Buckingham. The duke of Norfolk was appointed high steward, with twenty-six peers as assessors. To the bar May of this tribunal, in the hall of the Tower, the unhappy queen was led by the constable and lieutenant, and was followed by her female attendants. The indulgence of a chair was granted to her dignity or weakness. The indictment stated that, inflamed with pride and carnal desires of the body, she had confederated with her brother, lord Rochford, and with Norris, Breton, Weston, and Smeaton, to perpetrate divers abominable treasons; that she had permitted each of the five to lie with her several times; that she had said that the king did not possess her heart; and had told each of them in private that she loved him better than any other man, to the slander of the issue begotten between her and the king; and that she had in union with her confederates imagined and devised several plots for the destruction of the king's life. According to her friends she repelled each charge with so much modesty and temper, such persuasive eloquence, and convincing argument, that every spectator anticipated a verdict of acquittal: but the

that with Breton on 8th Dec. of the same year, with Weston on 20th May, 1534, with Smeaton on 20th April, 1535, with her brother on the 5th Nov. of the same year. We are indebted to the industry of Mr. Tansley for the discovery both of the indictment, and the preceding commission among the Bosh MSS. 493.

*The records of these trials have perished; but, if the reader consider with what promptitude and on what slight presumptions, (see the subsequent trials of De-la-hay and Culpeper), juries in this reign were accustomed to return verdicts for the crown, he will hesitate to exculpate these unfortunate men on the sole ground of their having been convicted. The case of Smeaton was, indeed, different. He confessed the slanders; but we know not by what arts of the commissioners, under what influence of hope or terror, that confession was obtained from him. It should be remembered that the rack was then in use for prisoners of Smeaton's rank in life.

lords, satisfied perhaps with the legal proofs furnished by the confession of Smeaton, and the conviction of the other prisoners, pronounced her guilty on their honour; and the lord high steward, whose eyes streamed with tears whilst he performed the unwelcome office, condemned her to be burnt or beheaded at the king's pleasure. Anne, according to the testimony, or the fiction, of a foreign poet, instantly burst into the following exclamation:—"O! Father, O! Creator, thou knowest I do not deserve this death." Then addressing herself to the court, "My lords, I do not arraign your judgment. You may have sufficient reason for your suspicions: but I have always been a true and faithful wife to the king*." As soon as she was removed, her brother occupied her place, was convicted on the same evidence, and condemned to lose his head, and to be quartered as a traitor †.

By the result of this trial the life of Anne was forfeited to the law: but the vengeance of Henry had prepared for her an additional punishment in the degradation of herself and her daughter. On the day after the arrest of the accused, he had ordered Crommer to repair to his palace at Lambeth, but with an express injunction that he should not venture into the royal presence. That such a message at such a time should excite alarm in the breast of the archbishop will not create surprise; and the next morning he composed a most eloquent and ingenious epistle to the king. Prevented, he said, from addressing his grace in person, he deemed it his duty

* Crispin, lord of Moberge, was present at the trial, and made it the subject of a poem. Motteux has termed the poetry into prose, p. 21. Hence it is doubtful whether this speech be it really that of the queen, or a fiction of the poet. "I have it thus," says Burnet, "without any other professions upon it, but that it seems all over credible." iii. 181. Edit. by Nares.

† Burnet, i. 204, 202. ii. 120. See 28 Hen. VIII. c. 7. It is supposed that the charge of conspiracy against the king's life was introduced into the indictment merely in form; yet I observe that the lord chancellor takes it as stated in his speech to the two houses of parliament in presence of Henry. He reminds them twice of the great danger to which the king had ever exposed during his late marriage, from the plots laid for his life by Jane and her accomplices. Journals, p. 44.

to exhort him in writing, to bear with resignation this, the bitterest affliction that had ever befallen him. As for himself, his mind was clean amazed. His former good opinion of the queen prompted him to think her innocent; his knowledge of the king's prudence and justice induced him to believe her guilty. To him she had proved, after the king, the best of benefactors: wherever he trusted that he might be allowed to wish and pray that she might establish her innocence; but, if she did not, he would repute that man a faithless subject, who did not call for the severest punishment on her head, as an awful warning to others. He loved her formerly, because he thought that she loved the gospel*: if she were guilty, every man would hate her in proportion to his love of the gospel. Still he hoped that as the king had not begun the reformation through his affection for her, but through his love of the truth, he would not permit her misconduct to prejudice that important work in his opinion. But the alarm of the archbishop was without any real foundation. Henry had no other object than to intimidate, and by intimidating to render him more docile to the royal pleasure. He had already written, but had not despatched his letter, when he was summoned to meet certain commissioners in the star-chamber, who laid before him the proofs of the queen's offence, and acquainted him with the duty which was expected from him. He had formerly dissolved the marriage between Henry and Catherine; he was now required to dissolve that between Henry and Anne †.

* From this and similar expressions the queen has been represented a protestant. She was no more a protestant than Henry. The "gospel" means the doctrine professed by Henry; had the archbishop meant anything else he would have only accelerated her ruin.

† The letter is published by Burnet (l. 210), and certainly does credit to the integrity of the archbishop in the perilous situation in which he thought himself placed; but I am at a loss to discover in it any trace of that high courage, and disinterested justice of the queen's honour, which have drawn forth the penises of Burnet and his copies.—In the postscript the archbishop adds: "they the commissioners have declared unto me such things, as your grace's pleasure was they should make me pray unto; for the which I am most bounden unto your grace."
* And what communication we had together, I don't not but that they

It must have been a most unwelcome and painful task. He had examined that marriage juridically; had pronounced it good and valid; and had confirmed it by his authority as metropolitan and judge. But to hesitate might have cost him his head. He acceded to the proposal with all the zeal of a proselyte; and, adopting as his own the objections to its validity with which he had been furnished, sent copies of them to both the king and queen, "for the salvation of their souls;" and the due effect of law; with a summons to each to appear in his court, and to show cause why a sentence of divorce should not be pronounced. Never perhaps was there a more solemn mockery of the forms of justice, than in the pretended trial of this extraordinary cause. By the king, Dr. Sampson was appointed to act as his proctor; by the queen, the doctors Wotton and Barbour were invested with similar powers; the objections were read; the proctor on one part admitted them, those on the other could not refute them; both joined in demanding judgment: and two days after the condemnation of the queen by the peers, Cranmer, "having

May
17. "previously invoked the name of Christ, and having "God alone before his eyes," pronounced definitively that the marriage formerly contracted, solemnized and consummated between Henry and Anne Boleyn was, and always had been, null and void*. The whole

"will make the true report thereof unto your grace. I am exceedingly "sory that such trials can be moved by the queen, as I be not of their "religion; and I am and ever shall be your faithful subject." But what was this report, which they were to make to the king from him? The report seems to show that it regarded the cause to be pursued in pronouncing the divorce.

* Several questions arose out of this judgment. 1^o If it were good in law, Anne had never been married to the king. She could not, therefore, have been guilty of adultery, and consequently ought not to be put to death for that crime. 2^o If the same judgment were good, the act of settlement became null, because it was based on the supposition of a valid marriage; and all the treasons created by that act were at once done away. 3^o If the act of settlement were still in force, the judgment itself, inasmuch as it "dissolved and annulled the marriage" was an act of treason. But Anne derived no benefit from these doubts: she was executed, and the next parliament put an end to all controversies on the subject by enacting, that offences made treason by the act, should be so deemed if committed before the 5th of June; but that the king's loving subjects concerned in

process was afterwards laid before the members of the convocation, and the houses of parliament. The former dared not to dissent from the decision of the metropolitan; the latter were willing that in such a case their ignorance should be guided by the learning of the clergy. By both the divorce was approved and confirmed. To Elizabeth, the infant daughter of Anne, the necessary consequence was, that she, like her sister, the daughter of Catherine, should be reputed illegitimate*.

On the day on which Cramer pronounced judgment the companions of the queen were led to execution. Smeaton was hanged: the other four, on account of their superior rank, were beheaded. The last words of Smeaton, though susceptible of a different meaning, were taken by his hearers for a confession of guilt. "Mesters," said he, "I pray you all, pray for me; for I have deserved the death." Norris was obstinately silent: Rochford exhorted the spectators to live according to the gospel; Weston lamented his past folly in purposing to give his youth to sin, and his old age to repentance; Breton, who, says an eye-witness, was im-

the prosecution of the queen in the archbishop's court, or before the lords, should have a full pardon for all treasons by them in such prosecution committed. Stat. of Revis. ii. 666.

* See the *Recess* in Wilkins (Con. iii. 493). Darrel, unacquainted with this instrument, which, he asserts, was found, informs us that the divorce was pronounced in consequence of an alleged procurement of marriage between Anne and Percy, afterwards earl of Northumberland; that the latter had twice solemnly denied the existence of such contract or the sacrament; but that Anne, through hope of favour, was induced to confess it. That Percy denied it, is certain from his letters of the 13th of May; (*Recess* Rec. L. iii. 49) that Anne confessed it, is a mere conjecture of the historian, supported by no authority. It is not singular that the real nature of the objection on which the divorce was founded is not mentioned in the decree itself, nor in the acts of the convocation, nor in the act of parliament, though it was evidently communicated both to the convocation and the parliament. If the reader turn to p. 110. 121 he will find that the king had formerly cohabited with Mary, the sister of Anne Boleyn; which cohabitation, according to the canon law, spoiled the same impediment to his marriage with Anne, as had before existed to his marriage with Catherine. On this account he had procured a dispensation from pope Clement: but that dispensation, according to the doctrine which prevailed after his separation from the communion of Rome, was of no force; and hence I am inclined to believe that the real ground of the decree pronounced by Cramer, was Henry's previous cohabitation with Mary Boleyn; that this was admitted on both sides; and that in consequence the marriage with Anne, the sister of Mary, was judged voidable. See note (K).

cent if any of them were, used these enigmatical words:

"I have deserved to die, if it were a thousand deaths:

"but the cause wherefore I die, judge ye not. If ye

"judge, judge the best."⁴

To Anne herself two days more were allotted, which she spent for the most part in the company of her confessor. On the last evening falling on her knees, she requested lady Kyngstone, who was sitting in an arm-chair, to go in her name to the lady Mary, to kneel before her in like manner, and to beg of her to pardon an unfortunate woman the many wrongs which she had done her. We learn from Kyngstone himself, that she displayed an air of greater cheerfulness than he had ever witnessed in any person in similar circumstances; that she had required him to be present when she should receive "the good lord," to the intent that he might hear her declare her innocence; and that he had no doubt she would at her execution proclaim herself "a good woman for all but the king." If, however, such were her intention, she afterwards receded from it.

The next morning the dukes of Suffolk and Richmond, the lord mayor and aldermen, with a deputation of citizens from each company, assembled by order of the king on the green within the Tower. About noon the gate opened, and Anne was led to the scaffold, dressed in a robe of black damask, and attended by her four maids. With the permission of the lieutenant, she thus addressed the spectators: "Good christian people, I am

⁴ Constantyn's Memoir in Archaiv. xiii. 63-66. It may be observed that in none of these declarations, not even in that of Seneva, is there any express admission, or express denial of the crime for which these unfortunate men suffered. If they were guilty, is it not strange that not one out of five would acknowledge it? If they were not, is it not still more strange that not one of them should proclaim his innocence; if not for his own sake, at least for the sake of that goddess woman, who was still alive, but destined to suffer for the same cause in a few days? The best solution, in my opinion, is to suppose, that no person was allowed to speak at his execution without a solemn promise to say nothing in disparagement of the judgment under which he suffered. We know that if the king brought a man to trial, it was thought necessary for the king's honour that he should be convicted; probably, when he suffered, it was thought equally for the king's honour that he should not deny the justice of his punishment.

"not come here to excuse or justify myself, forasmuch
 "as I know full well that aught which I could say in
 "my defence doth not appertain to you, and that I could
 "derive no hope of life from the same. I come here
 "only to die, and thus to yield myself humbly to the
 "will of my lord the king. And if in life I did ever
 "offend the king's grace, surely with my death do I now
 "atone for the same. I blame not my judges, nor any
 "other manner of person, nor anything save the cruel
 "law of the land, by which I die. But he this, and he
 "my faults as they may, I beseech you all, good friends,
 "to pray for the life of the king, my sovereign lord and
 "yours, who is one of the best princes on the face of the
 "earth, and who has always treated me so well that
 "better cannot be: wherefore I submit to death with a
 "good will, humbly asking pardon of all the world."
 She then took her coifs from her head, and covered her
 hair with a linnen cap, saying to her maids, "I cannot
 "reward you for your service, but pray you to take
 "comfort for my loss. Howbeit, forget me not. Be
 "faithful to the king's grace, and to her whom with
 "happier fortune you may have for your queen and
 "mistress. Value your honour before your lives; and
 "in your prayers to the Lord Jesus forget not to pray
 "for my soul." She now knelt down: one of her
 attendants tied a handkerchief over her eyes, and, as she
 exclaimed, "O Lord God, have mercy upon my soul,"
 the executioner, with one blow of his sword, severed her
 head from the body. Her remains, covered with a
 sheet, were placed by her maids in an elm chest, brought
 from the armoury, and immediately afterwards buried
 within the chapel of the Tower*.

* Compare Constantine's Memoir, who was present, with the letter of a Portuguese gentleman, who wrote soon afterwards to a friend in Lisbon, in *Escuria Hist.* 364. The speech in the text is taken from him; that in Constantine is as follows: "Good people, I do not intend to request my death, but I remit me to Christ wholly, in whom is my trust; desiring you all to pray for the king's majesty, that he may long reign over you; for he is a very noble prince, and full greatly hath handled me." In

Thus fell this unfortunate queen within four months after the death of Catherine. To have expressed a doubt of her guilt during the reign of Henry, or of her innocence during that of Elizabeth, would have been deemed a proof of disaffection. The question soon became one of religious feeling, rather than of historical disquisition. Though she had departed no further than her husband from the ancient doctrine, yet, as her marriage with Henry led to the separation from the communion of Rome, the catholic writers were eager to condemn, the protestant to exculpate her memory. In the absence of those documents, which alone could enable us to decide with truth, I will only observe that the king must have been impelled by some most powerful motive to exercise against her such extraordinary, and, in one supposition, such superfluous rigour. Had his object been (we are sometimes told that it was) to place Jane Seymour by his side on the throne, the divorce of Anne without her execution, or the execution without the divorce, would have effected his purpose. But he seems to have pursued her with insatiable hatred. Not content with taking her life, he made her feel in every way in which a wife and a mother could feel. He stamped on her character the infamy of adultery and incest; he deprived her of the name and the right of wife and queen; and he even bastardized her daughter, though he acknowledged that daughter to be his own. If then he were not assured of her guilt, he must have discovered in her conduct some most heinous cause of provocation, which he never disclosed. He had wept at the death of Catherine: but, as if he sought to display his contempt

both the substance is the same; but probably what one has dated the other has omitted. Pryn, however, it is that Anne, like her fellow-sufferers, chose to leave the question of her guilt or innocence problematical. I may add that the Portuguese writer is certainly in error when he supposes Seymour to have been betrothed; and that he only relates the reports of the day, when he says that the counsel had procured of the queen's daughter the child of Lord Rochford, and that the king had owned Mary for his legitimate heir. Ibid. 265.

for the memory of Anne, he dressed himself in white on the day of her execution, and was married to Jane Seymour the next morning. ²⁴

For two years Mary, his daughter by Catherine, had lived at Hunsdon, a royal manor, in a state of absolute seclusion from society. Now, taking advantage of a visit from lady Kyngstone, who had probably been allowed to deliver the message from Anne Boleyn, she solicited May the good offices of Cromwell, and obtained permission to write to her father*. Her letter was corrected and improved by Cromwell himself[†]; but general expressions of humility and sorrow did not appease the resentment of Henry, by whose orders a deputation from the council waited on her at Hunsdon, and required her to subscribe to certain articles. From these her conscience recoiled: but Cromwell subdued her scruples by a most unfeeling and imperious letter. He called her "an obstinate and obdurate woman, deserving the reward of malice in the extremity of mischief;" if she did not submit, he would take his leave of her for ever, "reputing her the most ungrateful, unnatural, and obstinate person living, both to God and her father;" and ended with saying, that by her disobedience she had rendered herself "unfit to live in a Christian congregation, of which he was so convinced, that he refused the mercy of Christ if it were not true."[‡] Intimidated and confounded, she at last consented to acknowledge that it was her duty to observe all the king's laws; that Henry

* "I perceived that nobody durst speak for me as long as that woman lived, who is now gone, whom I pray our Lord of his great mercy to forgive. Wherefore now she is gone, I desire you for the love of God to be a sutor for me to the king's grace. . . . Accept mine evil-willings; for I have not done so much this two year or more; nor could not have found the means to do it at this time: but by my holy Kyngston's being here." *Sylloge Epist. at the end of Tina Lavin, by Hoare, p. 140.*

† She had said, "I have desired simply from benevolence and wholy, to rest to Almighty God, to put my state, continuance and living in your gracious mercy." Cromwell objected to the words in Italics; and she replied that she had always been accustomed to except God in speaking and writing, her world know his advice, and enjoy the better which he had sent her. *Ibid. p. 124 125.*

‡ *Sylloge Epist. at the end of Tina Lavin, by Hoare, p. 137.*

was the head of the church; and that the marriage between her father and mother had been incestuous and unlawful*. It was then required that she should reveal the names of the persons who had advised her former obstinacy and her present submission: but the princess indignantly replied, that she was ready to suffer death rather than expose any confidential friend to the royal displeasure. Henry relented; he permitted her to write to him; and granted her an establishment more suitable to her rank †. But though she was received into favour, she was not restored in blood. The king June had called a parliament to repeal the last, and to pass
8 a new act of succession, entailing his crown on his issue by his queen Jane Seymour. But he did not rest here: in violation of every constitutional principle he obtained a power, in failure of children by his present or any future wife, to limit the crown in possession and remainder by letters patent under the great seal, or by his last will, signed with his own hand, to any such person or persons whom he might think proper. It was believed that he had chiefly in view his natural son, the duke of Richmond, then in his eighteenth year, and the idol of his affection. But before the act could receive July the royal assent the duke died; Henry remained
24 without a male child, legitimate or illegitimate, to succeed him; and a project was seriously entertained, but afterwards abandoned, of marrying the lady Mary to the duke of Orleans, the second son of the French monarch, and of declaring them presumptive heirs to the crown ‡.

* See *Life of Egton*, at the end of *Titus Livius*, by Henry, p. 142. See also *State Papers*, 3. 43-5.

† From one of her letters she appears to have been intrusted with the care of Elizabeth. "My sweet Elizabeth is in good health, thanks be to our Lord, and such a child toward, as I doubt not, but your highness will have cause to rejoice of in time to come, as knoweth almighty God," p. 131. The *Prag. priv. excuses of Mary* at this period, for which we are indebted to Mr. Forester's *Maiden*, exhibit proofs of a cheerful and cheerful disposition, very different from the character given of her by several writers.

‡ *Stat. of Restn.* ii. 638. See also, l. *Reg.* 182. A multitude of new treasons was created by this statute. It was made treason to do any

During the summer the king sought to dissipate his grief for the death of his son in the company of the young queen; in autumn he was suddenly alarmed by an insurrection in the northern counties, where the people retained a strong attachment to the ancient doctrines, and the clergy, further removed from the influence of the court, were less disposed to abjure their opinions at the nod of the sovereign. Each succeeding innovation had irritated their dissent: but when they saw the ruin of the establishments which they had revered from their childhood; the monks driven from their homes, and in many instances compelled to beg their bread; and the poor, who had formerly been fed at the doors of the convents, now abandoned without relief*; they readily listened to the declamations of demagogues, unfurled the standard of revolt, and with arms in their hands, and under the guidance of Malsere, abbot of Berlings, who had assumed the name of Captain Cobbler, demanded the redress of their grievances. Nor was the insurrection long confined to the common people. The nobility and gentry, the former patrons of

thing by words, writing, imprinting, or any exterior act or deed, to the prejudice of the person of the king or his heirs; or for the repeal of this act, or of the dispositions made by the king in virtue thereof; or to the slander and reproach of his marriage with queen Jane or any other his lawful wife; or by words, writing, imprinting, or any other violence act, to take and believe either of the king's former marriages valid, or under any pretence to move and call his issue by either of those marriages lawful issue; or to refuse to answer upon oath any interrogatories relative to any clause, sentence, or word in this act, or to refuse to promise upon oath to keep and observe the same act. In accordance with the spirit of this statute, the lord Thomas Howard, brother to the duke of Norfolk, was accused of high treason, by a bill introduced, and read three times in each house on the last day of the session. His offence was that he had privately contracted marriage with the lady Margaret Douglas; a sufficient proof in the opinion of Henry, that he assented to the throne after the king's death. He was not executed, but suffered to die in the Tower. The lady was also committed. Her mother, the queen dowager of Scotland, begged of Henry to remember that she was his "regina, and ever remaneth unto" the king, her dearest son. (Howe, *et al.* 140. Margaret was discharged on the death of the lord Thomas, and we shall meet with her again as coventress of Linton, and mother of lord Darnley.

* "Whereby the service of God is not only diminished, but also the possibility of your realm be diminished, and many persons be ytt from their loyngs and lof at large, which we think is a great inconvenience to the crown ourselves." *Lancashire insurrection, apud Sped, 1633.*

the dissolved houses, complained that they were deprived of the corrodies reserved to them by the charters of foundation; and contended that, according to law, whenever these religious corporations ceased to exist, their lands ought not to fall to the crown, but should revert to the representatives of the original donors. The archbishop of York, the lords Neril, Darcy, Lumley, and Latimer, and most of the knights and gentlemen in the north, joined the insurgents, either through compulsion, as they afterwards pretended, or through taciturnity, as was generally believed. The first who appeared in arms were the men of Lincolnshire; and so formidable was their force, that the duke of Suffolk, the royal commander, deemed it more prudent to negotiate than to fight. They complained chiefly of the suppression of the monasteries, of the statute of uses⁹, of the introduction into the council of such men as Cromwell and Rich, and of the preferment of the archbishops of Canterbury and Dublin, and of the bishops of Rochester, Salisbury, and St. David's, whose chief aim was to subvert the church of Christ. Several messages passed between the king and the insurgents: at length a menacing proclamation created dissension in their counsels; and, as soon as the more obstinate had departed to join their brethren in Yorkshire, the rest accepted a full pardon on the acknowledgment of their offence, the surrender of their arms, and the promise to maintain all the acts of parliament passed during the king's reign.

In the five other counties the insurrection had assumed a more formidable appearance. From the borders of Scotland to the Lune and the Humber, the inhabitants had generally bound themselves by oath to stand by each other, "for the love which they bore to

⁹ By the statute of uses was meant the statute for transferring uses into possession, by which persons who before had the use only of their lands, and thus lay in a great measure at the mercy of the trustees, became seized of the land in the same estate of which they before had the use. 8: 5 Hen. VIII. 10.

¹ Sped. 263. Herbert, 64. State Papers, 3. 463-6. 468-70.

"Almighty God, his faith, the holy church, and the
 "maintenance thereof; to the preservation of the king's
 "person and his issue; to the purifying of the nobility;
 "and to expulse all villain blood, and evil counsellors
 "from his grace and privy council; not for any
 "private profit, nor to do displeasure to any private
 "person, nor to slay or murder through envy, but for
 "the restitution of the church, and the suppression of
 "heresies and their opinions." Their enterprise was
 quaintly termed the "pilgrimage of grace;" on their
 banners were painted the image of Christ crucified, and
 the chalice and host, the emblems of their belief; and,
 wherever the pilgrims appeared, the ejected monks
 were replaced in the monasteries, and the inhabitants
 were compelled to take the oath, and to join the army*.
 The strong castles of Skipton and Scarborough were
 preserved by the courage and loyalty of the garrisons:
 but Hull, York, and Pontefract admitted the insurgents; Oct.
 and thirty thousand men, under the nominal command
 (the real leaders seem not to have been known) of a
 gentleman named Robert Aske, hastened to obtain pos-
 session of Doncaster. The earl of Shrewsbury, though
 without any commission, ventured to arm his tenantry,
 and throw himself into the town; he was soon joined
 by the duke of Norfolk, the king's lieutenant, with five
 thousand men; a battery of cannon protected the bridge
 over the river, and the ford was rendered impossible
 by an accidental swell of the waters. In these circum-
 stances the insurgents consented to an armistice, and
 appointed delegates to lay their demands before Henry, Nov.
 who had already summoned his nobility to meet him in
 arms at Northampton, but was persuaded by the duke

* As an instance, I will add the sermons sent to the commons of
 Hertsale. "We comend you and every of you to be at the Stake green
 "beside Hertsale kirk on Saturday next by eleven of the clock, in your
 "best array, as you will answer before the High Judge at the great day
 "of doom, and in the pain of pulling down your houses, and the losing
 "of your goods, and your bodies to be at the captain's will." Speed,
 1633.

to revoke the order, and trust to the influence of terror and dissension.

Nov. To the deputies the king gave a written answer, com-
 13 posed by himself*; to Norfolk full authority to treat
 with the insurgents, and to grant a pardon to all but ten
 persons, six named, and four unnamed. But this ex-
 ception caused each of the leaders to fear for his own
 life; the terms were refused; another negotiation was
 opened; and a numerous deputation, having previously
 consulted a convocation of the clergy sitting at Ponte-
 fract†, proposed their demands to the royal commis-
 Dec. sioners. They required that heretical books should be
 6 suppressed, and that heretical bishops, and temporal
 men of their sect, should either be punished according
 to law, or try their quarrel with the pilgrims by battle;
 that the statutes of uses, and treason of words, with
 those which abolished the papal authority, hushdrized
 the princess Mary, suppressed the monasteries, and
 gave to the king the tithes and first fruits of benefi-
 ces, should be repealed; that Cromwell the vicar-
 general, Audeley the chancellor, and Rich the attorney-
 general, should be punished as subverters of the law,
 and maintainers of heresy; that Lee and Layton, the
 visitors of the northern monasteries, should be prose-
 cuted for extortion, perurbation, and other abominable
 acts; that no man, residing north of the Trent, should
 be compelled by subprema to appear at any court but at
 York, unless in matters of allegiance; and that a par-
 liament should be shortly held in some convenient
 place, as at Nottingham or York. These demands were
 instantly rejected by the duke, as was an offer of pardon,

* It is characteristic of the author. He marvels that such ignorant clerics should talk of the legal subjects to him who "something had been noted to be learned;" he should complain of his laws, as if, after the experience of twenty-eight years, he did not know how to govern a kingdom; or should oppose the suppression of monasteries, as if it were not better to solve the head of the church in his necessity, than to support the sloth and weakness of monks. It is granted in Speed, 1588, a. 4. Herbert, 481.

† Their answers to the questions proposed to them may be seen in Strype, 1. App. 173. Wilk. in 512.

clogged with exceptions, by the insurgents. The latter immediately recalled such of their partisans as had left their camp; their numbers multiplied daily; and Norfolk, who dreaded the result of an attack, found it necessary to negotiate both with his sovereign and his opponents. At length he subdued the obstinacy of each; and Henry offered, the insurgents accepted, an unlimited pardon, with an understanding that their grievances should be shortly and patiently discussed in the parliament to be assembled at York*. But the king, freed Feb. from his apprehensions, neglected to redeem his promise; and within two months the pilgrims were again under arms. Now, however, the duke, who lay with a more numerous force in the heart of the country, was able to intercept their communications, and to defeat all their measures. They failed in two successive attempts to surprise Hull and Carlisle; the lord Darcy, Robert Aske, and most of the leaders were taken, sent to London, and executed †, the others were hanged by scores at York, Hull, and Carlisle; and at length, when resistance had ceased, and the royal resentment had been satisfied, tranquillity was restored by the proclamation of a general pardon ‡.

From the insurgents Henry directed his attention to the proceedings of his kinsman Reginald Pole. That young nobleman, after his refusal of the archbishopric of York, had obtained permission to prosecute his studies on the continent; and, aware of the storm which was gathering in England, had silently withdrawn to the north of Italy, where he devoted himself exclusively

* See Harleian State Papers, pp. 29, 30. Henry "thought his 'to assure would be much better if he granted them a free pardon.' On this account he was very peevish with the duke.

† Mr. Tyley, in his history of Henry (p. 283), refers to a curious paper in the State Papers (p. 588) entitled "The saying of Robert Aske to me 'Richard Corep, out of confession afore his death,'" as "illustrative of 'the prevailing of confessions in this reign.'" The mistake might be easily made by a writer unacquainted with the peculiar language of Cotnam's B. "Out of confession" was meant "not in confession," and Corep employed the phrase to show that he was not betraying the sacramental confession of the covert. ‡ Berket, 461.

to literary pursuits. But the jealousy of the king, or the malice of his enemies, followed him into this peaceful asylum; and he received a royal order to state in writing his opinion on the two important questions of the supremacy and the divorce. For months Pole declined the dangerous task. But the execution of Anne Boleyn, and a repetition of the order from Henry, induced him ^{May} to obey; and, in a long and laboured treatise, which was ²³ conveyed in secrecy by a trusty messenger to the king, he boldly condemned the divorce from Catherine as unlawful, and the assumption of the supremacy as a departure from the unity of the church. Of this Henry could not reasonably complain. Pole had done his duty: he had obeyed with sincerity the royal command; but in addition he proceeded, in that style of rhetorical declamation which was habitual to him, to arraign the misconduct of the monarch in the marriage of a second wife pending the life of the first, and in the judicial murder of Fisher, More, and the other sufferers, for their conscientious refusal to swear to his supremacy*. Irritable as the king was, he dissembled; and, in language singularly mild and gracious, ordered his kinsman to return, that they might discuss these questions in private to their mutual satisfaction. Pole instantly saw the danger. Were he to set foot in England, as long as the new statutes continued in force, he must either abjure his opinion, or forfeit his life. He replied, therefore, in humble and supplicatory terms, expressive of a ^{July} hope that the king would not be offended, if he accepted ¹⁹ an invitation from the pontiff to visit him in Rome.

* This epistle was kept secret during the life of Henry: after his death it was published from a pirated copy by a bookseller in Germany, which made it Pole give a second edition of it himself, under the title of "Protestatione Cardinalis de Silesia Libri VI." The severity of his language to the king was reprehended by his friends in Italy, and his English correspondents: his apology was, that he deemed it a service to Henry to lay before him a representation of his conduct in all its defectivity. Some of this account has been called in question the veracity of his statements: but in his answer to the English parliament, he both declares and points out a single instance of falsehood or misrepresentation in it. *Apologia of Angliae Part. i. 170.*

Henry disdained to return an answer: but he employed Pole's mother and brothers, and Cromwell and his friends in England, to deter him from the journey; and afterwards the two houses of parliament joined in a letter to dissuade him from the acceptance of office in Rome*. The advice from the first shook, but did not subvert, the resolution of Reginald: that from the latter (Oct. 10. reached him too late. Aware, indeed, that he should make the king his implacable enemy, and expose his family to the resentment of an unprincipled sovereign, he had at first refused every offer: but he yielded after a long resistance to the persuasion of his friend Contarini, and the command of the pontiff; accepted about Christmas the dignity of cardinal; and before two months had elapsed, was unexpectedly named to a very delicate but dangerous mission.

When Paul first heard of the insurrection in the north of England, he thought that the time was come, in which he might give publicity to the bull of excommunication and deposition, which he had subscribed about two years before: but from this measure, which at that moment might have added considerably to the difficulties of Henry, he was withheld by the arguments and entreaties of the young Englishman. Still a notion prevailed in the Roman court, that the rising, even after it had been quelled, might have left a deep impression on the mind of the king, and that during the parliament, which he had promised to convene at York, means might be successfully employed to reconcile him with the apostolic see. The imperial cabinet strongly recommended that the charge of opening and conducting this negotiation should be intrusted to Pole; the French

*Nero (Animad. on Philip's 24) cites the files of such a letter; but Pole in his answer directed to the parliament says *my presby. Litem contra vestrum mandatum subscriptis, Pol. Ep. I. 173.* As no parliament was then sitting, I conceive that, like the letter formerly sent to Clement VII, it was subscribed by the lords, and by a few commonsers in the name of the lower house. Pole's answer was addressed to parliament, because he understood that it was to assemble at York, as had been proposed, on the 30th of March.

ambassador concerted *; and the English cardinal was
 1537 appointed legate beyond the Alps. His instructions
 Feb. ordered him first to exhort Charles and Francis to
 15 sheath their swords against each other, and employ them
 only against the Turks, then to announce the pope's
 intention of convoking a general council, and lastly to
 proceed to the Netherlands, where he should fix his
 residence, unless circumstances should induce him to
 visit his own country. Of this appointment, and of the
 tenor of his instructions, Pole also informed the king.
 But Cromwell, his personal enemy, possessed the ear
 of the monarch; and was soon enabled to fulfil the
 prediction which he had uttered to Latimer, that he would
 make the cardinal through vexation "eat his own
 heart." As soon as Pole had entered France, the Eng-
 lish ambassador, in virtue of an article in the alliance
 between the two crowns, required that he should be
 delivered up, and sent a prisoner to England; and the
 king, though he indignantly rejected the demand, re-
 April queted Pole, by a private messenger, not to ask for an
 32 audience, but to prosecute his journey with the utmost
 expedition. He soon reached Cambrai; but Henry's
 agent had already terrified the court of Brussels, and
 the queen regent refused him permission to enter the
 imperial territory. At the same time the king pro-
 claimed him a traitor, fixed a price of fifty thousand
 crowns on his head, and offered to the emperor in ex-
 change for the person of the cardinal an auxiliary force
 of four thousand men during his campaign against
 France†. Alarmed by the danger to which he was
 June exposed at Cambrai, Pole repaired, under the protec-
 7 tion of an escort, to Liege, and in August was recalled
 Aug. to Rome. It has been said that, in accepting this mis-
 21 sion, he sought to induce the emperor and the king of
 France to make war upon Henry, and that he even in-

* Pol. Ep. ii. p. 36, 35, 42.

† Duffin Vi. Pol. No. x. 25. Bonaldi, *id. Pol.* i. 366. En.
 Pol. ii. p. 43, 43, 55.

dolged a hope of being able to obtain the crown for himself, as a descendant of the house of York. These charges are satisfactorily refuted by his official and confidential correspondence*; but at the same time it is plain that one object of his mission was to confirm by his residence in Flanders the attachment of the northern counties to the ancient faith, to supply, if it were necessary, the leaders of the malecontents with money, and to obtain for them the favour and protection of the neighbouring powers †. Hence it will not excite surprise, if Henry, who had formerly been the benefactor of Pole, looked on him from this moment as an enemy, and pursued him ever afterwards with the most implacable hatred.

The northern insurrection, instead of serving the stability, accelerated the ruin of the remaining monasteries. The more opulent of these establishments had been spared, as was pretended, on account of their superior regularity; and of the many convents of friars no notice at all had been taken, probably because, as they did not possess landed property, little plunder was to be derived from their suppression. A charge, however, was now made, that the monks in the northern counties had encouraged their tenants to join in the pilgrimage of grace; and a commission, under the presidency of the earl of Sussex, was appointed to investigate their conduct. As a fair specimen of the proceedings, I will describe the surrender of the great monastery of Furness. All the members of the community, with the tenants and servants, were successively examined in private; and the result of a protracted inquiry was that, though two monks were committed to Lancaster castle,

* See his letter to the cardinal of Cambray (l. 33), to the pope (l. 46), to Edward VI. (Ann. l. c. 307), to Cromwell or Tunstall from Cambray (Harwood, ii. 158. Strype, l. sup. 219), and another from Throckmorton, a gentleman in his suite, but at the same time in the pay of Cromwell (Cleyn. E. ii. 28). The reports of Throckmorton were so favourable to the cardinal, that his sincerity was suspected, and he was detained the next year.

† Pol. Ep. in *Wolyn. prolix. c. lxxvii—c. lxxx.* and Ep. p. 32.

nothing could be discovered to criminate either the abbot or the brotherhood. The commissioners proceeded to Whalley; and a new summons compelled the abbot of Furness to reappear before them. A second investigation was instituted, and the result was the same. In these circumstances, says the earl in a letter to Henry, which is still extant, "devising with myself, yf one way would not serve, how and by what means the said monks might be ryd from the said abbey, and consequently how the same might be at your graceous pleasur, I determined to assay him as of myself, whether he would be colected to surrender gif and graunt unto (you) your heirs and assigns the said monastery: which thing so opened to the abbot fairly, we found him of a very facile and ready mynde to follow my advice in that behalf." A deed was accordingly drawn for him to sign, in which having acknowledged "the misorder and evil rule both unto God and the king of the brethren of the said abbey," he, in discharge of his conscience, gave and surrendered to Henry all the title and interest which he possessed in the monastery of Furness, its lands and its revenues. Officers were immediately despatched to take possession in the name of the king; the commissioners followed with the abbot in their company; and in a few days the whole community ratified the deed of its superior. The history of Furness is the history of Whalley, and of the other great abbeys in the north. They were visited under pretext of the late rebellion; and by one expedient or other were successively wrested from the possessors, and transferred to the crown*.

The success of the earl of Sussex and his colleagues stimulated the industry of the commissioners in the southern districts. For four years they proceeded from house to house, soliciting, requiring, compelling the in-

* See the original papers in the British Museum (Class. E. 10. 112. 224. 226, 227, 228) and published by West in his *History of Furness*, App. 2. (4, 5, 6, 7.)

mates to submit to the royal pleasure; and each week, frequently each day of the week, was marked by the surrender of one or several of these establishments. To accomplish their purpose, they first tried the milder expedient of persuasion. Large and tempting offers were held out to the abbot and the leading members of the brotherhood; and the lot of those who had already complied, the scanty pittance assigned to the refractory, and the ample pensions granted to the more obsequious, operated on their minds as a warning and an inducement*. But where persuasion failed, recourse was had † to severity and intimidation. ‡ The superior and his monks, the tenants, servants, and neighbours, were subjected to a minute and rigorous examination; each was exhorted, was commanded, to accuse the other; and every groundless tale, every malicious insinuation, was carefully collected and recorded. § The commissioners called for the accounts of the house, compared the expenditure with the receipts, scrutinised every article with an eye of suspicion and hostility, and required the production of all the monies, plate, and jewels. ¶ They proceeded to search the library and the private rooms for papers and books; and the discovery of any opinion or treatise in favour of the papal supremacy, or of the validity of Henry's first marriage, was taken as a sufficient proof of adhesion to the king's enemies, and of disobedience to the statutes of the realm †. The general

* The pensions to the superiors appear to have varied from 20*l.* to 6*l.* per annum. The priors of cells received generally 10*l.* A few, whose services had merited the distinction, obtained 30*l.* To the other monks were allotted pensions of six, four, or two pounds, with a small sum to each at his departure, to provide for his immediate wants. The pensions to nuns averaged about 4*l.* It should, however, be observed that these sums were not in reality so small as they appear, as money was probably at that period of six or seven times greater value than it is now. It was provided that each pension should consist, as soon as the pensioner obtained church preferment of equal value.

† These transactions are thus described by Catherine Bolebey, abbess of Galesow, in a letter to Coarwell:—"In London is solde the country unto me with a great swote with him, and dith thence me and my sisters, saying that he hath the king's commission to express this house of yours of my will. When I showed him please that I wold never sende to his hande, being at my next tyme, was he begun to us

part when the whole was at his mercy; and a bill was brought into parliament, vesting in the crown all the property moveable and immovable of the monastic establishments, which either had already been, or should hereafter be suppressed, abolished, or surrendered.*

The advocates of the measure painted its advantages in the most fascinating colours. It would put an end to pauperism and taxation; it would enable the king to create and support earls, barons, and knights; to wage war in future without any additional burden to the people; and to free the nation from all apprehension of danger from foreign enmity or internal discontent †.

The house of lords at that period contained twenty-eight abbots, and the two priors of Coventry and of St. John of Jerusalem. Though they could not be ignorant of the real object of the bill, not one dared to open his mouth against it, and before the next session their respective houses, and with the houses their right to sit as lords of parliament, had ceased to exist. The abolition of the latter was a matter of no consequence: but the suppression of the religious houses failed to produce the benefits which had been so ostentatiously foretold. Pauperism was found to increase; the monastic property was lavishly squandered among the parasites of the court; and the king, instead of lightening the national burthens, demanded compensation for the expense which it had cost him to reform the religion of the state. Within twelve months a subsidy of two tenths and two

* It should be observed that the transfer of the monastic property, and the suppression of the monastic orders, were not in the first instance effected by legislative enactment. It had been actually devised that both should proceed from the monastic bodies themselves, who successively surrendered their property to the king, and thus in fact dissolved their own establishments. It might, however, be argued that, as each member possessed only a life-interest in the property, they could not singly or collectively make anything more of the sovereign: and, therefore, the legislature came to his assistance, and by positive enactment vested in him for ever all monastic property which then was, or afterwards might be actually in his possession.

† Coke, Inst. iv. 44. Stuyve, i. 211. 272.

1539.
May
13th

1540.
May
8.

fifteenth was extorted by him from the reluctant gratitude of his parliament*.

By the spring of the year 1540 all the monastic establishments in the kingdom had been torn from the possession of the real owners by forced and illegal surrenders†. To soften the odium of the measure much has been said of the immorality practised, or supposed to be practised, within the monasteries. It is not in human nature that in numerous societies of men, all should be equally virtuous. The monks of different descriptions amounted to many thousands; and in such a multitude there must have existed individuals, whose conduct was a disgrace to their profession. But when this has been conceded on the one hand, it ought to be admitted on the other, that the charges against them are entitled to very little credit. They are *ex parte* statements, to which the accused had no opportunity of replying; their object was to silence inquiry and sanctify injustice; and they were made by men, of whom some were not immaculate characters themselves‡; all were stimulated to invent and exaggerate, both by the known

* Journals 110, 111, 135. See also the preface to Stone by Howes. According to Bale, in *ardent reforme*, "A great part of this treasure was turned to the upholding of dice playing, making, and banquetting;" "yea," he adds, "(I would I could not by just occasion speak it) beeing, "wh... and swearing." Bale apud Strype, i. 166.

† As soon as an abbey was surrendered, 1° the commissioners broke its seal, and assigned persons to the monasteries. 2° The plate and jewels were reserved for the king; the furniture and goods were sold; and the money was paid into the exchequer in an office, lately established for that purpose. 3° The abbot's bedchamber and the offices were left wanting for the convenience of the next occupant; the church, choir, and apartments for the monks were stripped of the lead and every valuable article, and then left to fall in ruin. *Howes*, i. Bce 131. 4° The lands were by degrees alienated from the crown by gift, sale, or exchange. From a concession to Bymer (see 631) it appears that the lands sold at twenty, the buildings at fifteen years' purchase; the houses were to hold of the crown, paying a reserved rent equal to the tenth of the usual rent. 5° The annual revenue of all the suppressed houses amounted to 142,918*l.* 1*s.* 4*d.*, about the same as before; but part of the whole rental of the kingdom, if there be account in taking that rental at three millions.

‡ As London, mentioned in note 56, and Boleyn, mentioned in note 41, who, from a letter of one of his colleagues (Folger, 315), appears to have been an actual *suppressor* in a. "If we believe the common insouciant Lyons and Lee were not much better.

rapacity of the king, and by their own prospects of personal interest*. There is, however, one fact, which to me appears decisive on the subject. Of all the monastic bodies, perhaps the monks of Christchurch have suffered the most in reputation; they are charged with habitually indulging the most immoral and shameful propensities. Yet, when archbishop Cramer named the clergy for the service of his cathedral, he selected from these very men no fewer than eight prebendaries, ten minor canons, nine scholars, and two choristers. From his long residence in Canterbury he could not be ignorant of their previous conduct; from respect for his own character, he would not surround himself with men addicted to the most disgraceful vices †.

To tell his own conscience, or to silence the murmurs of his subjects, Henry resolved to appropriate a portion of the spoil to the advancement of religion; and for that purpose was authorized by act of parliament to establish new bishoprics, deaneries, and colleges, and to endow them with adequate revenues out of the lands of the suppressed monasteries. He seems to have frequently amused himself with this project. From papers extant in his own hand, it appears that plans were devised, the revenues fixed, the incumbents appointed on paper; but when he attempted to execute the design, unforeseen difficulties arose; his donations to others had already alienated the greater part of the property; and his own wants required the retention of the remainder. Out of eighteen, the number originally intended, only six episcopal sees, those of Westminster, Oxford, Peterborough, Bristol, Chester, and Gloucester, were esta-

* See Ches. E. iv. 106, 213. When Gifford gave a favourable character of one house, the king maintained that he had been misled. The reader may see the sizes ascribed to the monks of some houses in Strype, i. 151-157, or Ches. E. iv. 124, 127, 133, 134, 167; and letters in favour of others, ibid. 203, 205, 210, 213, 257, 267. Much has been written about the "blood of Hoies." See the vindication of the monks on that head by Harze, in App. to Drexlerius Atlas, p. 73.

† See Strype, Memor. i. 366. Also Brown Willis, i. 76. Harmer, G. Henry, part. i. sec. 2. Append. to Led. Collect. p. 81.

blished; and even these were at first so scantily endowed, that the new prelates for some years enjoyed little more than a nominal income*. At the same time the king converted fourteen abbeys and priories into cathedral and collegiate churches, attaching to each a dean and a certain number of prebendaries; but was careful to retain for himself a portion of the original possessions, and to impose on the chapters the obligation of contributing annually a certain sum to the support of the resident poor, and another for the repair of the highways†. Thus he continued to the end of his reign, taking from the church with one hand, and restoring with the other, but taking largely and restoring sparingly, extorting from the more wealthy prelates exchanges of lands and advowsons, and in return occasionally endowing a rectory or re-establishing a charitable foundation. Still his treasury was empty: the only individuals who profited by the pillage, were the men whom he had lately raised to office and rank, whose importunities never ceased, and whose rapacity could never be satisfied.

III. From the abolition of the papal authority to the close of Henry's reign, the creed of the church of England depended on the theological caprice of its supreme head. The clergy were divided into two opposite factions, denominated the men of the old and the new learning. The chief of the former was Gardiner bishop of Winchester, who was ably supported by Lee archbishop of York, Stokesley bishop of London, Tunstall of Durham, and Clarke of Bath and Wells. The latter acknowledged for their leaders, Cranmer archbishop of Canterbury, Slaxton of Sarum, Latimer of Worcester, and Fox of Hereford. These could depend on the

* Journals, 112. Steyo, l. Rec. 273. Rymer, xiv. 70, 77—78, 78, 79.

† They were Canterbury, Rochester, Westminster, Winchester, Bristol, Gloucester, Worcester, Chester, Berkeley, Trent, Cullade, Durham, Thirning, Peterborough, and Ely. The dean and chapter of Canterbury were enjoined to give annually to the poor 10*l.*, towards the highways &c. The others were rated in proportion. Rymer, xiv. 77.

powerful interest of Cromwell the vice-general, and of Audley the lord chancellor: those on that of the duke of Norfolk, and of Wintlesley the premier secretary. But none of the prelates on either side, warmly as they might be attached to their own opinions, aspired to the palm of martyrdom. They possessed little of that firmness of mind, of that high and unbending spirit, which generally characterizes the leaders of religious parties: but were always ready to suppress, or even to abjure, their real sentiments at the command of their wayward and imperious master. If, on the one hand, Gardiner and his associates, to avoid the royal displeasure, consented to renounce the papal supremacy, and to subscribe to every successive innovation in the established creed, Cranmer and his friends on the other submitted with equal weakness to teach doctrines which they disapproved, to practise a worship which they deemed idolatrous or superstitious, and to consign men to the stake for the open profession of tenets, which, there is reason to suspect, they themselves inwardly believed. Henry's infidelity continually oscillated between the two parties. If his hostility to the court of Rome led him to incline towards the men of the new learning, he was quickly brought back again by his attachment to the doctrines, which he had formerly maintained in his controversy with Luther. The bishops on both sides acted with equal caution. They carefully studied the inclinations of the king, sought by the most servile submission to win his confidence, and employed all their vigilance to defeat the intrigues, and to undermine the credit of their adversaries.

Though the refusal of the German reformers to approve of the divorce had not contributed to efface that unfavourable impression, which had been originally made on the king's mind by the writings of Luther, his subsequent defection from the see of Rome prompted him to seek an union with those, who for so many years had set at defiance the authority and censure of the

1529. pontiff. The formation of the confederacy at Torgau *
 April had been followed by the diet of Spire; and six princes
 18. with fourteen cities had signed a formal protest against
 the decree of that assembly †. It was in vain that at the
 next diet of Augsburg, Charles endeavoured to appease
 the protestants by condescension, or to intimidate them
 1530. by menaces. They presented to him a confession of
 Jan. their faith, refused to submit to his determination, con-
 24. cluded a new confederacy at Smalcald, and wrote a
 Dec. defence of their proceedings to the kings of England
 29. and France. Both returned complimentary answers;
 and the latter in 1535 invited to his court Melancthon,
 the most learned and moderate of the new teachers.
 The moment the intelligence was communicated to
 Henry, he despatched letters and messengers first to
 Germany, and in the next place to Paris; those to inter-
 cept Melancthon on his journey, those to prevail on him,
 if he had reached France, to proceed without interruption
 to England ‡. What might be the king's object, it
 were idle to conjecture: but the elector of Saxony was
 persuaded by the policy or jealousy of Luther to detain
 Melancthon within his own territory. Soon afterwards
 Henry sent to the protestant princes of Smalcald an
 embassy, consisting of the bishop of Hereford, arch-
 deacon Heath, and Dr. Barnes, to represent to them
 that, as both he and they had defied the authority of the
 pontiff, it might be for their mutual interest to join in
 one common confederacy. But the Germans, assuming
 a lofty tone, required that he should subscribe to their

* See chapter ii. p. 130.

† This instrument displays in strong colours the intolerance of the first reformers. They derive among other things federal any person, layman or ecclesiastic, to employ violence, not consistent in matters of religion, to abolish the mass by force, or to prohibit, command, or compel any one to assist at it. They require, that they could not consent to this article; that everyone here them to abolish the mass; nor would they permit any of their subjects to be present at it. (Melin, l. vi. p. 80.) It was from this proposition that the reformers acquired the name of protestants.

‡ Mr. Cæse has printed the original letters in his life of Melancthon, 7. 71. 264.

confession of faith, and should advance, partly as a loan, 1535.
 partly as a present, the sum of one hundred, or if it were Dec.
 necessary, of two hundred thousand crowns; and, as a 25.
 reward for his compliance, offered to him the title of
 head of the league, and promised not to obey any decrees
 of the bishop of Rome, nor to acknowledge any council
 convoked by the pontiff without the consent of the king.
 Henry took a long interval to reply, and consulted Gardiner,
 at that time his ambassador in France, who, anxious to wean his
 sovereign from this heterodox connection, opposed the demands
 of the princes with much art and ability. Why was Henry, he
 asked, to subscribe to their confession of faith? Had he emancipated
 himself from the usurped authority of the pontiff, to put his neck
 under the yoke of the German divines? "It would be rather a change
 of a bond of dependence, than a riddance thereof." The word
 of God authorized the king to make all necessary reformation in
 religious matters; but now his hands were to be tied, till he
 should ask and obtain the consent of the princes at Smalfield.
 In the next place those princes were incompetent to conclude
 such a league. The emperor was the head of the German, on
 the same grounds as Henry was the head of the English church;
 nor could the subjects of the one lawfully make religious
 treaties with a foreign prince, with greater right than those
 of the other. At all events the king ought to require from
 them, as preliminary concessions, the approbation of his
 divorce, and the acknowledgment of his supremacy; two
 points to which Gardiner well knew that the Germans would
 never accede. Had he been present, there can be little doubt
 that, by thus appealing to the king's favourite prejudices,
 he would have broken off the negotiation altogether: as it
 was, Henry replied by 1536, thanking them for their good
 will, and consenting to aid Mar. them with money on certain
 conditions; but he required 12.
 that a deputation of German divines should previously
 repair to England, and in conjunction with the English

theologians should fix the firm basis of a thorough reformation. After some discussion, Melancthon, with April certain divines, received an order to visit Henry; but ²⁴ the order was revoked as soon as the unfortunate end of Anne Boleyn was known in Germany. The reformers suspected that the king was not sincere in his religious professions; and that now, when the original cause of dissension was removed, he would seek a reconciliation with both the emperor and the pontiff*.

Soon afterwards the lower house of convocation denounced to the higher fifty-nine propositions extracted from the publications of different reformed writers. The subject instantly attracted the notice of the head of the church; and Henry with the aid of his theologians compiled a book of "Articles," which was presented to the convocation by Cromwell, and subscribed by him and the other members. It may be divided into three parts. The first declares that the belief of the Apostles' Creed, the Nirene creed, and the Athanasian creed, is necessary for salvation, the second explains the three great sacraments of baptism, penance, and the altar, and pronounces them the ordinary means of justification; the third teaches that, though the use of images, the honouring of the saints, the soliciting of their intercession, and the usual ceremonies in the service, have not in themselves the power to remit sin, or justify the soul, yet they are highly profitable, and ought to be retained.—Throughout the work Henry's attachment to the ancient faith is most manifest; and the only concession which he makes to the men of the new learning, is the order for the removal of abuses, with perhaps the omission of a few controverted subjects. The vicar-general immediately issued injunctions, in the name of

* See Collier, *i.* Records, p. 28. and Strype, *i.* Rec. 157—158. In a letter written by Cromwell on this occasion, he says, "The king knowing himself to be the dearest prince in Europe, he thought it became not him to submit to them, but he expressed they should submit to him." Burnet, *ii.* 712.

the king, that "the Articles" should be read to the people in the churches without any comment; and that, until the next Michaelmas, no clergyman should presume to preach in public, unless he were a bishop, or spoke in the presence of a bishop, or were licensed to teach in the cathedral at the peril of the bishop*.

By these Articles Henry had now fixed the landmarks of English orthodoxy; for the better information of his subjects, he ordered the Convocation "to set forth a plain and sincere exposition of doctrine." The task was accomplished by the publication of a work entitled, "The godly and pious Institution of a Christian Man," subscribed by the archbishops, bishops, archdeacons, and certain doctors of canon and civil law, and pronounced by them to accord "in all things with the very true meaning of Scripture." It explains in succession the creed, the seven sacraments, which it divides into three of a higher and four of a lower order, the ten commandments, the pater-noster and ave Maria, justification, and purgatory. It is chiefly remarkable for the earnestness with which it refuses salvation to all persons out of the pale of the Catholic church, denies the supremacy of the pontiff, and inculcates passive obedience to the king. It teaches that no cause whatever can authorize the subject to draw the sword against his prince; that sovereigns are accountable to God alone; and that the only remedy against oppression is to pray that God would change the heart of the despot, and induce him to make a right use of his power‡.

The design of a conference between the English and German divines was soon afterwards revived, chiefly at the instigation of Cranmer. Had the archbishop openly called in question any of "the Articles" lately determined by Henry, he would probably have paid with his head the forfeit of his presumption: but he conceived

* *Writ. Con. ii.* 304—308, 317—323. † *Ibid.* 330.

‡ *Calixt.* ii. 128—143.

that foreigners might venture to defend their own creed without giving offence; and flattered himself with the hope that their reasoning might make impression on the theological obstinacy of the king. Burkhard, vice-chancellor to the elector of Saxony, Byrnburg, doctor of laws, and Myconius, superintendent of Saxe-Gotha, 1538, arrived in England in the spring of 1538; and frequent May conferences were held between them, and a commission of divines appointed by Henry. But the policy of Cranmer was disappointed. His German missionaries were not deficient in zeal or learning, but it was their Ang. lot to labour on an ungrateful soil. As a last effort they laid before the king a detailed statement of the reasons, on which they grounded their demand of the concession of the cup to the laity, of the abrogation of private masses, and of the permission of marriage to the priesthood: but Henry, having, with the aid of the bishop of Durham, condescended to answer their arguments, thanked them for their trouble, granted them permission to return home, and promised to bear honourable testimony to their learning, zeal, and talents*.

Their departure was a severe mortification to the men of the new doctrine. Still, however, the spirit of innovation continued to make a slow but steady progress; and, though it might not keep pace with their wishes, afforded them grounds to hope for a favourable result. The king redeemed his pledge of "the removal of abuses." By his order a number of holidays were abolished, which he considered superfluous, as far as regarded religion, and injurious, inasmuch as they restrained the industry of the people. The clergy were enjoined to admonish their parishioners, that images were permitted only as books for the instruction of the unlettered; that to abuse them for any other purpose was idolatry; and that the king intended to remove whatever might be the "occasion of so great an offence to

* Both papers are printed by Buzmet, i. *Adlemb.* p. 332-336. See others on the same subject in Strype, i. *Rec.* 358-366.

"God, and so great a danger to the souls of his living subjects.*" For this purpose shrines were demolished; genuine or supposititious relics were burnt; and the most celebrated roods and images were broken into fragments, or given to the flames. To make the greater impression, the royal agents conducted their operations with much parade and solemnity, and employed every engine to detect and expose the real or pretended frauds, by which the devotion of the people had been attracted towards particular churches. Whatever credit may be due to reports originating with men, whose great object it was to bring the religious orders into disrepute, and to terrify them into the surrender of their property †, there is one proceeding, which, on account of its singularity and absurdity, deserves the attention of the reader. It had been suggested that, as long as the name of St. Thomas of Canterbury should remain in the calendar, men would be stimulated by his example to brave the ecclesiastical authority of their sovereign. The king's April attorney was therefore instructed to exhibit an information against him; and "Thomas Becket, some time archbishop of Canterbury," was formally cited to

* Wilkes, Con. iii. 916, 923, 925. One of the principal roods, called Durvell Gathewr, was brought from Wales to London to be employed at the execution of Dr. Forest, an obstinate friar; because there was an old saying, that it would ease any man a frost. To Forest the reformed writers give but an indifferent character; while the Catholics praise him as a man of extraordinary virtue. He had been confessor to queen Catherine; had written against the supremacy; was accused as a heretic of despising the gospel; and offered to submit to the decision of the church, but refused to sign a renunciation which was offered to him. He was suspended by the middle, and burnt at a slow fire kindled with the wood of the rood. Latimer preached from a pulpit; and the crowd attended to grant him a pardon, if he would recant. The nature of his heresy is plain from the lines addressed to the pullover:—

"Forest the friar,
That informs us,
That with us will be dead,
In his supremacy,
The gospel hath deny'd,
The king to be supreme head."

See Sanders, 138, 163. Hall, 332. Burnet, i. 358. Wood, Athene, i. 42.

† Most of these tales depend at present on the very questionable authority of William Thomas, the author of *Il Proline*, a tale, who has led Burnet into a multitude of errors. See Collier, ii. 149.

appear in court, and answer to the charge. The interval of thirty days allowed by the canon law was suffered to elapse: still the saint neglected to quit the tomb in which he had reposed for two centuries and a half; and judgment would have been given against him for default, had not the king of his special grace assigned him a counsel. The court sat at Westminster: the attorney general and the advocate of the accused were heard; and sentence was finally pronounced: that Thomas, some time archbishop of Canterbury, had been guilty of rebellion, contumacy, and treason; that his bones should be publicly burnt, to admonish the living of their duty by the punishment of the dead; and that the offerings which had been made at his shrine, the personal property of the reputed saint, should be forfeited to the crown*. A commission was accordingly issued; the sentence was executed in due form; and the gold, silver, and jewels, the spoils obtained by the demolition of the shrine, were conveyed in two ponderous coffers to the royal treasury. Soon afterwards a proclamation was published, stating that, forasmuch as it now clearly appeared, that Thomas Becket had been killed in a riot excited by his own obstinacy and intemperate language, and had been afterwards canonized by the bishop of Rome as the champion of his usurped authority, the king's majesty thought it expedient to declare to his loving subjects, that he was no saint, but rather a rebel and traitor to his prince, and therefore strictly charged and commanded that he should not be esteemed or called a saint, that all images and pictures of him should be destroyed, the festivals in his honour be abolished, and his name and remembrance be erased

* WICK. CON. II. 335, 336. As we have only translations of the statute and judgment made by Strangers, I might here doubt the authenticity of these particulars, were they not attested by the king in his proclamation of Nov. 16. "Forasmuch as it appereth unto this that Thomas," &c. (ibid. 336), and by Paul III. in his bull of Dec. 17. "In iudicio veritas et iniquitas extitit in damna, et profectum deservit ferre." Ibid. 341.

out of all books, under pain of his majesty's indignation, and imprisonment at his grace's pleasure*.

In another, and more important point, the archbishop proved equally fortunate. Some years had passed, since William Tyndal, a tutor in a family of Gloucestershire, but of suspicious orthodoxy, had fled into the Netherlands, where he printed a version of the New Testament of his own composition. The book, as soon as it was imported, attracted the notice of archbishop Warham, 1525 who, in a circular letter to the prelates of his province, ordered all the copies to be seized and destroyed, on the ground that it was an unfaithful translation, adulterated with erroneous and scandalous opinions. But this attempt to suppress, promoted the sale of the work; the Old was added to the New Testament; and the hope of profit induced the Dutch printers to publish so many successive editions, that at length the king thought it 1530 his duty to interfere. Having previously consulted the bishops and a deputation of divines from each university, he published a proclamation, ordering all persons to deliver up their copies of Tyndal's version both of the Old and New Testaments; declaring, that in respect of the malignity of the times, it was better that the Scriptures should be explained by the learned than exposed to the misapprehension of the vulgar; and promising that, if it should hereafter appear that erroneous opinions were forsaken, and the present version was destroyed, he would then provide a new translation by the joint labours of great, learned, and catholic persons†.

This promise was not forgotten by Crommer, who had witnessed the success with which so powerful a weapon had been wielded by the reformers in Germany. He often ventured to recall it to the royal recollection; his 1534 endeavours were seconded by the petition of the convocation and the recommendation of Cromwell; and Graf-
Dec. 19.

* H. K. Con. ii. 381. Another proclamation of similar import was issued in the next month, Benezet, p. Dec. 152.

† H. K. Con. ii. 386, 387, 390.

1537. ton and Whitechurch, two printers, obtained the royal licence to publish a false edition of the Bible in English. It bore the name of Thomas Matthew, a fictitious signature; and was made up of the version by Tyndal, and of another by Coverdale, printed very lately, as it was thought, at Zurich. Injunctions were now issued, that a Bible of this edition should be placed in every church at the joint expense of the incumbent and the parishioners; and that any man might have the liberty of reading in it at his pleasure, provided he did not disturb the preacher in his sermon, nor the clergyman during the service. Soon afterwards this indulgence

1539. was extended from the church to private houses: but
Nov. Henry was at all times careful to admonish the readers,
11. that, when they met with difficult passages, they should consult persons more learned than themselves; and to remind them, that the liberty which they enjoyed was not a right to which they possessed any claim, but a favour granted "of the royal liberality and goodness*."

IV. The king, like all other reformers, made his own judgment the standard of orthodoxy: but he enjoyed an advantage, which few besides himself could claim, the power of enforcing obedience to his decisions. That the teachers of erroneous doctrine ought to be repressed by the authority of the civil magistrate, was a maxim which at that period had been consecrated by the assent and practice of ages. No sooner had Constantine the great embraced christianity, than he enacted against dissenters from the established creed the same punishments, which his pagan predecessors had inflicted on those who apostatized from the religion of their fathers†. His example was repeatedly followed by succeeding emperors‡; it was adopted without hesitation by the princes of the northern tribes, who, after their conversion, were ac-

* *Stat. Con.* ii. 776. 811. 863. 847. 856.

† *Socrus*, p. 22. *Socrus*, p. 22. *de Vit. S. Aug.* contra op. *Paganos* l. i. c. 7.

‡ *l. c.* 51. 56. *Con. Theod.* de *Hæret. Leg.* 3. li. 12. 14. 16. *Con. Jus.* de *Hæret.*

customed to supply from the imperial constitutions the deficiencies of their own scanty legislation. Hence religious intolerance became part of the public law of christendom; the principle was maintained, the practice enforced, by the reformers themselves[†]; and, whatever might be the predominant doctrine, the dissenter from it invariably found himself subject to civil restrictions, perhaps to imprisonment and death. By Henry the laws against heresy were executed with equal rigour both before, and after, his quarrel with the pontiff. In his third and thirteenth years the teachers of Lollardism had awakened by their intemperance the zeal of the bishops; and the king by proclamation charged the civil magistrates to lend their aid to the spiritual authorities. Of the numbers brought before the primate and the bishops of London and Lincoln, almost all were induced to abjure; a few of the more obstinate forfeited their lives †. Lollardism, however, presented but little cause for alarm: it was the progress of Lutheranism in Germany, which first taught the bishops to tremble for the security of their church. Curiosity led men to peruse the writings of the reformer and his partisans; the perusal occasionally made converts; and the converts laboured to diffuse the new light with all the fervour of proselytism. They were not content to propagate their doctrine by preaching: the Bible was translated and printed beyond the sea; and books were published which condemned the creed of the established church, ridiculed the ceremonies of its worship, and satirized the lives of its ministers. Henry, as defender of the faith, thought himself bound in honour to protect with the sword those doctrines, which he had supported with his pen. When the convocation condemned Tyndal's Bible

[†] Calvin in *edit. Epist. Moth. Servet.* p. 387, and in his letters to the duke of Somerset. *Memento gladio utere nocenti, quoniam tibi tradidit deus.* Ep. Calvin. Præfat. Ang. p. 63.

[†] *Stat. ii. 12.* Burnet. i. 27. I have not noticed the legend of Houn, who was found dead in prison. To the account given by Hall and Foxe may be opposed that by Sir Thomas More. *Supplic. of Stiles*, 297-299.

1530 as an unfaithful version, and the other works as teeming
 May with errors and slander, the king by proclamation for-
 30 bade them to be imported, sold, or kept; and ordered the
 chancellor, justices, and inferior officers to make oath
 that "they would give their whole power and diligence
 " to destroy all errors, and would assist the bishops and
 " their commissaries, as often as they should be re-
 " quired." Numerous arrests, and abjurations fol-
 lowed; and four or five unfortunate men, who, having
 obtained a pardon, reverted to their former practice of
 selling the prohibited works, were on the second convic-
 tion condemned to the flames †. In 1533 the elevation
 of Cranmer to the archiepiscopal dignity, the divorce of
 Catherine, and the subsequent abolition of the papal
 authority, inspired the advocates of innovation with the
 hope of impunity: but experience taught them, to their
 cost, that they had as much to fear now from the head
 of the church, as they had before from the defender
 of the faith; and that the prelates of the new learning
 were not less eager than those of the old to light the
 fagot for the punishment of heresy. The first victims
 were John Frith, who maintained that it was not neces-

1533 sary to believe or deny the doctrine of the Real Presence,
 July and Hewet, a tailor, who had determined to believe and
 35 speak, to live and die, with John Frith ‡. The succeed-

* *Wilk. Con. ii. 727-730.* In consequence of this oath sir Thomas More frequently gave his aid in causes of heresy. Fear from the reports of the references across him of unnecessary cruelty, and has induced some modern writers to brand him with the crime of persecution. It is, however, but fair to bear his defence. "Of all that ever came into my hand for heresy, as hejpe me God, had never any of them any stripe or stroke "em-dithen, so much as a bllyppe on the forehead." *Ibid. c. 36, p. 391.*

† With Foxe in 238, 239-240) should be read sir Thomas More's *Confession of Tyndal*, 344-350.

‡ Foxe, ii. 251, 256. Hall 235. *Purser's Three Confessions*, part ii. 45-51. Cranmer gives the full story; account of Frith and Hewet, in his letter to Master Hawkins (*Archæol. Brit.* p. 81). * One Frith which was in the Tower in prison, was appointed by the king's grace to be examined before me, my lord of London, my lord of W'chester, my lord of S'ff'olk, my lord chancellor, and my lord of W'ghorn, whose opinion was so notably erroneous, that we could not dispatch him; but was fayne to leave him to the determination of his ordinary, which ys the bishop of London. His said opinion ys of such nature, that he thought it not necessary to be believed as an article of our

had been imprisoned on a charge of heresy by archbishop Warham, and had escaped by the timely death of that prelate: but his zeal despised the warning; and, urged by an unconquerable passion for controversy, he presented to Dr. Taylor a written paper containing eight reasons against the belief of the real presence. Taylor consulted Barnes; Barnes disclosed the matter to Cranmer; and Cranmer summoned the schoolmaster to answer for his presumption in the archiepiscopal court. The particulars of his examination have not been preserved: but he appealed from the metropolitan to the head of the church; and the king gladly embraced the opportunity of exercising in person the judicial functions attached to his supremacy. On the appointed day he took his seat on the throne clothed in robes of white silk; on his right were placed the bishops, the judges, and the sages of the law; on his left the temporal peers and the officers of the household. The proceedings were opened by Sampson bishop of Chichester, who observed that, though the king had abolished the papal authority, ejected the monks and friars, and put down superstition and idolatry, he neither meant to trench on the ancient doctrines, nor to suffer the faith of his fathers to be insulted with impunity. Henry rose, and in a mild and conciliatory tone, inquired of the accused whether he were still attached to his former opinion. Having received an answer in the affirmative, he made a long and argumentative harangue against the first of the reasons contained in the writing, which Lambert had presented to Taylor. He was followed by the bishops, seven in number, to each of whom had been allotted the refutation of one of the remaining objections. Lambert occasionally attempted to answer his opponents: but he

"hindrance among the people to the preaching of the gospel." Fox, ii. 365. Cranmer's propensity to reject the doctrine of the real presence, when he could do it with safety, has provoked a suspicion that he did not sincerely believe it to be true: but Burnet and Strype observe that he held the Lutheran tenet of transubstantiation at this period; and I am inclined to think the case from the tenor of the two letters already quoted, that in 1532, and the other in 1539.

seemed overpowered with terror, and gave no proof of that ability and learning, for which he had been extolled by his partisans. Five hours were employed by the several disputants, Henry, Cranmer, Gardiner, Tunstall, Stokesley, Sampson, and two others; when the king asked him, "What sayest thou now, after the instructions of these learned men? Art thou satisfied? Wilt thou live or die?" The prisoner replied, that he threw himself on the mercy of his majesty. "Then," said the king, "thou must die, for I will not be the patron of heretics;" and Cromwell, as the *vicar-general*, arose, and pronounced the usual judgment in cases of heresy*. Nov. Lambert met his fate with the constancy of a man, who²⁰ was convinced that he suffered for the truth: Henry, who had expected to make him a convert, was censured for his disappointment by the praise which his flatterers lavished on his zeal, his eloquence and his erudition †.

But while the king was employing his authority in support of the ancient doctrines, the court of Rome threatened to visit his past transgressions with the severest punishment in its power. Paul had formerly indulged a hope that some fortunate event might bring Henry back to the communion of the apostolic see; and that expectation was encouraged by a succession of

* If anything after this exhibition can strike the reader, it will be the praise which is bestowed on it by Cromwell himself in a letter to Wreat the ambassador in Germany. The king's majesty presided at the disputation, process, and judgment of a miserable heretic sacramentary, who "was burnt the 26th of November. It was wonderful to see how patiently, "with how excellent gravity, and reasonable modesty, his highness examined these the very offices of apostate head of the church of England; how patiently his grace asserted his consent to miserable man; how strong "and manly reasons his highness alleged against him. I wish the princes "and potentates of christendom to have had a meet place to have seen it." Collier, ii. 168.

† Goulin (87) and Fize (i. 355-358), have given long accounts of this trial, but I have deserted them, where I could obtain better authority. Lambert's arguments were eight, not ten, as appears from the speech of Sampson (our Day) bishop of Chichester, published by Strype (App. 48). Henry's tone was not uninteresting but revolutionary, if we may believe Cromwell in the last note; and the prisoner showed no ability, but considerable levity, according to Hall, who was present (Hall, 250). The story told by Fize of Cromwell sending for Lambert to his house, and asking his pardon, is irreconcilable with his letter to Wreat.

occurrences which seemed to favour his views. The publication of "the Articles" showed that the king was not disposed to dissent from the pontiff on doctrinal matters; the death of Catherine and the execution of Anne Boleyn, removed the first and principal cause of the schism; and it was thought that the northern insurrection would convince Henry of the danger of persisting in his apostasy. But if his passion for Anne originally provoked, his avarice, ambition, and resentment now conspired to perpetuate, the quarrel. Far from accepting offers of reconciliation, he appeared to seek opportunities of displaying his hostility, and by his agents at different courts laboured to withdraw all other sovereigns from the communion of Rome. Paul was perplexed by the opposite opinions of his advisers. Many condemned the suspension of the censures against Henry as inconsistent with the honour and the interest of the pontiff, while others continued to object the disgrace and impolicy of publishing a sentence without the power of carrying it into execution. The great obstacle arose from the difficulty of appeasing the resentments, and reconciling the claims of the emperor and the king of France. After years of contention in the cabinet and in the field, neither had obtained the mastery over the other: and if Charles had defeated the attempts of his adversary on Milan and Naples, Francis, by allying himself with the protestants of Germany, and calling to his aid the naval forces of Turkey, had been able to paralyze the superior power of Charles. Wearied at length by hostilities without victory, and negotiations without peace, they listened to the entreaties and exhortations of Paul; a truce of ten years was concluded under the papal mediation at Nice; and the pontiff embraced the favourable June opportunity to sound the disposition of the two monarchs 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 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tions of amity with a prince, who had separated himself from the catholic church; and would strictly forbid all commercial intercourse between their subjects and the English merchants.*

The substance of these negotiations was soon conveyed to Henry by the spies whom he maintained at different courts; and, to disconcert the councils of his enemies, he instructed his ambassadors abroad to excite by tempting offers the hopes, and inflame by artful suggestions the jealousy, of both Francis and Charles: while at home, that he might be provided for the event, he ordered his navy to be equipped, the harbours to be put in a state of defence, and the whole population to be called under arms †.

Among those who had accompanied the pontiff to Nice, was cardinal Pole, whom both the emperor and the king had received with marked distinction, and whom Henry believed to be the original author of the present combination against him. The cardinal, indeed, under the protection of foreign powers, might defy the malice of his persecutor: but his mother, and brothers, and relatives remained in England; and these were now marked out for victims by the jealousy, or the resentment, of the monarch. Becket usher, and Wrothe sewer of the royal chamber, proceeded on a mission to Cornwall, ostensibly to visit their friends, in reality to collect matters for accusation against Henry Courtenay, marquess of Exeter, and his adherents and dependents ‡. In a short time Sir Geoffrey Pole, a brother of the cardinal, was brought before the council and committed. His arrest was followed by that of another brother, the lord Montague, §, of their mother the countess of Salisbury, of the mar-

* Though the cardinals Farnese and Pole repeatedly mention the proposition in their letters, they do not explain its object, because it was sufficiently known to their correspondents. I have however collected it from detached passages, and have no doubt that it is faithfully represented above.

† Hall, 254.

‡ See the instructions to Becket and Wrothe in Arch. xxii. 24. All doubt respecting the lines between the 3d and 4th articles may be removed by reference to the letter in Ellis, 2. 104.

quess and marchioness of Exeter, and of Sir Edward Neville, the brother of lord Abergavenny*. Courtenay was grandson to Edward IV. by his daughter Catherine; and the Poles were grandsons to George duke of Clarence, the brother of Edward, by his daughter the countess of Salisbury. On this account both families were revered by the ancient adherents of the house of York; and, had not their loyalty been proof against the temptations of ambition, they might have taught the king, during the northern insurrection, to tremble for the security of his crown †. On the last day of the year the marquess Dec. and the lord Montague were arraigned before their 31. peers, and three days later the commons before juries 1509. of their equals, on a charge of having devised to maintain, promote, and advance one Reginald Pole, late dean Jan. of Exeter, the king's enemy beyond the seas, and to 4. deprive the king of his royal state and dignity. The overt act charged against the marquess (probably the case of the others might be similar) was that he had been heard to say, "I like well of the proceedings of Cardinal Pole: I like not the proceedings of this realm. I trust to see a change in the world. I trust once to have a fair day on the knives which rule about the king. I trust to give them a buffet one day" ‡. It would require some ingenuity to extract treason from these words, even if they had been proved: but both peers and jury had only to do the bidding of their imperious master; and all the accused, being found guilty, received judgment of death. Geoffrey Pole saved his life, as it was supposed, Jan. 9. by revealing the secrets of his companions in mis- Mar. fortune §, the rest were beheaded, as was also Sir Nicholas Carew, master of the horse, for being of counsel to

* Elix. ii. 96.

† Maximo enim nomine, et illorum sanguini et animi plusquam detestabili. Quo tempore non solum illi in suo male rebus, facultatem maxime habuerunt, sed illis cum vestris consilio et sollicitate, operantibus, et tractantibus. Apud. Parl. at. Car. p. 132.

‡ Howell's State Trials, iii. 367.

§ He was probably sent out of the kingdom; for he obtained a full pardon and permission to return in the next reign. Buz. ii. 196.

the marquess. A commission then proceeded to Cornwall, and two Cornish gentlemen, Kendall and Quintrell, suffered death on the charge of having said some years before, that Exeter was the heir apparent, and should be king, if Henry married Anne Boleyn, or it would cost a thousand lives*. These executions, particularly of noblemen so nearly allied to Henry in blood, on a charge so ill defined and improbable, excited a general horror; and the king, in his own vindication, ordered a book to be published containing the proofs of their real or pretended treason †.

The pontiff, encouraged by the promises of Charles 1588, and Francis, to which had now been joined those of the king of the Romans and of the king of Scotland, revoked the suspension, and ordered the publication of the bull ‡. At the same time cardinal Pole was despatched on a secret mission to the Spanish and French courts: but his arrival had been anticipated by the English agents; neither Charles nor Francis would increase the hostility of Henry by being the first to declare himself; and both equally prohibited the publication of the bull within their dominions §. To the cardinal at Toledo Charles replied, that there were other matters 1589, which more imperiously required his attention; the progress made by the Turks in Hungary, and the hostile disposition of the protestants in Germany; that the latter, were he to provoke Henry, would solicit and obtain pecuniary aid out of those treasures which the king

* Ellis, ii. 107.

† Lord Herbert observes that he could never discover the particular offences of these lords; only that the secretary in a letter to one of the ambassadors says, that the accusations were great, and duly proved; and that another person says they had relieved the cardinal with money. Herb. 562. See one of these letters in Ellis, ii. 109. Such circulars were always sent on similar occasions in violation of the king's conduct. The cardinal himself maintains that if they had entertained any designs against the king, they would have shown them during the instrument; and adds that he had sought in vain in the king's book, for some proof against them. *Sed nihil tandem invenit, nisi ut quod illic habet et quod ipse in judicio, citari quærit in victorem et prohiberem.* Apud Pail, 118. ; Butler, Rom. 761.

‡ I cannot find any proof that it was ever published at all.

The part which the cardinal had taken in the negotiation inflamed the hatred of Henry. Judgment of treason was pronounced against him; foreign princes were solicited to deliver him up; and he was constantly beset with spies, and, as he believed, with ruffians hired to take his life. At home, to wound him in the most tender part, Henry ordered his mother, the venerable countess of Salisbury, to be arrested and examined by the earl of Southampton, and the bishop of Ely: but she behaved with such firmness of character, such apparent consciousness of innocence, as completely disconcerted her accusers. Unable to extract from her admissions sufficient matter for a criminal prosecution, Cromwell censured the judges, whether a person accused of treason, might not be attainted without a previous trial or confession. They replied that it would form a dangerous precedent: that no inferior tribunal would venture on so illegal a proceeding; but that the court of parliament was supreme, and an attainder by parliament would be good in law*. This was sufficient for the king, who sought not justice but revenge: and in a bill of attainder, containing the names of several individuals who had been condemned in the lower courts, were introduced those of Pole's mother the countess, of his nephew the son of lord Montague †, and of Gertrude, Jane relict of the marquess of Exeter, though none of them

really, nor ever attempted to excite them to make war upon him—*sed ego nunquam profecto rabi, neque enim illis est.* Ep. ad Edward. tom. iv. p. 367. He might, indeed, have hoped that these measures would persuade or intimidate Henry: but he must also have known, that if they had been pursued, they would lead to discontent within the kingdom, and to war without: and that such results were contemplated by those who employed him. *Che tutti d'arcano lavorano il consernio d'Inghilterra, non la qual non pensarsi, che le genti di quel regno havessero a turbare.* Merc. 367. That there was some expectation of war, appears also from the letter of Pole, supra.

*Cole. Inst. iv. 37.

† I observe that one of the names are ignorant of the attainder, and even of the existence of the son of lord Montague. Yet Pole could not have been mistaken. *Non veni solam danteson multum septuaginta, qua nullum, excepta filia, postquam invenit et, ut ille ipse, qui cum danteson, sicpe dices, ab est, nec regnum illud sustinetur habet, benedictum, sed cum regno suo, filio fratris mei parva, spe reliqua stipula autem.* Ep. Pol. ii. 157.

had confessed any crime, nor been heard in their own defence. With the fate of the young man we are not acquainted: the marchioness obtained a pardon at the 10e. expiration of six months*; and it was hoped that the 21. king would extend the same mercy to the countess. She was more than seventy years of age, the nearest to him in blood of all his relations, and the last in a direct line of the Plantagenets, a family which had swayed the English sceptre through so many generations. Henry kept her in the Tower, probably as a hostage for the behaviour of her son, or her friends, but at the end of two years, on account of some provocation in which she could have had no share, ordered her to be put to death. 1511. In the prison and on the scaffold she maintained the May dignity of her rank and descent; and when she was told 27. to lay her head on the block, "No," she replied, "my head never committed treason: if you will have it, you must take it as you can." She was held down by force; and while the executioner performed his office, exclaimed, "Blessed are they who suffer persecution for 'righteousness' sake." Her death, or rather murder, which seemed to have no rational object, proclaimed to the world that the heart of the king was not less steeled to the feelings of relationship and humanity, than it was inaccessible to considerations of justice and honour; and proved an awful admonition to his subjects, that nothing short of unlimited obedience could shield them from the vengeance of their sovereign †.

V. For some time Cromwell and Cramer had reigned without control in the council. The duke of Norfolk, after the submission of the insurgents, had retired to his estates in the country; and Gardiner on his return from an honourable exile of two years in foreign courts, had required, without even seeing the king, to his bishopric

* Rymer, iiv. 62.

† See Pöhl's letter to the cardinal of Bingen. He concludes, *quod non vult ut in ipsius officio, etiam honore sursum hujusmodi genere vilior, per concessum in rebellionem, quod non est plus est quam alio regio, necesse est ut non esse* (Cron. ii. 38, 76).

of Winchester*. But the general understanding between the pontiff and the catholic sovereigns, and the mission of Pole to the emperor and the king of France, had awakened serious apprehensions and new projects in the mind of Henry. He determined to prove to the world that he was the decided advocate of the ancient doctrines; Gardiner was recalled to court, and ordered to preach during the Lent at St. Paul's cross; and the duke of Norfolk was commissioned to conduct the business of the crown as the prime minister, in the house of peers. As soon as the parliament assembled, a committee of spiritual lords was appointed to examine the diversity of opinions on religious subjects; but on every question the members divided five against four, the bishops of York, Durham, Carlisle, Bath, and Bangor, against Cromwell and the prelates of Canterbury, Salisbury, and Ely. The king waited eleven days for their decision; his patience was exhausted; and the duke, having remarked that no result was to be expected from the labours of the committee, proposed to the consideration of the house six questions respecting the eucharist, communion under one kind, private masses, the celibacy of the priesthood, auricular confession, and vows of chastity. The debate was confined to the spiritual peers, while the others, even Cromwell and Audley, observed a prudent and respectful silence. On the second day the May king himself came down to the house, and joined in the debate: to resist the royal theologian required a degree of courage unusual in the prelates of that day; and Cranmer and his colleagues, who had hitherto led the opposition, now, with the exception of the bishop of Salisbury, owned themselves vanquished and convinced by the superiority of his reasoning and learning †

* Le Grand, ii. 223.

† On the testimony of Fox we are told that the archbishop persisted in his opposition to the last (Fox, ii. 372. Burnet, i. 256); but this statement only seems reconcilable with the Journals, but is contradicted by a document of far higher authority. We know not the name of the writer, but he was a lord of parliament, had been present at the discus-

May 30 Immediately after a short prorogation Henry, flattered with his victory, sent a message to the lords congratulating them on the unanimity which had been obtained, and recommending the enactment of penalties against those who should presume to disturb it by preaching the contrary doctrines. Two separate committees were appointed, with the same instructions to each, to prepare a bill in conformity with the royal suggestion. One consisted, and it must appear a most singular selection, of three converts to the cause, the prelates of Canterbury, Ely, and St. David's, and the other of their warmest opponents, the bishops of York, Durham, and Winchester. Instead of choosing between the two bills, which they presented, the lords submitted June 2 both to the king, who gave the preference to that which had been drawn by the second committee*; and this, as soon as the clergy in the lower house of convocation had reported their assent to the articles, was introduced by the chancellor, passed by the lords and commons, and received the royal assent†. It begins by reciting the six articles, to which the parliament and

sions, and thus describes the proceedings at the very time when they took place. "Notwithstanding my lord of Canterbury, my lord of Ely, " my lord of Salisbury, my lords of Worcester, Rochester, and St. Davy's, " debated the matter a long time, yet finally his highness concluded " them all with pacible learning. York, Durham, Winchester, London, " Chichester, Norwich, and Carlisle, here showed themselves honest " and well learned men. We of the temporality have been all of one " opinion: and my lord chancellor (Aulsebrook) and my lord prynces " (Cornwall) as good as we can devise. My lord of Canterbury and all " his bishops, here give their opinions, and have come in to us, save Salis- " bury, who yet continueth a level fall." (Camp. E. v. p. 128. It was probably Cromer's consciousness of having on this occasion sacrificed his own opinions to the will of the king, and his knowledge that others had done the same, which induced him to insert in the Deserving Insurgents that "if the king's majesty had not come personally into the parliament house, these laws had never passed" (Strope, App. 52); and to recital Gardiner, that "how that matter was enforced by some persons, they knew right well, that were there present." Defence against Gardiner, 286.

* It is supposed that it had been drawn up with the privity of the king, as there is extant a bill nearly similar in Henry's own hand. It is published by Wilkins, iii. 58.

† A week intervened between the appointment of the committee and the introduction of the bill. Burnet supposes that it met with great opposition in the council (i. 228). But this is a gratuitous supposition. The committee sat on Saturday, May 30. On Monday, June 2, their bills were probably offered to the king: on Tuesday, Cornwall submitted the

convocation had agreed: 1^o. That in the eucharist is really present the natural body of Christ, under the forms and without the substance, of bread and wine; 2^o. That communion, under both kinds, is not necessary ad salutem; 3^o. That priests may not marry by the law of God; 4^o. That vows of chastity are to be observed; 5^o. That private masses ought to be retained; 6^o. That the use of auricular confession is expedient and necessary. Then follow the penalties: 1^o. If any person write, preach, or dispute against the first article, he shall not be allowed to abjure, but shall suffer death as a heretic, and forfeit his goods and chattels to the king; 2^o. If he preach in any sermon or collation, or speak openly before the judges against any one of the other five, he shall incur the usual penalties of felony; but if he only hold contrary opinions, and publish them, he shall for the first offence be imprisoned at the king's pleasure, and shall forfeit his lands during life, and his goods for ever; for the second he shall suffer death; 3^o. The act pronounces the marriages of priests or nuns of no effect, orders such persons so married to be separated; and makes it felony if they cohabit afterwards; 4^o. It subjects priests, living carnally with women, or nuns with men, to imprisonment and forfeiture on the first conviction, and to death on the second: and lastly, it enacts that persons contemptuously refusing to confess at the usual times, or to receive the sacrament, shall for the first offence be fined and imprisoned, and for the second be adjudged felons, and suffer the punishment of felony*.

Such were the enactments of this severe and barbarous statute. It filled with terror the teachers and advocates of the new doctrines, who saw from the king's temper that their only security was silence and submission to the royal will. Latimer and Shaxton, the bishops of

six articles to the consideration of the clergy: on Thursday their answer was returned; and on Saturday the chancellor brought the bill into the house of lords. See Journals, II, 114, 116, and the acts of the convocation, Wilk. Can. vi, 96.

* Stat. of Hen. vii, c. 13, 71.

Worcester and Salisbury, who by the intemperance of their language had given offence, resigned spontaneously or at the king's requisition, their respective sees*. But no one had greater cause of alarm than Cramer. The reader will recollect that before his promotion to the archiepiscopal dignity, he had married a kinswoman of Oslander, in Germany. At a convenient time she followed him to England, where she bore him several children. He was too prudent to acknowledge her publicly; but the secret quickly transpired; and many priests, emboldened by the impunity, imitated the example of the metropolitan. As the 1530. canons, which imposed celibacy on the priesthood, had never been abrogated, the head of the church thought it
 13. his duty to notice these transgressions, and by a circular letter ordered the bishops to make inquiries in their dioceses, and either to imprison the offenders, or to certify their names to the council†. Two years later appeared a proclamation, ordering all priests, "who had attempted marriages that were openly known," to be
 13b. deprived of their benefices, and reputed as laymen; and
 N. C. all, who should marry after that notice, to suffer punishment and imprisonment at his grace's pleasure‡.

Though neither of these orders reached the archbishop, they convinced him that he stood on very slippery ground. To save himself he had recourse to every expedient which his ingenuity could supply. First, with becoming humility he submitted to the superior judgment of Henry, such reasons against the law of clerical celibacy as had occurred to his mind; he then suggested the expediency of a royal declaration imposing silence on the subject, and leaving every man to

* *Godeau, Annals*, p. 70. *De pressis*, Aug. l. 332. n. 49. The French archbishops who thus retired their sees. Et deux évêques principaux, retirés des . . . et docteurs, nouveaux pour n'avoir voulu soumettre à cela, ont été privés de leurs évêchés. *Le Girard*, ii. 139. Latimer asserted in 1546 that "he left his bishoprick being borne in lande" by the Lord Cardinal that it was his Majesty's pleasure he should resigne "it, which his Majesty also desired, and pited his condition." *S. Pap.* i. 41.

† *Wals. Coe.* ii. 228.

‡ *Stowe's Cramer*, Append. No. viii.

the dictates of his own conscience; and at length he boldly proposed, that the lawfulness of the marriage of priests should be debated in the universities before impartial judges, on the condition that, if judgment were given against his opinion, its advocates should suffer death; if in its favour, the canonical prohibition should be no longer enforced. To these solicitations of Cranmer was added the reasoning of his friend Melancthon, who in a long and declamatory epistle, undertook the difficult task of convincing the obstinacy of the king*. But neither argument, nor solivitation, nor artifice, could direct Henry from his purpose. The celibacy of the priesthood was made one of the six articles; and Cranmer saw with dismay that his marriage was reputed void in law, and that subsequent cohabitation would subject him to the penalty of death. In haste he despatched his children with their mother¹⁵³¹ to her friends in Germany, and wrote to the king an apology for his presumption in having opposed the opinion of his majesty. Henry, appeased by his submission, returned a gracious and consoling answer by the duke of Norfolk, and Cromwell the vicar-general.

Cromwell, who had been created a baron in 1536, still continued to possess considerable influence in the royal councils. His services were still wanted to perfect the great work of the dissolution of monasteries: and by professing himself an early convert to the doctrine of the six articles, and labouring to procure proselytes among the bishops†, he had avoided the displeasure of his sovereign. It has been already noticed that before the prorogation of parliament, all the property real or moveable of the religious houses, "which had been already or might be hereafter dissolved, suppressed or surrendered, or had or might by any other mean come into the hands of the king," was vested in him and his heirs for ever, with authority to endow new

* *Daniel's Decree*, Nos. iv. vi. † *Antiq. Brit.* 333.
 † *Constitution's Memoir*, Anecd. xviii. 63.

bishops out of it according to his or their pleasure. This act affected the interests of only one class of subjects; but to it was added another, which laid prostrate at the foot of the throne the liberties of the whole nation. It declared that the king for the time being should possess the right of issuing, with the advice of his council, proclamations which ought to have the effect of acts of parliament; adjudged all transgressors of such proclamations to suffer the imprisonment, and pay the fines expressed in them; and made it high treason to leave the realm in order to escape the penalty*. It was not without considerable difficulty that this act was carried through the two houses: but both the men of the old and of the new learning, jealous of each other, concurred in every measure which they knew to be pleasing to the sovereign; and the consent of the other members was obtained by the introduction of a negatory exception in favour of statutes then in being, and saving the inheritances, offices, liberties, goods, chattels, and lives of the king's subjects†. At the same time Henry celebrated his triumph over the court of Rome by a naval exhibi-

* St. H. Hen. VIII. A. This Cromwell nearly accomplished his foreign doctrine, which he had formerly preached to Pope, and frequently maintained before Henry. "The Lord Cromwell," says Gardiner, in one of his letters, "had once put in the king's hand to take upon him to have his will and pleasure regarded for a law; and thereupon I was called for at Hampton Court. And as he was very stout, come on, my lord of Winchester, quoth he, answer the king here, but speak plainly and directly, and shew'st not man. Is not that, quoth he, that pleaseth the king, a law? Here ye not that in the civil laws, quod principi placuit, lex? I stood still, and considered in my mind to what condition this world tend. The king saw me musing, and with gentle earnestness said, answer him whether it be so or no. I would not answer the lord Cromwell, but delivered my speech to the king, and told him that I had read of kings that had their will always made for law; but that the form of his reign to make the law his will was more sure and quiet: and in this form of government ye be established, quoth I, and it is agreeable with the nature of your people. If you begin a new manner of policy, how it may come to none on tall. The king turned his back, and left the matter." Fox, ii. 63.

† Stat. of Hen. in 26. Mirville, in his account of it to the king of France, says, *Lequel chose, sire, a été ardeuse et grandes difficultés, qu'on est obligé de long temps et levers assemblez et a été peu de contentement, par ce qu'on n'est de ceux qui y ont peüs leur consentement.* Apud le Grand, ii. 246.

tion on the Thames. Two galleys, decorated the one with the royal, the other with the pontifical arms, met on the river; a stubborn conflict ensued: at length the royalists boarded their antagonist: and the figures of the pope and the different cardinals were successively thrown into the water, amidst the acclamations of the king, of his court, and of his citizens*.

Notwithstanding these appearances, Cromwell, when he considered his real situation, discovered abundant cause for alarm. Henry in public had affected to treat him always with neglect, sometimes with insult: but these affronts he had borne with patience, knowing that they proceeded not from displeasure on the part of the king, but from unwillingness to have it thought that he stood in need of the services of the minister. Now, however, it was plain that the ancient doctrines had assumed a decided ascendancy in the royal mind: the statute of the six articles had been enacted contrary to his wish, and, as far as he dared disclose himself, contrary to his advice; his friends were disgraced and dispirited; his enemies active in pursuit of the king's favour; and it was useless for him to seek support from the ancient nobility, who had long borne his superior elevation with real though dissembled impatience. In these circumstances he turned his eyes towards the Lutheran princes of Germany, with whom he had long maintained a friendly though clandestine correspondence; but the plan which he adopted to retrieve his credit served only, from the capricious disposition of the king, to accelerate his downfall.

Henry had been a widower more than two years. In 1537 Jane Seymour, his third queen, bore him a male child, afterwards Edward VI. and in less than a fortnight expired. His grief for her loss, if he were capable of feeling such grief, seemed to be absorbed in joy for 24.

* It was, says Maitland, un jour de grande grace, et de moindre invention. Hist. 265.

the birth of a son* ; and in the very next month he solicited the hand of Marie, the duchess dowager of Longueville. He was enamoured with her gentleness, her mental acquirements, and above all, with the largeness of her person; not that he had seen her himself, but that he gave full credit to a confidential agent, who had artfully insinuated himself into her family. Marie, however, preferred a more youthful lover, James, king of Scotland; but Henry would admit of no refusal, nor believe the king of France, who assured him that she was contracted to James. During five months he persecuted her with his suit, and when she sailed from the shores of France to join her husband, betrayed his chagrin by Jan. refusing her permission to land at Dover, and travel through his dominions. A daughter of Vendome was then offered: but Henry deemed it beneath him to take for wife a woman who had been previously rejected by his nephew of Scotland; and he was prevented from marrying one of the two sisters of Marie, because Francis would not gratify his caprice by exhibiting them before him at Calais, and allowing him to make his choice †.

Under these repeated disappointments, he was the more ready to listen to the suggestions of Cromwell, who proposed to him Anne, sister of the reigning duke of Cleves. It was at a time when his jealousy had been alarmed by the intelligence of an intended interview at Paris, between Francis and Charles; and he deemed it of importance to form a closer connexion with those princes, who, like himself, had defied the enmity of the

* To Francis, who had congratulated him on the birth of a son, he answered her death in the following unfeeling manner: "Il a sembler
" que à la divine providence, de mesme cette ma grande joye avec l'ac-
" tuelle du tresus de celle qui m'avoit agréé en louches. De la mort
" de votre bon frere, Henry." *Le Grand*, ii. 265.

† Disait qu'il sembleroit qu'on veuille par delà faire des femmes comme de
leurs veulx-celles, qui est en assembler une bonne quantité et les faire porter
pour prendre celles qui ont le plus à l'aise. *Lettre à N. de Couillon, appud
Le Grand*, iii. 616.

court of Rome. The English envoys reported to the king that Anne was both tall and portly, qualifications which he deemed essential in his wife; of her beauty he was satisfied by a flattering portrait from the pencil of Hans Holbein[†]; and his assent to their union was readily obtained by a splendid embassy from the German princes. On the day on which Anne was expected to land at Dover, the king rode in disguise to meet her at Rochester, that he might steal a first glance, and, as he expressed it, "might nourish love." His disappointment was evident. She was indeed tall and large, as 1540 his heart could wish: but her features, though regular, were coarse, her manners ungraceful, her figure ill-proportioned. He shrunk back, and took time to compose himself before he was announced. As she bent her knee, he raised her up, and saluted her; but he could not prevail on himself to converse with her, or to deliver the presents which he had brought, and after a few minutes, retiring to his chamber, sent for the lords, who had accompanied her*. The next morning he hastened back to Greenwich: a council was summoned; and Cromwell received orders to devise some expedient to interrupt the marriage. Two days passed in fruitless consultation: the princess was required to swear that she was not pre-engaged to any other person; her conductors were subjected to repeated interrogatories; and the king at length, unprovided with any reasonable excuse, and afraid of adding the German princes to his other enemies, after the passionate exclamation, "Is there no other remedy, but that I must needs against my will put my neck into the noose?" was persuaded by Cromwell to submit to the ceremony. They inhabited

* He fancied both Anne and her sister Emily, that the king might make his choice. *Merch. 2d. Edis.* ii. 122.

† He was mercifully excused and absolved. He sent the presents the next morning, viz. a pair of silk skins to wear round the neck, and a mantle lined, with so cold a message as might be. *Sirge.* i. 307. On the ring which he gave her was inscribed the following allusion to the fate of Anne Bolyn: "God send me well to keep." *Lockey.* 388.

June for some months: but Anne had none of those arts or
 6. qualifications which might have subdued the antipathy
 of her husband. He spoke only English or French;
 she knew no other language than German. He was
 passionately fond of music; she could neither play nor
 sing. He wished his consort to excel in the different
 amusements of his court; she possessed no other ac-
 quirements than to read, and write, and sew with her
 needle. His aversion increased; he found fault with
 her person; persuaded himself that she was of a per-
 verse and sullen disposition; and openly lamented his
 fate in being yoked for life with so disagreeable a com-
 panion*.

This unfortunate marriage had already shaken the
 credit of Cromwell: his fall was hastened by a theo-
 1540. gical quarrel between Dr. Barnes, one of his dependents,
 Feb. and Gardiner, bishop of Winchester. In a sermon
 14. at St. Paul's cross, the prelate had severely censured
 the presumption of those preachers who, in opposition
 to the established creed, inculcated the Lutheran tenet
 Feb. of justification by faith without works. A fortnight
 28. later, Dr. Barnes, an ardent admirer of Luther, boldly
 defended the condemned doctrine from the same pulpit,
 and indulged in a scurrilous invective against the bishop.
 The king summoned the preacher before himself and a
 commission of divines, discussed with him several points
 of controverted doctrine, prevailed on him to sign a re-
 nunciation, and enjoined him to preach on the same
 subject a second time on the first Sunday after Easter.
 April Barnes affected to obey. He read his recantation before
 4. the audience, publicly asked pardon of Gardiner, and
 then, proceeding with his sermon, maintained in still
 stronger terms the very doctrine which he had recanted.
 Irritated by this insult, the king committed him to the
 Tower, with Garret and Jerome, two preachers who

* See the depositions of the king and Cromwell in Burnet, i. Dec. 119-127, and of several lords in Stowe, i. Dec. 397-415, and the letter of Watson, Lib. ii. 122.

placed in similar circumstances, had thought proper to follow his example*.

It was generally believed that Henry's resentment against Barnes would beget suspicions of the orthodoxy of the minister, by whom Barnes had hitherto been protected; and so confidently did Cromwell's enemies anticipate his disgrace, that his two principal officers, those of vicar-general and keeper of the privy seal, were already, according to report, shared between Tunstall bishop of Durham, and Clarke bishop of Bath, prelates of the old learning, who had lately been introduced into the council†. The king, however, subdued or dissembled his suspicions; and, to the surprise of the public, Cromwell, at the opening of parliament, took his usual April seat in the house of lords, and delivered a royal message.‡

It was, he said, with sorrow and displeasure that his majesty beheld the religious dissensions which divided the nation; that on the one hand presumption and liberty of the flesh, on the other attachment to ancient errors and superstitions, had generated two factions, which reciprocally branded each other with the opprobrious names of papists and heretics; that both abused the indulgence which of his great goodness the king had granted them, of reading the Scriptures in their native tongue, those to introduce error, those to uphold superstition; and that to remedy such evils, his majesty had appointed two committees of prelates and doctors, one to set forth a pure and sincere declaration of doctrine, the other to determine what ceremonies ought to be retained, what to be abolished; had strictly commanded the officers of the crown, with the judges and magistrates, to put in execution the laws already made respecting religion; and now required the aid of the two houses to enact penalties against those who should

* Foxe ii. 491—493. Hall, 540. Burnet, i. 236. Beaucl. No. xxii.

† Le Grand, i. 265.

treat with irreverence, or explain rashly and erroneously, the holy Scriptures*.

The vicar-general now seemed to monopolize the royal favour. He had obtained a grant of thirty manors April belonging to suppressed monasteries; the title of earl of 17. Essex was revived in his favour;† and the office of lord chamberlain was added to his other appointments. He continued as usual to conduct in parliament the 18. business of the crown. He introduced two bills, vesting the property of the knights hospitallers in the king, and setting a competent jouture on the queen; and he May procured from the lady the almost unprecedented sub- 19. sidy of four-tenths and fifteenths, besides ten per cent on their income from lands, and five per cent on their goods; and from the clergy a grant of two-tenths, and twenty per cent on their incomes for two years‡. So far indeed was he from apprehending the fate which awaited him, that he committed to the Tower the bishop of Chester and Dr. Wilson, on a charge of having relieved prisoners confined for refusing the oath of supremacy, and threatened with the royal displeasure his chief opponents, the duke of Norfolk, and the bishops of Durham, Winchester, and Bath§.

But Henry in the mean time had ascertained that Barnes was the confidential agent of Cromwell; that he had been employed in secret missions to Germany; and that he had been the real negotiator of the late marriage with Anne of Cleves. Hence the king easily persuaded himself that the insulence of the agent arose from confidence in the protection of the patron; that his vicar-general, instead of watching over the purity of the faith, had been the foment of heretics; and that his

* Journals, 121.

† The last earl, Henry Bourchier, had been killed by a fall from his horse, *Mares II.* 1549. *Some*, 479.

‡ *Wilks*, *Cat. 589* 983. *St. of Bealin*, vi. 512.

§ *Le Grand*, i. 296. See also a letter from the bishop of Chester in the Tower to Cromwell, dated June 7, in *Steyne*, i. *Rec.* 157.

own domestic happiness had been sacrificed by his minister to the interests of a religious faction. He now recollected that when he proposed to send Anne back to her brother, he had been dissuaded by Cromwell; and he moreover concluded, from the sudden change in her behaviour, that his intention of procuring a divorce had been betrayed to her by the same minister*. The earl seems to have had no suspicion of his approaching fate. June On the morning of the tenth of June he attended in his place in the house of lords; at three the same afternoon he was arrested at the council board on a charge of high treason†. The offences of which he was afterwards accused may be ranged under three heads. As minister, it was said, that he had received bribes, and encroached on the royal authority by issuing commissions, discharging prisoners, pardoning convicts, and granting licenses for the exportation of prohibited merchandise; as vicar-general he was charged with having betrayed his duty by not only holding heretical opinions himself, but also by protecting heretical preachers, and promoting the circulation of heretical books; and lastly, to fix on him the guilt of treason, it was alleged, that on one particular occasion he had expressed a resolution to fight against the king, if it were necessary, in support of his religious opinions‡. He was confronted at his request with his accusers in presence of the royal commissioners, but was refused the benefit of a public trial before his peers§. The court preferred to proceed against him

* Cromwell acknowledged that he had advised the change in her conduct; but denied that he had done so after the king had confided his secret to him. See his letter in Burnet, iii. Bce. 161.

† Journals, 143.

‡ Burnet, Rec. ii. No. 28. Merat was instructed to inform the German princes that Cromwell had threatened to strike a dagger into the heart of the man who should oppose the Reformation: which was interpreted to mean the king. Burnet, iii. 162.

§ See the duke of Norfolk's letter, Burnet, iii. Records, 74. It is remarkable that Cromwell was the first who perished in consequence of his own practices. He had first incurred condemnation by act of attainder, without trial, in the case of the countess of Salisbury; but she was still alive, and was not executed till the year after the execution of Cromwell. In the same letter the duke tells us that Catherine Howard, though his

by bill of attainder; a most iniquitous measure, but of which he had no right to complain, as he had been the first to employ it against others. Crommer alone ventured to interpose in his behalf: but his letter to the king was penced with his usual timidity and caution, rather enumerating the past services of Cromwell, than attempting to vindicate him from the charge on which he had been arrested*. Five days later the archbishop

June deemed it prudent to go along with the stream, and on 19. the second and third readings gave his vote in favour of the attainder. The bill passed through the house of lords, and probably through the house of commons, without a dissentient voice †.

The disgrace of Cromwell was quickly followed by the divorce of the queen. On the first communication of Henry's intention she fainted to the ground: but recovering herself, was persuaded by degrees to submit the question to the decision of the clergy, and to be satisfied with the new title of the king's adopted sister. In the council several consultations were held, and different resolutions were taken. At first great reliance had been placed on a prescontract of marriage between the princess and the marquis of Lorraine: but when it was considered that both parties were children at the time, and had never since ratified the act of their parents, this plea was abandoned; and it was determined to rest the king's case on the misrepresentation which had been made to him as to her person, and the want of consent

John on his part both at the celebration, and ever since the 6. celebration of the marriage ‡. In pursuance of this plan the chancellor, the archbishop, and four other peers successively addressed the house of lords. It had been

ness, was his great enemy; an assertion which does not confirm the supposition of Home, that he employed her to ruin Cromwell, by her insinuations to Henry.

* Herbert, 518.

† Jones, 166. The article published by Burnet, *i. Brevol.* ii. xvi.

‡ Dr. Clarke had been sent to open the business to the duke of Clarence; and on his journey received no fewer than three sets of instructions, each differing from the other. See Herbert, 520, 521.

their lot, they said, to be instrumental in negotiating the late marriage; it was now their duty to state that from more recent information they doubted its validity. In such a case, where the succession to the crown was concerned, too great security could not be obtained; wherefore they moved that all the particulars should, with the royal permission, be laid before the clergy in convocation, and their decision as to the validity or invalidity of the marriage should be required. A deputation was next requested and obtained from the lower house; and the temporal lords and commons proceeding to the palace, humbly solicited the king's permission to submit to his consideration a subject of great delicacy and importance. Henry assented, being aware that they would propose to him nothing which was unreasonable or unjust. Having heard their petition from the mouth of the chancellor he replied; that it was indeed an important question; but that he could refuse nothing to the estates of the realm; that the clergy were learned and pious, and would, he had no doubt, come to an upright decision; and that, as far as regarded himself, he was ready to answer any question which might be put to him; for he had no other object in view, but the glory of God, the welfare of the realm, and the triumph of truth*.

By the convocation the inquiry was referred to a *con-July* mittee, consisting of the two archbishops, of four bishops,⁷ and eight divines; who either found the materials ready to their hands, or were urged to extraordinary diligence by the known wish of the monarch. To receive depositions†, to examine witnesses, to discuss the merits of the case, to form their report, and to obtain the approbation of the whole body, was the work of but two short

* *Lords' Journals*, p. 133. It is amusing that the whole of this scene is described, just as it was afterwards acted, in a letter from the countess to Charles, dated July 3, three days before it took place. Hist. 321.

† They have been published, partly by Burnet, 1 *Rec. 153 B*, and partly by Strype, 1 *Rec. 367-368*.

14th days. Not a voice was heard in favour of the marriage:

1) it was unanimously pronounced void on the following grounds:—

1°. There was no certainty that the alleged pre-contract between Anne and the marquess of Lorraine had been revoked in due form of law; and in consequence the validity of her subsequent marriage with Henry was, and the legitimacy of her issue by him would be, doubtful.

2°. The king had required that this difficulty should be removed previously to his marriage. It might be considered as an indispensable condition; whence it was inferred that as the condition had failed, the marriage, which depended on that condition, must be void.

3°. It was contended that, if Henry had selected Anne for his wife, he had been deceived by exaggerated accounts of her beauty: if he had solemnized his nuptials with her, he had been compelled by reasons of state; but he had never given that real consent which was necessary to impart force to the contract, either by any internal act of the will during the ceremony, or after the ceremony by the consummation of the marriage. It is not possible that such arguments could satisfy the reason of the members. From the benefit of the two first Henry had excluded himself by his own act in proceeding to the celebration of the ceremony; and the last, were it admitted in its full extent, would at once deprive of force every treaty between sovereigns. But the clergy in convocation, like the lords and commons in parliament, were the obsequious slaves of their master. The first decided in obedience to his will; the second 1) passed an act confirming that decision; and then assimilating the marriage of Henry with Anne to his former marriages with his first and second queens, they subjected to the penalties of treason every man who should by writing, imprinting, or any exterior act, word or deed, directly or indirectly, accept, believe, or judge,

that it was lawful and valid*. The German princess—she had neither friend nor adviser—submitted without complaint to her lot. By Henry's command she subscribed a letter to him, in which she was made to admit the non-consummation of the marriage, and to acquiesce^{July} in the judgment of the convocation. But the letter was^{11.} written in English; and it was possible that subsequently, as Henry expressed it, "she might play the woman," revoking her assent, and pleading in justification her ignorance of the language. She was, therefore, assailed with presents from the king, and with advice from his commissioners: a version of her former letter in German, and a letter to her brother written in the same language, and containing the same admissions, were laid before her; and she was induced to copy both with her own hand, and to forward them to those to^{16.} whom they were addressed†. He then demanded back the ring which he had given to her at their marriage, and on the receipt of it professed himself satisfied. They now called each other brother and sister, and a yearly income of three thousand pounds, with the palace of Richmond for her residence, amply indemnified the degraded queen for the loss of a capricious and tyrannical husband‡.

The session was now hastening to a close, and little progress had been made by the committees appointed at the recommendation of Cromwell, to frame a declaration of doctrine for the belief, and an order of ceremonies for the worship, of the English church. To give the authority of parliament to their subsequent labours, it was enacted that such ordinances as they or the whole

* Wils. Con. iii. 358—355. Stat. of Beaulieu, ii. 781.

† State Pap. i. 458—461. Henry attached great importance to the German letters. "Obedience," he writes to the duke of Suffolk, "these letters 'he obeyed, all shall remain uncorrected, upon a woman's promise that 'she will do womanly; the accomplishment whereof in her behalf is as 'infallible in the refracting of a woman's will upon occasion, as in chancing 'one of her womanish nature, which is impossible.'" *Ibid.*, 594.

‡ *Ibid.*, 516, 718. Her income was made to depend on her remaining within the realm. *Ibid.* She died at Chelsea, July 16, 1557. See her will, in which she professes to die a catholic, in *Essex. Hist.*, 255.

clergy of England should afterwards publish with the advice and approbation of the king, should be fully believed, obeyed, and performed, under the penalties to be therein expressed. At the same time the rigour of the statute of the six articles was mitigated in that clause, which regarded the incontinence of priests or nuns; and forfeiture of lands and goods was substituted in place of the penalty of death*.

From the moment of his arrest, Cromwell had laboured without ceasing to save his life. He denied with the strongest asserations that he was a traitor, or a sacramentary, or a heretic; he admitted that he had occasionally transgressed the limits of his authority, but pleaded in excuse the number of the offices which he held, and the impropriety of troubling at every moment the royal ear; he descended with seeming cheerfulness to every submission, every disclosure which was required of him; he painted in striking colours his foelen and miserable condition, and solicited for mercy in terms the most pathetic, and perhaps more abject than became his character †. Unfortunately among his papers had been found his clandestine correspondence with the princes July of Germany ‡: the king would listen to no plea in 24. favour of a man who had betrayed his confidence to strangers: and on the fourth day after the bill of at- 28. tainder had received the royal assent he was led to execution. On the scaffold he asked pardon of his sovereign, and admitted that he had been seduced by the spirit of error; but protested that he had returned to the truth, and should die in the profession of the catholic faith, meaning probably that faith which was now established by law §. If a tear were shed at his death, it

* c. 12. H. 8. VIII. 19. 25.

† See his Letters to Henry, Burnet, i. Rec. 153. til. Rec. 161. The reader will be astonished at the number of oaths, &c. with which he maintains his innocence. "May God confound him, may the vengeance of God light upon him, may all the devils in hell confound him," and similar imprecations are continually recurring.

‡ Munroe, apud Beaufort, ii. 215.

§ Huet, 246. S. 170, 240. His speech, like others on similar occasions

was in secret, and by the preachers who had been sheltered under his protection. The nobility rejoiced to be freed from the control of a man, who by cunning and servility had raised himself from the shop of a fuller to the highest seat in the house of lords; the friends of the church congratulated themselves on the fall of its most dangerous enemy; and the whole nation considered his blood as an atonement for the late enormous and impolitic tax, imposed at a time when the king had incurred no extraordinary expense, and when the treasury was filled, or supposed to be filled, with the spoils of the suppressed monasteries.

Two days later the citizens were summoned to behold an execution of a more singular description. By law the catholic and the protestant were now placed on an equal footing in respect to capital punishment. If to admit the papal supremacy was treason, to reject the papal creed was heresy. The one could be expiated only by the halter and the knife: the other led the offender to the stake and the fagot. It was in vain that the German reformers pleaded in favour of their English brethren; and that Melancthon in a long letter presumed to opesion the royal infallibility. The king continued to hold with a steady hand the balance between the two parties. During the parliament Powel, Abel, and Featherstone had been attainted for denying the supremacy; Barnes, Garret and Jerome for maintaining heterodox opinions*. They were now coupled, July catholic and protestant, on the same hurdles; drawn ³⁶.

let his guilt or innocence as problematical as before. He came to die not to clear himself. He shrank from the halter brought him to that death for his offences: for he had always been a sinner. He had offended his prince, for which he asked forgiveness, and God, of whom he prayed all present to ask forgiveness for him.

* These three did not maintain any doctrines against the six articles, but (if we may judge from their recantation), that the man who has been justified, cannot fall from grace, that God is the author of sin, that it is not necessary to punish offences, that good works are not profitable to salvation, and that the laws are not to be observed for conscience' sake. See the recantation, Burnet, v. lib. ii. No. xxv.

together from the Tower to Smithfield, and while the former were hanged and quartered as traitors, the latter were consumed in the flames as heretics. Still, if we consider the persecuting policy of the age, and the sanguinary temper of the king, we shall perhaps find that from this period fewer persons suffered than might have been expected. The commissions, indeed, which Cromwell had mentioned at the opening of parliament, were issued, inquests were taken, and informations laid: but terror had taught men to suppress their real sentiments; and of those whose imprudence brought them under suspicion, the least guilty were dismissed on their recognisances for each other; and most of the rest embraced the benefit of abjuration granted by the law*.

Henry did not long remain a widower after his divorce from Anne of Cleves. The lords humbly besought him, as he tendered the welfare of his people, to venture on a fifth marriage, in the hope that God would bless him with more numerous issue; and within a month Catherine, daughter to the late lord Edmund Howard, and niece to the duke of Norfolk, appeared at court with the title of queen. Catherine had been educated under the care of the dowager duchess of Norfolk, and first attracted the royal notice at a dinner given by the bishop of Winchester. She possessed nothing of that part and dignity which Henry had hitherto required. But her figure, though small, was regular: her manner easy and graceful, and "by a notable appearance of honour, cleanness, and maidenly behaviour she won the king's heart†. For more than twelve months he lavished on her tokens of his affection: but the events, to which she owed her elevation, had rendered the reformers her enemies, and a discovery, which they made during her absence with the king in his progress as far as York,

* During the remainder of Henry's reign. For the reckless yet protestants, D. of *Barrow* catholics, who suffered, see those mentioned above.

† Letter of Council to Hen. VIII. "He is called *parvissima puella* (*Barrow*, m. 167.) What then was the age of this very little girl?"

enabled them to recover their former ascendancy, and deprived the young queen of her influence and her life*.

A female, who had been one of her companions under her grandmother's roof, but was now married in Essex, had stated to Lascelles, her brother, that to her knowledge, Catherine had admitted to her bed, "on an hundred nights," a gentleman of the name of Dereham, at that time page to the duchess. Lascelles—at whose instigation, or through what motive is unknown—carried this most extraordinary tale to archbishop Cramer. Cramer consulted his friends the chancellor and the lord Hertford; and all three determined to secure the person of Lascelles, and to keep the matter secret till the return of the royal party. Henry and Catherine Oct. reached Hampton Court against the feast of All Saints: 29. on that day "the king received his maker, and gave Nov. "him most hearty thanks for the good life he led and 1. "trusted to lead with his wife †;" on the next, whilst he Nov. was at mass, the archbishop delivered into his hands a 2. paper containing the information obtained in his absence. He read it with feelings of pain and distrust: an inquiry into its truth or falsehood was immediately ordered: first Lascelles was examined; then his sister in the country; next Dereham himself; and afterwards several other persons. All this while Catherine was kept in ignorance of the danger which threatened her: but one morning the king left the court; and the council, wait- Nov. ing on her in a body, informed her of the charge which 10. had been made against her. She denied it in their presence with loud protestations of innocence: but on their departure fell into fits, and appeared frantic through grief and terror. To soothe her mind, the archbishop brought her an assurance of mercy from Henry; and

* It is strange that there is no direct evidence of any plot; but, if it be considered with whom the following inquiry originated, and with what art it was conducted, it is difficult to resist the suspicion of a political outrage, having for its object to effect the dismissal of the dominant party, by procuring, not indeed the death, but the divorce of the queen.

† Letter of Council, fol.

repeating his visit in the evening, when she was more tranquil, actually drew from her a promise to reply to his questions "faithfully and truly, as she would answer "at the day of judgment, and by the promise which she "made at her baptism, and by the sacrament which she "received on All Hallows day last past." Under this solemn adjuration she admitted that, notwithstanding the precautions taken by the duchess, Dereham had been in the habit of coming at night or early in the morning to the apartment allotted to the females; that he brought with him wine and fruit for their entertainment; that he often behaved with great freedom and rudeness, and that on three occasions he had offered violence to her person. This was the result of two examinations, in which Crommer laboured to procure some evidence of a pre-contract between Catherine and Dereham. Had he succeeded, she might have saved her life by submitting to a divorce: but the unfortunate queen deprived herself of this benefit by constantly maintaining that no promise had been made, and that "al that "Derame dyd unto her, was of his importune forcement "and in a manner violece, rather than of her fre consent "and wil*."

The following day the judges and counsellors assembled in the star-chamber, where the chancellor announced to them the presumed guilt of the queen, read in support of the charge select passages from the evidence already procured, and intimated in addition that more important disclosures were daily expected†. At Hampton Court the same course was followed in the presence of all persons of "gentle birth," male and female, who had been retained in her service. Catherine herself was removed to Lion house, where two apartments were reserved ex-

* See the archbishop's letter to the king in State Pap. 1. 481. Her confession in *Warne*, sup. loc. and the letter in *Herb.* 502.

† He suppressed all the passages which might be construed in favour of pre-contract, and that because "they might serve for her defence." State Pap. 12. 674. It was not the king's intention to proceed against her for adultery, which was incompatible with a pre-contract.

clusively for her accommodation, and orders were given that she should be treated with the respect due to her rank. In anticipation of her attainder the king had already taken possession of all her personal property: but he was graciously pleased to allow her six changes of apparel, and six French hoods with edgings of goldsmiths' work, but without pearl or diamond*.

If there was no pre-contract between Catherine and Derham, nothing but her death could dissolve the marriage between her and the king. Hence it became necessary to prove her guilty of some capital offence: and with this view a rigorous inquiry was set on foot respecting her whole conduct since she became queen. It was now discovered that not only had she admitted Derham to her presence, but had employed him to perform for her the office of secretary; and that at Lincoln, during the progress, she had allowed Culpepper, a maternal relation and gentleman of the privy chamber, to remain in company with her and lady Rochford from eleven at night till two in the morning. The judges were consulted, who replied, that considering the persons implicated, these facts, if proved, formed a satisfactory presumption that adultery had been committed. On this and no better proof, the two unfortunate gentle-^{Nov.}men were tried, and found guilty of high treason. Their lives were spared for ten days, with the hope of extorting from them additional information respecting the guilt of the queen. But they gave none, probably had none to give. Derham was hanged and quartered; Culpepper, Dec. out of regard to his family, was beheaded †.

But these were not the only victims. The king's resentment was extended to all those individuals who had been, or might have been, privy to the intimacy

* State Papers, 685.

† 1594, 70. It has been sometimes said that both confessed the adultery. But if that there is no proof; and it cannot be doubted that, if it were so, their confession would have been distinctly stated in the bill of attainder, as the best evidence of their crime. That it is false, as far as regards Derham, will be plain from the next note.

between Catherine and Dereham in the house of the duchess. He argued that, contrary to their duty, they had allowed their sovereign to marry a woman guilty of incontinence; they had thus exposed his honour to disgrace, his life to danger from the intercourse which might afterwards take place between her and her paramour; and had therefore, by their silence, committed an offence amounting at least to misprision of treason.

On this charge the duchess herself with her daughter the countess of Bridgewater*, the lord William Howard and his wife, and nine other persons of inferior rank in the service of the duchess, were committed to the Tower; where the royal commissioners laboured by frequent and separate examinations, by menaces and persuasion, and, in one instance at least, by the application of torture, to draw from them the admission that they had been privy to Catherine's incontinence themselves, and the charge of such privacy in their companions. The duchess and her daughter, who persisted in the denial of any knowledge or even suspicion of misconduct in their young relative, were reserved, in punishment of their obstinacy, to be dealt with by the justice of parliament: the commoners were brought to trial on the same day: among whom all the females confessed the offence with many tears and supplications for mercy: the lord William boldly put himself on his country, but was induced by the court to withdraw his plea before the conclusion: his fellow prisoner, Darnport, refusing to follow his example, was tried and found guilty. All were condemned to forfeiture and perpetual imprisonment†.

* The duchess had taken some papers out of Dereham's trunk in her house. Henry was assaulted, that he charged her with treason: the judges dissented: he replied that there was as much reason to suspect her of treason as there had been to commit Dereham. "They cannot say that they have any knowledge to say whether they have a better ground to make Dereham's case treason, and to presume that his coming says to the Queen's service was to an ill intent of the treasonous of his former husband, than they have in this case to presume that the looking of the officer was to favour two noble ladies of treason." *Stat. Rep.* 700.
† *Ibid.* 736. "We have finished our work this daye: wecke to haue 'napole's house': that is, we have executed the execution of all the

For some time we have lost sight of Catherine: at the beginning of the year we meet with her again at Simm house, with a parliament sitting, and a sweeping bill of attainder before it, including both the queen and all her companions in misfortune. If we consider that the attainder against her could be sustained only on the ground of adultery, we shall not be surprised that the lords sought to learn from her what she could say to that particular charge. For this purpose they appointed a committee to wait on her with Henry's permission, and to exhort her to speak the truth without fear or reservation; to remember that the king was merciful, as the laws were just; and to be persuaded that the establishment of her innocence would afford joy, and that even the knowledge of the truth would afford relief to the mind of her husband. But of this the privy council disapproved: another plan was proposed; and after some delay the bill was read again, hastened through the two houses, and brought to the lords by the chancellor signed by the king, with the great seal appended to it. Whilst the officer proceeded to summon the attendance of the commons, the duke of Suffolk with some others reported, that they had waited on the queen, who "acknowledged her offence against God, the king, and the nation," expressed a hope that her faults might not be visited on her brothers and family, and begged as a last favour that she might divide a part of her clothes among her maids*. By this time the commons had arrived,

accused. From these letters it appears that the moment an individual was committed, the king's officers discharged his household, and seized his clothes, furniture, money, jewels and cattle, that they might be secured for the crown in the event of his attainder: that no time was lost in bringing him to trial, because, if he died before conviction, the king would lose the forfeiture; that in the present case the accused were indicted almost immediately, "that the parliament might have better regard to our friends they go down, if any of them should chance before they attend to fear to die," (iud. 76) and that the proofs brought at the trial consisted of copies of confessions made by others, and the testimonies of the commissioners themselves. Thus of the trials of the lord William and Dampson, the witnesses examined were not persons originally acquainted with the facts, but the master of the malks, the stricker and wickete general, and three of the king's counsel, who had taken the examinations.

* The reader will observe that in this confession, which is entered on

and the royal assent was immediately read in due form. The act attainted of treason the queen, Dereham and Cuippper as her paramours, and lady Rochford as aider and abettor; and of misprision of treason both all those who had been convicted of concealment in court, and also the duchess of Norfolk and the countess of Bridgewater, though no legal proceedings whatsoever had been taken against them*.

The tragedy was now drawing to a close. Catherine had already been conducted to the Tower: two days Feb. after the passing of the act she was led to execution, 15. together with her companion, the lady Rochford. They appeared on the scaffold calm and resigned, bidding the spectators take notice that they suffered justly for "their offences against God from their youth upward, and also against the king's royal majesty very dangerously." The meekness and piety of their demeanour seems to have deeply interested the only person present, who has transmitted to us any account of their last moments. "Theyer sowles," he writes, "I doubt not, be with God; for they made the moost godly and christyan's end that ever was had tell of, I thinke, since the world's creation †."

To attain without trial had of late become customary; but to prosecute and punish for that which had not been made a criminal offence by any law, was hitherto unprecedented. To give, therefore, some countenance to these secretures, it was enacted in the very bill of at-

the journals (177), there is no direct mention of adultery, the only treason that Catherine was charged with having committed. Can we believe that, if she could have been brought to confess it, Suffolk would not have stated it loudly and unequivocally? Again, why was this statement withheld till the house had passed the bill; and, when it was made, why did not Suffolk wait till the presence of the commons? It is also singular that the statement of the act of Strickland, who had accompanied Suffolk to the queen, is omitted. The clerk has begun the entry with these words, "he etiam adjuravit;" but, unaccountably, ends nothing.

* Journals, I. 169-171 174, 176. Stat. of Hen. viii. 684.

† On 10. Johnson's letter to his brother, in Ellis, ii. 128. In this confession on the scaffold the queen makes a several time all mention of the alleged adultery. See especially the very same ambiguous and unscientific language, which Suffolk had employed in the house of lords.

tainer that every woman, about to be married to the king or any of his successors, not being a maid, should disclose her disgrace to him under the penalty of treason; that all other persons knowing the fact and not disclosing it, should be subject to the lesser penalty of imprisonment of treason; and that the queen, or wife of the prince, who should move another person to commit adultery with her, or the person who should move her to commit adultery with him, should suffer as a traitor.*

The king's attention was next directed to his duties as head of the church. He had formerly sanctioned the publication of an English version of the Bible, and granted permission to all his subjects to read it at their leisure: but it had been represented to him, that even the authorized version was disfigured by unfaithful renderings, and contaminated with notes calculated to mislead the ignorant and unwary; and that the indiscriminate lecture of the holy volumes had not only generated a race of teachers who promulgated doctrines the most strange and contradictory, but had taught ignorant men to discuss the meaning of the inspired writings in ale-houses and taverns, till, heated with controversy and liquor, they burst into injurious language, and provoked each other to breaches of the peace. To remedy the first of these evils it was enacted, that the version of *May Tyndal* should be disused altogether as "crafty, false, and untrue," and that the authorized translation should be published without note or comment: to obviate the second, the permission of reading the Bible to others

Could this be accidental? or was not that particular form enjoined by authority, that she might not seem to impeach "the king's justice?" On a review of the original letters in the State papers, of the use of attainers, and of the proceedings in parliament, I saw no sufficient reason to think her guilty: and, if she was innocent, so also must have been the *Lady Bedford*. Like her predecessor Anne Boleyn, she fell a victim to the jealousy or resentment of a despotic husband: but in one respect she has been more fortunate. The preservation of documents respecting her fate enables us to estimate the value of the proofs brought against her: our ignorance of those brought against Anne renders the question of her guilt or innocence more problematical.

* Stat. of Reals, c. 15.

in public was revoked; that of reading it to private families was confined to persons of the rank of lords or gentlemen; and that of reading it personally and in secret was granted only to men who were householders, and to females of noble or gentle birth. Any other woman, or any artificer, apprentice, journeyman, servant or labourer, who should presume to open the sacred volume, was made liable for each offence to one month's imprisonment*. The king had already issued a proclamation forbidding the possession of Tyndal's or Coverdale's versions, or of any book or manuscript containing matter contrary to the doctrine set forth by authority of parliament; ordering all such books to be given up before the last day of August, that they might be burnt by order of the sheriff or the bishop; and prohibiting the importation "of any manner of English books concerning any matter of Christin religion" from parts beyond the sea†.

It was not, however, the king's intention to leave the flock committed to his charge without a competent supply of spiritual food. The reader will recollect that Cromwell in 1540 had announced the appointment of two committees of prelates and theologians to compose a new code of doctrine and ceremonies. Certain questions had been proposed to each person separately, and their answers were collated and laid before the king‡.

* R. 4 Hen. VIII. l. The king at the same time was authorized to make any alterations in this act, which he might deem proper.

† Chron. Vitul. 24. The persons whose writings are condemned by name are Fyther, Tyndal, Wals, Joye, Bole, Baxyle, Bode, Barnes, Coverdale, Taverner, and Trevis. Ibid.

‡ Of these answers some have been published; others are to be found in the British Museum (Class. E. 5). Those by Cramer prove that on every subject he had made a greater proficiency in the new learning than any of his countrymen: but his opinion respecting orders appears extremely singular, when we see that he was archbishop of Canterbury. The king, he says, must have spiritual as well as civil officers, and of course his right to appoint them. In the time of the apostles the people appointed, because they had no christian king, but occasionally accepted such as might be recommended to them by the apostles, "if their own" voluntary will, and not for any superiority that the apostles had over "them;" in the appointment of bishops and priests, as in that of civil officers, some ceremonies are to be used, "not of necessity, but for good order

To make the new work as perfect as was possible, three years were employed: it was at last published with the title of "A necessary Doctrine and Erudition for any christened Man:" and, to distinguish it from "the Institution," the former exposition of the same subject, it was called the King's Book. It is more full, but teaches the same doctrines, with the addition of transubstantiation, and the sufficiency of communion under one kind. 1543. The new creed was approved by both houses of convocation*; all writings or books in opposition to it were prohibited; and by the archbishop it was ordered to be published in every diocese, and studied and followed by every preacher†. From that period till the accession of the next sovereign, "the King's Book" continued to be the only authorized standard of English orthodoxy.

* 2nd sess. 1543: nevertheless "he, who is appointed bishop or priest, needeth no consecration by the Scripture; hee consecration or joining thereto is sufficient." Aware, however, that it was difficult to reconcile these principles with the declaration which he had signed in the preceding year (Writ. Con. ii. 328), or with such as he might be compelled to sign hereafter, he very prudently added, "this is mine opinion and sentence at this present: which nevertheless I do not temerously define, but refer the judgment thereof to your majesty." Strype, 76. App. p. 48. 22. Burnet, i. Coll. p. 291. Collier, ii. Brev. 215.

† Writ. Con. ii. 328. As if it were meant to give to the quirk the severity of the penalties suspected of having to the new doctrines, the chapters or the two obnoxious tenets of transubstantiation, and communion under one kind, were subjected to the revision and approbation of the archbishop, and the bishops of Westminster, Salisbury, Rochester, and Hereford, three of whom were reformers. Per ipsos expressis examinatis, et recognitis. Ibid.

† Strype, 100.

CHAPTER V.

States respecting Wales—Transactions in Ireland—Negotiation and War with Scotland—Capture with France—Peace—Taxes—Depreciation of the Currency—Cromer—Gardiner—King's last Illness—Execution of the Earl of Surrey—Attainder of the Duke of Norfolk—Death of Henry—His Character—Subserviency of the Parliament—Doctrine of Passive Obedience—Scurillity of Religious Parties.

THAT the reader might follow without interruption the progress of the Reformation in England, I have confined his attention in the preceding pages to those occurrences which had an immediate tendency to quicken or restrain the spirit of religious innovation. The present chapter will be devoted to matters of foreign and domestic policy: 1°. The extension of the English jurisprudence throughout the principality of Wales: 2°. The rebellion and pacification of Ireland: 3°. The negotiations and hostilities between the crowns of England and Scotland: and 4°. The war, which Henry declared against "his good brother, and perpetual ally," the king of France. These events will lead to the close of the king's reign.

1. As Henry was descended from the Tudors, a Welsh family, he naturally directed his attention to the native country of his paternal ancestors. It might be divided into two portions, that which had been originally conquered by the arms of his predecessors, and that which had been won by the courage and perseverance of the individuals, afterwards called the lords marchers. The former had been apportioned into shires, and was governed by the laws of England: the latter comprised one hundred and forty-one districts or lordships, which had been granted to the first conquerors, and formed so

many distinct and independent jurisdictions. From them the king's writs, and the king's officers were excluded. They acknowledged no other laws or customs than their own. The lords, like so many counts palatine, had their own courts, civil and criminal, appointed their own officers and judges, punished or pardoned offences according to their pleasure, and received all the emoluments arising from the administration of justice within their respective domains. But the great evil was, that this multitude of petty and separate jurisdictions, by holding out the prospect of impunity, proved an incitement to crime. The most atrocious offender, if he could only flee from the scene of his transgression, and purchase the protection of a neighbouring lord, was sheltered from the pursuit of justice, and at liberty to enjoy the fruit of his dishonesty or revenge.

The king, however, put an end to this mischievous and anomalous state of things. In 1536 it was enacted, that the whole of Wales should thenceforth be united and incorporated with the realm of England; that all the natives should enjoy and inherit the same rights, liberties, and laws, which were enjoyed and inherited by others the king's subjects; that the custom of gavelkind should cease; that the several lordships' marches should be annexed to the neighbouring counties; that all judges and justices of the peace should be appointed by the king's letters patent: that no lord should have the power to pardon any treason, murder, or felony, committed within his lordship; and that the different shires in Wales, with one borough in each, should return members to parliament. Most of these regulations were extended to the county palatine of Chester*.

2. When Henry ascended the throne, the exercise of the royal authority in Ireland was circumscribed within very narrow limits, comprising only the principal sta-

* *St. of Realm*, 556-558. In the county of Merioneth there was no borough which returned a member; but in that of Pembrokeshire there were two, Pembrokeshire and Haverfordwest.

ports with one half of the five counties of Louth, Westmeath, Dublin, Kildare and Wexford; the rest of the island was unequally divided among sixty chieftains of Irish, and thirty of English origin, who governed the inhabitants of their respective domains, and made war upon each other, as freely and as recklessly as if they had been independent sovereigns*. To Wolsey it appeared that one great cause of the decay of the English power was the jealousy and the dissension between the two rival families of the Fitzgeralds and the Butlers, under their respective chiefs, the earls of Kildare, and of Ormond or Ossory. That he might extinguish or repress these hereditary feuds, he determined to intrust the government to the more impartial sway of an English nobleman, and the young earl of Kildare, who had succeeded his father, was removed from the office of lord 1520 April deputy, to make place for the earl of Surrey, afterwards duke of Norfolk. During two years the English governor overawed the turbulence of the Irish lords by the vigour of his administration, and won the esteem of the 1522 natives by his hospitality and munificence. But when Henry declared war against France, Surrey was recalled 1524 to take the command of the army; and the government of Ireland was conferred on Butler, earl of Ossory. Ossory was soon compelled to resign it to Kildare; Kildare transmitted it to sir William Skeffington, an English knight, deputy to the duke of Richmond; and Skeffington, after a short interval, replaced it in the 1532 hands of his immediate predecessor. Thus Kildare saw himself for the third time invested with the chief authority in the island: but no longer awed by the frowns of Wolsey, who had fallen into disgrace, he indulged in such acts of extravagance, that his very friends attributed them to occasional derangement of intellect. 1534 The complaints of the Butlers induced Henry to call the deputy to London, and to confine him in the Tower.

* See contemporary memoir in 8, *Top.* i. 1-21.

At his departure the reins of government dropped into the hands of his son, the lord Thomas, a young man in his twenty-first year, generous, violent, and brave*. His credulity was deceived by a false report that his father had been beheaded: and his resentment urged him to the fatal resolution of bidding defiance to his sovereign. At the head of one hundred and forty followers he pre-¹⁵⁵¹ sented himself before the council, resigned the sword of *June* state, the emblem of his authority, and in a loud tone ^{11.} declared war against Henry VIII. king of England. Cromer, archbishop of Armagh, seizing him by the hand, most earnestly besought him not to plunge himself and his family into irremediable ruin: but the voice of the prelate was drowned in the strains of an Irish minstrel who, in his native tongue, called on the hero to revenge the blood of his father; and the precipitate youth, unfurling the standard of rebellion, commenced his career with laying waste the rich district of Fingal. A gleam of success cast a temporary lustre on his arms; and his revenge was gratified with the punishment of the supposed accuser of his father, Allen, archbishop of Dublin, who was surprised and put to death by the Geraldines. He now sent an agent to the *July* emperor to demand assistance against the man, who by ^{26.} divorcing Catherine had insulted the honour of the imperial family: and wrote to the pope, offering to protect with his sword the interests of the church against an apostate prince, and to hold the crown of Ireland of the holy see by the payment of a yearly tribute. But fortune quickly deserted him. He was repulsed from the walls of Dublin by the valour or despair of the citizens; Sheffington, the new deputy, opposed to his undisciplined followers a numerous body of veterans; his strong castle of Maynooth was carried by assault, *Oct.* and the lord Leonard Grey hunted the ill-fated insur- ^{16.} gent into the fastnesses of Munster. Here by the

* Hall, 226. Heriot, 415.

1565. advice of his friends he offered to submit; but his sim-
 Mar. 21. plicity was no match for the subtlety of his opponent;
 he suffered himself to be deceived by assurances of
 pardon, dismissed his adherents, accompanied Gray to
 Aug. Dublin, and thence sailed to England, that he might
 29. throw himself at the feet of his sovereign*. Henry was
 at a loss in what manner to receive him. Could it be to
 his honour, to allow a subject to live, who had taken up
 arms against him? But then, was it for his interest to
 teach the Irish that no faith was to be put in the
 promises of his lieutenants? He committed Fitz-
 1566. gerald to the Tower: soon afterwards Gray, who had
 Feb. succeeded Skeffington, perfidiously apprehended the
 13. five uncles of the captive at a banquet; and the year
 1567. following all six, though it is said that three had never
 Feb. joined in the rebellion, were beheaded in consequence
 3. of an act of attainder passed by the English parlia-
 ment†. Fitzgerald's father had already died of a
 broken heart, and the last hopes of the family centered
 in Gerald, the brother of Thomas, a boy about twelve
 years old. By the contrivance of his aunt, he was con-
 veyed beyond the reach of Henry, and entrusted to the
 1533. fidelity of two native chieftains, O'Neil and O'Donnel.
 Mar. Two years later he had the good fortune to escape to
 1549. the continent, but was followed by the vengeance of the
 Aug. policy of the king, who demanded him of the king of
 France, and afterwards of the governor of Flanders, in
 virtue of preceding treaties. Expelled from Flanders,
 he was, at the recommendation of the pope, Paul III.,

* *Sp. ante se in regis potentatem, accepta impunitatis bile dedit... Altem punitorem quia se hactenus jure potest, habet.* Puff. ep. l. 1. tit. Skeffington, indeed, says that he had surrendered "without condition." (St. Pop. 274) But it was he was prevailed upon to do so by assurances of pardon in plain terms from the letter of the Irish council (p. 275), that of Norfolk (277), and the answer of Henry, "if he had been apprehended after such a sort as was reasonable to his Majesty, the same had been much more thankfull, and better to our contentation." Ibid. 280.

† See *Archives & Antiqu.* 2^e Part. 1. 481. Norfolk's, ii. 277.

‡ *Stat. of Realm, iii.* See a letter of King read from the Tower, stating his miserable condition, and that he must have gone naked, "but that" "poor prisoners of the gentlers like vanyne payen the old sayns, and shoytes," &c. St. Pop. 303.

taken under the protection of the prince bishop of Liege, and afterwards into the family of his kinsman Cardinal Pale, who watched over his education, and provided for his support till at length he recovered the honours and the estates of his ancestors, the former earls of Kildare*.

Henry's innovations in religion were viewed with equal abhorrence by the indigenous Irish, and the descendants of the English colonists. Fitzgerald, aware of this circumstance, had proclaimed himself the champion of the ancient faith †; and after the imprisonment of Fitzgerald, his place was supplied by the zeal of Cromer, archbishop of Armagh. On the other hand the cause of the king was supported by a more courtly prelate, Brown, who, from the office of provincial of the Augustinian friars in England, had been raised to the archiepiscopal see of Dublin, in reward of his subserviency to the policies of Cromwell. But Henry determined to enforce submission. A parliament was summoned by lord Gray, who had succeeded Skeffington, and, to elude the opposition of the clergy, their proctors, who had hitherto voted in the Irish parliaments, were by a declaratory act pronounced to be nothing more than assistants, whose advice might be received, but whose assent was not required ‡. The statutes which were now passed, were copied from the proceedings in England. The papal authority was abolished; Henry was declared head of the Irish church; and the first fruits of all ecclesiastical livings were given to the king. But ignorance of the recent occurrences in the sister island gave occasion to a most singular murder. One day the parliament confirmed the marriage of the king with Anne Boleyn; and the next, in consequence of the arrival of a courier, declared it to have been invalid from the beginning. It was, however, more easy to procure the enactment of these statutes, than to enforce their

* Goltwin, c. 68. Herbert, 415—417. 691. Rerum, xxxii. 582.

† Pro pontificis auctoritate in Hibernia arma sumptent. Pöb, hist.

‡ Irish St. 28 Hen. VIII. 12.

exertion. The two races combined in defence of their common faith; and repeated insurrections exercised the patience of the deputy, till his brilliant victory at Bellahoe broke the power of O'Neil, the northern chieftain, and confirmed the ascendancy of the royal cause. This was the last service performed by lord Gray. He was uncle by his sister to the young Fitzgerald, and therefore suspected of having connived at his escape. This, with numerous other charges from his enemies, was laid before the king; and he solicited
 1140 permission to return, and plead his cause in the presence
 June of his sovereign. The petition was granted; but the
 12. unfortunate deputy soon found himself a prisoner in the
 Tower, and was afterwards arraigned under the charge
 1141 of treason for having aided and abetted the king's
 June rebels. Oppressed by fear, or induced by the hope of
 15. mercy, he pleaded guilty; and his head was struck off
 June by the command of the thankless sovereign, whom he
 25. had so often and so usefully served*.

After the departure of Gray, successive but partial insurrections broke out in the island. They speedily subsided of themselves; and the new deputy, sir Anthony Saintleger, found both the Irish chieftains and the lords of the pale anxious to outstrip each other in professions of obedience to his authority. A parliament
 1542 was assembled; Ireland from a lordship was raised to
 Jan. the higher rank of a kingdom; regulations were made
 35. for the administration of justice in Connaught and Munster; and commissioners were appointed with power to hear and determine all causes, which might be brought before them from the other provinces†. The peerage of the new kingdom was sought and obtained, not only by the lords who had hitherto acknowledged the authority of the English crown, but even by the

* Gordon, 73. * As he was come of high lineage, so was he a right

valiant and hardy personage; although now he hap was to lose his

head †. Stow, 361. See the charges in State Papers, ii. 338.

† Irish St. St. Hen. VIII. l.

most powerful of the chieftains, who, though nominally vassals, had maintained a real independence; by Ulline de Burg, now created earl of Clanricard; by Murrough O'Brian, made earl of Thomond; and by the redoubted O'Neil, henceforth known by his new title of earl of Tyrone*. These, with the chief of their kindred, swore fealty, consented to hold their lands by the tenure of military service, and accepted from their sovereign houses in Dublin for their accommodation, as often as they should attend their duty in parliament. Never, since the first invasion of the island by Henry II, did the English ascendancy in Ireland appear to rest on so firm a basis, as during the last years of Henry VIII.

3. To explain the several causes, which successively contributed to produce the rupture between Henry and his nephew the king of Scotland, it will be necessary to revert to the period of the great battle of Paris. The intelligence of the captivity of Francis extinguished at once the hopes of the French faction in Scotland; and the earl of Angus, with the aid of the English monarch, obtained possession of the young king James V, and with him the exercise of the royal authority. Margaret, the queen-dowager, had long ago forfeited the confidence of her royal brother: an intercepted letter, which she had lately written to the duke of Albany, estranged him from her for ever. He willingly suffered her to be deprived even of the nominal authority, which remained to her; Angus consented to a divorce: she married her paramour, afterwards created lord Methven; and silently sunk into the obscurity of private life. But her son, though only in his seventeenth year, felt the thraldom in which he was detained by the Douglasses, and anxiously sought to obtain his liberty, and exercise his authority. At length he eluded the vigilance of his keepers, levied an army, and drove his enemies beyond the borders; where Angus remained for years, an exile

* B) m. xx. 77-80. sc. 7.

from his own country, and the pensioner of England. The young king, notwithstanding his relationship to Henry, seems to have inherited the political sentiments of his fathers, and sought to fortify himself against the ambition of his powerful neighbour by the friendship of the emperor, and of the king of France. In 1539 the two crowns were unintentionally involved in hostilities by the turbulence of the borderers: tranquility was restored by the good offices of Francis, the common friend of the uncle and nephew; and James was even induced to solicit the hand of the princess Mary. But it was at a time, when only a few months had elapsed since the divorce of Henry from Catherine; and the king, who had formerly offered, now refused his consent to a marriage which might afterwards lead the king of Scots to dispute the succession with the children of Anne Boleyn. This refusal induced James to seek a wife from some of the foreign courts, while the English monarch vainly endeavoured to make his nephew a proselyte to his new doctrine of the ecclesiastical supremacy of princes within their respective kingdoms. For this purpose he sent to James a treatise on that subject, with a request that he would seriously weigh its contents; and solicited at the same time permission for his agent Barlow, bishop elect of St. David's, to preach to the Scottish court. The present was received with an air of indifference, and instantly delivered to one of the prelates; and the English missionary, finding every pulpit closed against him, vented his discontent in letters to Cromwell, in which he denominated the clerical counsellors of James, "the pope's pestilent creatures, and very limbs of the devil*."

Henry now requested a personal interview at York: but James, who feared to trust himself in the hands of his uncle, eluded the demand by proposing a meeting of

* *Parkinson*, ii. 327. "The Doctrine of a Christian Man" was not published till after this period: the book was probably either Gelliose's treatise *De Veri Obsequio*, or another, *De Vera Differentia Regis potestatis et Ecclesiasticæ*; both of which had been printed the year before.

the three kings of England, France, and Scotland, at 1536.
 some place on the continent*. Soon afterwards he
 concluded a treaty of marriage with Marie de Bourbon, ^{Mar.}
 a daughter of Vendôme: but unwilling to rely on the ^{39.}
 report of his ambassadors, he sailed to Dieppe, and ^{5-17-10.}
 visited his intended bride, whose appearance disap-
 pointed his expectations. Disguising his feelings, he
 hastened to be present at the expected battle between
 the French and Imperial armies in Provence: but was
 met by Francis on mount Taras, in the vicinity of
 Lyons. The two monarchs repaired to Paris: Marie 1537.
 was forgotten; and James married Madeleine, ^{1540.}
 daughter of the French king, a beautiful and accom-
 plished princess, who was even then in a decline, and ^{1.}
 died within fifty days after her arrival in Scotland. ^{July}
 During some time her husband appeared inconsolable
 for her loss: the next year he married another French ^{1538.}
 princess, Marie, duchess dowager of Longueville, and ^{1540.}
 daughter to the duke of Guise; the same lady who had
 declined the offer of the king of England †.

The king of Scots, satisfied with his own creed, re-
 fused to engage in theological disputes; and the pontiff,
 to rivet him more closely to the communion of the apos-
 tolic see, bestowed a cardinal's cap on the most able and
 most favoured of his counsellors, David Beaton, abbot
 of Arbroath, afterwards bishop of Mirepoix, and lastly
 archbishop of St. Andrew's. During his journey James
 had noticed the terms of execration, in which foreigners
 reprobated the rapacity and cruelty of his reforming
 uncle; and his gratitude for the attentions and genero-
 sity of Francis inclined him to espouse and support the
 politics of the French court. When Paul had at last
 determined to publish the sentence of deprivation
 against Henry, James signified his assent, and promised

* According to a minute of the English council, "he not only brake with
 † if appointment made for the entrance, but for the presence of his cause
 † thereon alleged that it was said, he should be betrayed, if he proceeded in
 "the same." St. Pap. 355.

† Leslie, 456.

to join with Charles and Francis in their endeavours to convert or punish the apostate monarch*.

Henry, whose pensioners swarmed in every court, was quickly apprized of these dispositions, and, as soon as he had learned the real object of cardinal Pole's legation to the emperor and the king of France, despatched April 1539 Ralph Sadler, one of the gentlemen of his privy chamber, as his ambassador to Edinburgh. This minister assured the king of Scots, that the warlike preparations in England were not designed against him, but against the pope, and his associates; exhorted him, instead of giving credit to the assertions of his clergy, to examine the foundations of the papal claims, which he would find to be nothing more than an usurpation of the rights of sovereigns; requested him not to permit the bull against his uncle to be published, or executed within his dominions; and reminded him, that Henry was a nearer relation to him than any other prince, and that, though it was not required of him to renounce his engagements with the king of France, it was his interest to abstain from measures, of which he might afterwards repent†.

What effect these remonstrances might have produced, is uncertain; but, as neither Charles nor Francis attempted to enforce the papal bull, their inactivity induced the king of Scots to preserve the relations of amity with his uncle. Henry, however, continued to grow more jealous both of the religious opinions of James, and of his connexion with the French court. If a few Scottish refugees, the partisans of the new doctrine, flattered him with the hope, that their sovereign

* *Epistola regni Scoti, et hic totum creatum cardinalis Scotum. Instruc. pro Card. Polo apud Quinti, li. Mor. Præf. cccxxii.*

† Sadler's state Papers, 56–58. Mr. Clifford, on the authority of Mr. Fiskeon (Hist. li. p. 34), has dated this negotiation to the year 1541; but it is evident from Sadler's instructions, that they were composed after cardinal Pole had failed with the emperor, and while it was doubtful whether he would succeed or not with the king of France. (Sadler's Papers, p. 53.) I. e. between the end of January and the beginning of April, 1540.

would imitate him in assuming the supremacy of the church, he was harassed on the other hand with reports, that the king of Scots urged with assiduity the improvement of his artillery; that he had promised support to the malecontents in the northern counties; and that he suffered ballads derogatory from the honour of Henry, and prophecies predictive of his downfall to be circulated on the borders. Another effort to convert James was made through the agency of Sailer. The ostensible object of that minister was to present to the king half a dozen stallions, sent to him by his uncle; but he was ordered to solicit a private audience, and a promise that the conversation should not be divulged. Sailer then read to James an intercepted letter from Beaton to his agent at Rome, from which he inferred that it was the aim of the cardinal to subject the royal authority to that of the pope*. But the king laughed at the charge, and said that the cardinal had long ago given him a copy of the letter. The envoy then observed that Henry was ashamed of the meanness of his nephew, who kept large flocks of sheep, as if he were a husbandman, and not a sovereign. If he wanted money, let him supply himself from the riches of the church: he need only make the experiment, and he would find in the dissolute lives of the monks and churchmen reasons to justify himself in following the example of England. James replied that he had sufficient of his own, without invading the property of others; that if he wanted more, the church would cheerfully supply his wants; that, if among the clergy and monks there were some who disgraced their profession, there were also many whose virtues deserved praise; and that it did not accord with his notions of justice, to punish the innocent equally with the guilty.

* James had committed two *clergymen* to prison. Beaton, in his letter, said he should labour to have them delivered to him, as their ordinary judge (Sailer's Papers, p. 14). This, and a petition for that purpose, were the foundation of the charge. James replied, "As for those men, they are not simple, and it was but a small matter, and we ourselves made the cardinal the minister both to commit them, and to deliver them."—p. 48.

Sailes proceeded to show the advantage which the king would derive from the friendship of Henry, in preference to that of Francis; to hold out a prospect of his being inserted in the act of succession after prince Edward; and to exhort him to meet his uncle at York, and enter into a more particular discussion of these subjects. He answered with general expressions of affection and gratitude, but adroitly declined the meeting. The envoy in his letters ascribed the failure of his mission to the jealousy of the clergy. The principal of the nobility were, if we may believe him, sufficiently inclined to enrich themselves at the expense of the church. But their ignorance excluded them from the royal councils; and James was compelled to give his confidence to clergymen, who naturally opposed every measure which might lead to the loss of their privileges, or to the diminution of their incomes*.

1541. In the next year the Scottish parliament, as if it
 Mar. meant to stigmatize the proceedings of that of England, passed several laws in support of the ancient doctrines and of the papal supremacy. The cardinal soon afterwards left Scotland, to proceed through France to Rome. If his departure revived the jealousy of the
 July. king of England, who suspected that a league was in agitation against him, it suggested at the same time a hope, that the obstinacy of James might be subdued, when it was no longer upheld by the presence and counsels of the prelate. An interview at York was proposed for a third time: the lord William Howard, the English envoy, flattered his master with a prospect of success; and Henry left London on his road into Yorkshire. But James, who feared that, if he once put himself in the power of his uncle, he should not be permitted to return without either renouncing his alliance with France, or abjuring the authority of the pope, refused to leave his own kingdom; and Henry, having

* Sailes's Papers, 3—D.

waited more than a week for his arrival at York, re-Sept. turned in discontent to London, and would scarcely condescend to hear the apology offered by the Scottish ambassadors*.

The English cabinet now determined to accomplish by force what it had in vain attempted by artifice and persuasion. Paget was first employed to sound the disposition of the king of France; whose answer, though unsatisfactory to Henry, showed that, in the present circumstances, little aid could be expected by Scotland from her ancient ally. In August forays were recipro-1542. cally made across the borders; and each nation charged Aug. the other with the first aggression: but the Scots had the advantage, who at Haldenrig defeated three thousand cavalry under the earl of Angus and sir Robert Bowes, and made most of the captives prisoners. Enraged at this loss, the king published a declaration of war, in which he claimed the superiority over the Scottish crown, and ordered the duke of Norfolk to assemble a numerous army at York; but James, who had made no preparation for war, arrested his march by opening a negotiation; and detained Norfolk at York, till Henry, impatient of delay, sent him a peremptory order to enter Scotland. The duke crossed the borders, and Oct. gave to the flames two towns and twenty villages; but 21. on the eighth day, constrained by want, or by the inclemency of the season, he returned to Berwick. James Oct. with thirty thousand men had advanced as far as Falk, 28. to meet the invaders. On the intelligence of their retreat, he proposed to follow them into England: but it was objected that he had yet no hair, and that, if the same misfortune were to befall him, which had deprived Scotland of his father at Flodden, the kingdom would

* Hall, 261. Evelyn, 432, 433. The refusal of James was a violation of the articles, &c. Lettington says that Henry intended to have limited the succession to James and his heirs, but was so misled by the sycophants of that prince, that he passed over the Scottish line entirely in his will. Haynes, 373. It appears, however, from a minute in council, that as early as in 1542 Henry was desirous of "taking away the remembrance of being on "the King of Scots." State Papers, 346.

Nov. be exposed to the ambition of his uncle. Compelled to
 1. dismiss his army, he repaired to the western marches,
 and ordered lord Maxwell to enter England with ten
 thousand men, and to remain there as many days as the
 Nov. duke of Norfolk had been in Scotland. Maxwell crossed
 25. the borders; and the next day was opposed by sir Thomas
 Wharton, the English warden. Whether it was
 that the Scots, as their historians say, refused to fight,
 because the command had been taken from Maxwell
 and given to Sinclair, the royal favourite; or that, as
 was reported in England, they believed the attack to
 proceed from the whole of Norfolk's army, both the
 men and their leaders fled in irremediable confusion;
 twenty-four pieces of artillery, the whole of the royal
 train, fell into the hands of the enemy; and two earls,
 five barons, and two hundred gentlemen, with eight
 hundred of their followers, were made prisoners. This
 cruel and unlooked-for stroke subdued the spirit of
 James. From the neighbouring castle of Carlaroe
 he hastened to Edinburgh, and thence to the solitude
 Dec. of Falkland, where a fever, aided by anguish of mind,
 14. overcame the strength of his constitution. A week
 7. before his death, his queen was delivered of a female
 child, who, under the name of Mary, was proclaimed his
 successor on the Scottish throne*.

These unexpected events opened a new scene to the
 ambition of Henry, who determined to marry his son
 Edward to the infant queen of Scotland; and, in con-
 sequence of that marriage, to demand, as natural tutor
 of the young princess, the government of the kingdom.
 Dec. He communicated his views to the earl of Angus, and
 19. to his brother, sir George Douglas, who had long been
 pensioners on his bounty; and to the earls of Cassilis
 and Glencairn, the lords Maxwell, Fleming, Semerville,

* Hist. 248-254. Holins. 67. Hebet. 543. 545. 546. Leslie. 62-67. James is a letter to Paul III. quoted by Mr. Pinkerton, ii. 383, says that the real cause of the war was his refusal to abdicate the crown of France.

Olyphant, and Gray, who had been made prisoners at the late battle of Solway Moss. The first through gratitude, the others through the hope of liberty, promised their concurrence; and both, as soon as the latter had given hostages for their return into captivity, if the project should fail, proceeded with expedition to Edinburgh.

There, soon after the death of the king, cardinal Beaton had published a will of the deceased monarch, by which the regency was vested in himself and three other noblemen: but this instrument, whether it was real or supposititious, was disregarded by the lords assembled in the city. James Hamilton, earl of Arran, Dec. and presumptive heir to the throne, was declared governor during the minority of the queen; and the cardinal appeared to acquiesce in an arrangement, which he had not the power to disturb. But this seeming tranquility vanished on the arrival of the exiles and captives from England; by whose agency the Scottish nobility was divided into two powerful factions. The English faction consisted of Angus and his associates, with their adherents; but most of these cared little for the interests of Henry, provided they could recover their sons and relatives, whom they had delivered as hostages. Their opponents were guided by the queen-mother, the cardinal, and the earls of Huntley, Murray, and Argyle, and could depend on the aid of the clergy, the enemies of religious innovation, and on the good wishes of the people, hostile from education and interest to the ascendancy of England*. The new governor wavered between the two parties. The opposition which he had experienced from the cardinal threw him at first into the arms of the English faction: his conviction that the success of their plans would endanger his chance of

* Sir George Douglas told Sabel, that to obtain the government for Henry was impossible. "For, quoth he, there is not so little a boy but he will lend stones against it; and the wives will handle their distaffs, and the common universality will rather die in it, yea, and many noble men, and all the clergy be fully against it." Sabel's Strife Papers, 74. "The whole realm manereth, that they would rather do than break their old league with France." *Ibid.* 65.

succeeding to the throne, naturally led him to seek a reconciliation with their adversaries. Henry, indeed, to fix him in his interest, offered to the son of Arran the hand of his daughter Elizabeth: but the penetration of the governor easily discovered that the real object of the king was to prevent, what otherwise might in all probability be accomplished, the marriage of that young nobleman with the infant queen. At first, however, he declared in favour of Henry, and imprisoned the cardinal on a fictitious charge of having persuaded the duke of Guise to levy an army for the support of his daughter, Mar. the queen dowager, against the claim of the governor*.

13. A parliament was then called, which, though it approved the proposal of peace and marriage, refused, as unwarrantable, the other demands of Henry; which were, that he should have the custody of the young queen, the government of the kingdom, and the possession of the royal castles during the minority. The king had received the proposals of the Scottish envoys with indignation and scorn; and despatched again his agent, sir
20. Ralph Sadler, to reprimand Angus and his associates, for their apathy in the royal service, and their breach of promise. They replied that they had obtained as much, as in the present temper of the nation it was possible to obtain; that if the king would be content for the present, he might afterwards effect his purpose step by step; but that, if his impatience refused to wait, he must invade the kingdom with a powerful army, and would find them ready to assist him to the extent of their power. Henry endeavoured to shake by bribes and threats the resolution of the governor: but Arran was not to be diverted from the strict line of duty. He then called on his Scottish adherents to seize the person of the infant queen and convey her to England: but the strength of the fortress, and the vigilance of the gover-

* This fictitious charge discovers the story so often repeated of the late king's wish having been urged by the cardinal. Had there been the least proof of such a crime, it would have been eagerly brought forward in justification of his imprisonment.

net in defence to both force and treachery. The king's obstinacy at last yielded to the conviction, that every day added to the strength of his enemies; and July after three months of angry altercation, he consented to sign two treaties. By the first, peace was concluded between the kingdoms; by the second it was agreed that Mary should marry Edward; that, as soon as she had completed her tenth year, she should be sent into England; and that in the mean while six noblemen should be surrendered as hostages to Henry*.

During this protracted negotiation cardinal Beaton had by private treaty procured his liberty; and the hopes of the French party were kept alive by repeated supplies of ammunition and money from France. But nothing created greater alarm in the governor than the arrival of Matthew Stuart, earl of Lennox, who, on the ground that Arran was an illegitimate child, claimed the regency for himself as the next in the line of succession. With his aid the cardinal secured the northern division of Scotland, obtained possession of the young queen, and removed her from Linlithgow to the strong castle of Stirling†. Arran now began to seek a reconciliation: the terms were easily arranged with Beaton: nine days after the ratification of the English treaty they met as friends; and the next week assisted together at the coronation of Mary. Henry instantly determined upon war; and his cause received an accession of strength from the hesitation and subsequent defection of Lennox, whose enmity to the governor dissolved his connexion with the cardinal; and whose passion for Margaret Douglas, the daughter of Angus, and niece of Henry, ultimately impelled him to join the friends of the king

* *Ibid.* vii. 76, 75, xv. 4. Sadler's State Papers, 62—75.

† Henry, who had before attempted to get possession of her person by stratagem, and now feared she might be carried away to France, offered the governor the aid of an English army, and promised, in case Arran's son should marry Elizabeth, to make the father "by force of our title and supremacy, the king of the west of Scotland beyond the firth." Sadler, p. 288. But the governor replied, that "Mary, all his lands and living lay on this side of the firth, which he would not gladly exchange for any living beyond the firth," p. 286. ; *Ibid.* 304.

Oct. of England*. These had bound themselves by a com-
 23 mon instrument to live and die in defence of each other:
 but the lords Maxwell and Somerville were arrested by
 the governor, and on the latter was found a copy of the
 bond, and a letter to Henry in which they solicited his
 assistance. Urged by the representations of Marco
 Grimani, the papal legate, and of la Brosse, the French
 ambassador, the governor determined to make war on
 his opponents; and convened a parliament in which the
 De: adherents of England were accused of treason, and the
 3 late treaty was pronounced void, because Henry had not
 only delayed to ratify it, but had sanctioned incursions
 across the borders, and had seized several merchant
 ships, the property of the citizens of Edinburgh †.

Though Arran solicited a renewal of the negotiation,
 the English king was determined to make him feel the
 1541 weight of his resentment. In May, Seymour, earl of
 Hertford, and uncle of prince Edward, arrived in the
 3 firth with an army of ten thousand men, and required
 4 the immediate surrender of the young queen. On the
 refusal of Arran, he landed his troops at Leith; marched
 5 to Edinburgh, where he was joined by five thousand
 6 horse from Berwick; and the next morning forced open
 one of the gates. Four days were devoted to plunder
 and conflagration: but the castle defied his efforts; the
 governor, with Angus Maxwell, and sir George Douglas,
 whom he had released from confinement, was actively
 employed in collecting troops; and Hertford deemed it
 prudent to return before his retreat should be interrupted
 10 by a superior force. The fleet having set fire to Leith,
 demolished the pier, and swept the coast on each side the
 Firth as far as Stirling, sailed for Newcastle: the army
 15 directing its route through Seton, Haddington, and
 Dunbar, gave these towns to the flames, and reached
 Berwick with inconsiderable loss ‡.

* See p. 314.

† Ibid. 353-354. Leslie, 46-48.

‡ Leslie, 46-48. Hall's, 362, 3. Journal of expedition in "Illustrations of the reign of queen Mary," p. 3.

The war from this period continued for two years. 1565.
Ivry, the English warden of the middle marches, lost Feb.
his life with many of his followers in an unsuccessful 17.
action at Ancrum; and the governor, though aided by
five thousand French troops, was compelled to retire
from the fortress of Wark. Lennox had obtained the
hand of Margaret Douglas, on condition that he should
surrender to Henry his castle of Dumbarton: but the
governor and garrison expelled him with ignominy, and
afterwards delivered it up to his rival. This circum-
stance, added to the submission of several of the English
partisans in the western counties of Scotland, so irritated
Henry, that, in a moment of passion, he ordered the May
hostages at Carlisle to be put to death, and clandestinely 30.
gave his sanction to a conspiracy for the assassination of
the cardinal*. At length the Scots were comprehended 1546.
in the treaty of peace between England and France, and
though the conditions of that comprehension became the
subject of dispute, the remaining six months of Henry's
reign were not disturbed by open hostilities †.

III. The reader will recollect, that the king of France
had complained of Henry's marriage with Anne Boleyn,
as of a violation of his promise: and that Henry retorted,
by objecting to Francis the support which he gave to
the papal authority ‡. This dissension, though it might
weaken, did not dissolve, the friendship which had so
long subsisted between them; but fresh beherings

* His highness repeating the fact did not seem to be set forward expressly
"by his majesty, will not seem to have to do in it: and yet, not think of
"the other, thinketh good that they be entered to proceed." We owe our
knowledge of this fact to Mr. Tyler, v. 389.

† Rymer, ii. 94. 95. Epist. Reg. Scot. li. 351.

‡ Harrot (in Rec. 84) had published an instrument, in which Francis
is made to declare, that in his opinion, the marriage with Catherine has
been void from the beginning, but that with Anne is valid; that all the
judgments pronounced by the pope are false, unjust, and of no effect; and
that to bad himself and his successors under the sanction of his or their
pope and church, to maintain the same opinion on all occasions. It has,
however, neither signature nor date; and is evidently nothing more than
a mere form "designed," as is said on the back of it, in England, but never
executed in France. From Cardinal Pole we learn, that to Henry's most
earnest solicitations, the French monarch replied, that he would still be
his true and faithful friend, "not only so long as he is the actor." Pole, 56, edit.

ensued; the tempers of the two princes became reciprocally soured; each wished to chastise what he deemed the caprice, the ingratitude, and the perfidy of the other; and it was at last evident that war would be declared by the first, who could persuade himself that he might do it with impunity.

The emperor had watched, and nourished by his ambassadors, this growing disaffection of the king of England. After the death of his aunt Catherine, and the execution of her rival Anne Boleyn, he concluded that, as the original cause of the misunderstanding between the two crowns had ceased to exist, nothing ought to prevent the renewal of their former friendship. There was, however, an objection, which for some years opposed an insuperable barrier to his wishes. The honour of the imperial family demanded that the princess Mary should be restored in blood, as the legitimate child of her father: and the pride of Henry refused to bend to an act, which would be a tacit acknowledgment that he had wronged her mother. An expedient was at length adopted to the satisfaction of both parties. Mary was restored by act of parliament to her place in the succession, but without any formal mention of her legitimacy; an accommodation which was brought about by the necessities of the emperor on the one hand, and by the resentments of the king on the other. The former, induced by his losses in the campaign of 1542: and the latter, eager to punish the interference of France in the affairs of Scotland, concluded a treaty by which it

1543) was agreed, 1^o. That they should jointly require the
 1549) French king to revoke from his alliance with the Turks;
 1551) to make reparation to the Christians for all the losses
 which they had suffered in consequence of that alliance;
 to pay to the king of England the arrears of his pension, and to give him security for the faithful payment of it in future: 2^o. And that, if Francis did not signify his assent within forty days, the emperor should reclaim the duchy of Burgundy, Henry the possessions of his

ancestors in France, and each should be ready to support his right at the head of a powerful army*.

In consequence of these engagements two heralds, Jona Garter and Tuson d'or, received instructions to proceed to the French court; but Francis refused to listen to demands which he deemed insulting to his honour; the messengers could not obtain permission to cross the borders; and the allied sovereigns resolved to consider the conduct of their adversary as a denial of justice, and equivalent to a declaration of war. The Imperialists in Flanders having received a reinforcement of six Aug. thousand Englishmen under sir John Wallop, formed the siege of Landreci; while Charles, with a more numerous force, overran the duchy of Cleves, and compelled the duke, the partisan of France, to throw himself at the feet of his natural sovereign. From Cleves Oct. the emperor proceeded to the camp before Landreci; and Francis hastened at the same time to relieve the place. The grand armies were in presence of each other; and a general and decisive engagement was daily expected: but the French monarch, having amused the attention of the enemy with an offer of battle, threw supplies of men and provisions into the town, and immediately withdrew. The imperialists were unable to make any impression on the rear of the retreating army; Nov. the English, who pursued with too much precipitation, suffered a considerable loss †.

The allies derived little benefit from this campaign: but Henry promised himself more brilliant success in the next, in which he intended to assume the command at the head of a numerous and disciplined army. During the winter he was visited by Gonzaga, the viceroy of Sicily, with whom it was arranged that the emperor should enter France by Champagne, the king of England by Picardy; and that both, instead of besieging towns, should march with expedition to Paris, where

* *Mem. Hist.* 723—726. *Chron. Catal.* 222.

† *Guichenon*, 74. *Stow*, 365. *De Bellef.* 37.

1544 they should unite their forces, and from the capital die-
 May tare the law to their adversary. The Imperialists were
 the first in the field: Luxembourg and Ligny opened
 their gates; and St. Dixier surrendered after a siege of
 six weeks*. In June the first division of the English
 July army landed at Calais; and in the middle of July, Henry
 14. saw himself within the French frontier, at the head of
 30,000 Englishmen and of 15,000 Imperialists. Had
 he complied with his engagement to advance towards
 the capital, the French monarch would have been at
 the mercy of the allies: but the king was seduced by
 the prospect of conquest; the example of Charles, who
 had already taken three fortresses, seemed to offer an
 apology for his conduct; and he ordered the army to
 form at the same time the two sieges of Boulogne and
 25. Montreuil. It was in vain that the imperial ambassador
 during eleven days urged him to advance; or that the
 emperor, to give him the example, avoiding the fortified
 towns, hastened along the right bank of the Marne
 towards Paris. Henry persisted in his resolution, and
 was detained more than two months before the walls of
 Boulogne.

It chanced that in the Dominican convent at Soissons
 was a Spanish monk, called Gazman, of the same family
 as the confessor of Charles. Through him Francis con-
 veyed to the emperor his secret wish for an accommoda-
 tion. That prince immediately assented; conferences
 were opened; and a courier was sent to receive the
 demands of Henry. But when the terms of the allies
 were made known, they appeared so exorbitant, that
 the French council advised their sovereign to prefer the
 risk of continuing the war. Charles, during the nego-
 ciation, had not slackened the rapidity of his march,
 Sept. and was now arrived at Châlean Thieri, almost in the
 2. vicinity of Paris. Francis, alarmed for the fate of his
 capital, solicited a renewal of the conferences; and

* Gobin, 37: 50.

separate ambassadors were appointed to treat with the emperor and with Henry. The former of these princes had many reasons to wish for peace. His ally, the king of England, showed no disposition to join him; the French army between him and Paris daily increased; and his own forces were without pay or provisions. In these circumstances he consented to renew the same offers which he had made, and which Francis had refused, before the war. During the negotiation the news of the surrender of Boulogne arrived. The king Sept. of France hastened to accept the conditions; and the 13. moment they were signed, recalled his ambassadors from the English camp. By the treaty of Crespi the two 19. princes agreed to forget all former injuries, to restore their respective conquests, to join their forces for the defence of Christendom against the Turks, and to unite their families by the marriage of Charles, the second son of Francis, with a daughter of the emperor, or of his brother Ferdinand king of the Romans. Had Charles lived to complete this marriage, it might have been followed by the most important results; but he died within a few months, and the treaty of Crespi made little change in the existing relations among the great powers of Europe. Henry having garrisoned Boulogne, raised 20. the siege of Montreuil, and returned to England*.

During the winter Francis had leisure to attend to the war with his only remaining adversary. The plan which he formed embraced two objects: to acquire such a superiority by sea, as might prevent the transmission of succour to the English forces in France; and with a numerous army by land to besiege and reduce, not only Boulogne, which he had so lately lost, but also Calais, which for two centuries had been severed from the

* See the king's letter, and his Journal, in Thuer. xv. 86-88. Du Bellay, 399, 391. Sepheris, ii. 310-310. Godein, 7-79. Mém. de Terraces, 71. A general order was given to return thanks to God for the taking of Boulogne "by devoute and general procession in all the towns and villages." The council to lord Shrewsbury, Sept. 13, 1544.

145. French crown. With this view, he ordered every ship fit for war to assemble in the parts of Normandy, while a fleet of twenty-five gallees was conducted by the baron de la Garde from the Mediterranean to the mouth of the Seine. To oppose his design fortifications had been raised on the banks of the Thames, and on the coasts of Kent, Sussex, and Hampshire; and sixty ships of war had been collected at Portsmouth by Dudley lord Lisle, high admiral of England. The French fleet, amounting to one hundred and thirty-six sail, under the command of Annebaut, left the coast on the sixteenth of July, and July on the second day anchored at St. Helen's. Lisle, who 16. had been forbidden to risk a close engagement with so 15. superior a force, after a brisk but distant cannonade, retired into the harbour; and Henry, who had repaired to Portsmouth, had the mortification to behold a foreign fleet braving him to the face, and riding triumphant in the Channel. The next day the French admiral formed his line in three divisions, and sent his gallees to insult the enemy in the mouth of the port. During the cannonade, the *Mary Rose*, carrying seven hundred men, was sunk under the eyes of the king: but the moment the tide turned, the English bore down on the aggressors, who instantly fled towards their own fleet. Annebaut was prepared to receive them; but Lisle, faithful to his instructions, recalled his ships, and safe within the port, bore with patience the taunts and the triumph of his enemy.

Foiled in these attempts to provoke a battle, the French admiral summoned a council of war, in which a 20. proposal to seize and fortify the isle of Wight was made and rejected; and the next morning the whole armament stood out to sea, made occasional descents on the coast of Sussex, and at length anchored before Boulogne. Lisle, having received a reinforcement of thirty sail, was ordered to follow. The hostile fleets soon came in presence of each other: some time was spent

in manœuvring to obtain the advantage of the wind; and at length, after the exchange of a few shots, they separated, and retired into their respective harbours*.

This expedition might gratify the vanity of the French monarch; but it did not secure to him, what he expected, an overwhelming superiority by land. He had indeed prevented the junction of a body of lansquenets in the pay of Henry, had laid waste the Pays d'Oie, and had gained the advantage in a few rencounters. Yet he had been unable to erect the fortresses, with the aid of which he expected to reduce the garrisons of Calais and Boulogne; and during the winter his army had been thinned by the ravages of a pestilential disease. Both princes became weary of a war, which exhausted their treasures without any return of profit or glory. A short armistice was employed in negotiations for peace; and 1756, it was finally agreed, that Francis should pay to Henry June and his successors the pension due by the treaty of 1625; † that commissioners should be appointed by the two monarchs to determine the claim of the latter to a debt of 512,000 crowns; that at the termination of eight years, the king of England should receive the sum of two millions of crowns as a compensation for arrears of pensions, and the charges of repairing and preserving the fortifications of Boulogne; and that on the payment of these sums, that town, with its dependencies should be restored to the king of France †.

It had been hitherto the general opinion, that Henry was the most opulent monarch in Europe: his late wars with Scotland and France revealed the inexplicable secret of his poverty. The plate and jewels which he had collected from the religious houses, and the enormous sums which he had raised by the sale of their property, seemed to have been absorbed in some invisible abyss: the king daily called on his ministers for money;

* Du Bellay, 596. *Mém. de Montau*, xii. 364—366. *State Papers*, L. 782—834.

† *Bayle*, xv. 94. *Mém. de Turenne*, xvi. 49.

and the laws of the country, the rights of the subject, and the honour of the crown, were equally sacrificed to supply the increasing demands of the treasury. In 1543 he had obtained a subsidy almost unprecendented in its amount. The clergy had given him for three years ten per cent. on their incomes, after the deduction of the tenths already vested in the crown; and the laity granted him a tax on real and personal property to be paid by instalments in three years, rising gradually from fourpence to three shillings in the pound*. But the returns had disclosed the value of each man's estate; and soon afterwards all persons, rated at fifty pounds per annum, received a royal letter demanding the advance of a sum of money by way of loan. Prudence taught them to obey; but their hope of repayment was extinguished by the servility of parliament, which at once granted to the king all those sums that he had borrowed from any of his subjects since the thirty-first year of his reign†. After this act of dishonesty it would have been idle to solicit a second loan: he therefore demanded presents under the name of a benevolence, though benevolences had been declared illegal by act of parliament. The expedient had lately been attempted under the administration of Wolsey, and had failed through the spirited opposition of the people. But in the course of a few years the bloody despotism of Henry had quenched that spirit: the benevolence was raised without difficulty; and the murmurs of the sufferers were effectually silenced by the timely punishment of

* The rates were as follow:—

	s.	d.
From 11. to 51. in pounds	6	4
Do. 5 to 10	0	8
Do. 10 to 20	1	4
Do. 20 and upwards	2	0

† All foreigners paid double rates. St. 34 Hen. VIII. 37.

† Sanders 261. State Pap. i. 706. Loeb's Journal, 255. Even if the king had paid all, or any part, of these sums, the money so paid was to be refunded, but the present holders of the royal securities could recover from the sellers the consideration which had been given for them. St. 45 Hen. VIII. 12.

two of the aldermen of London, who had presumed to complain. One of them, Richard Reed, was immediately sent to the army in Scotland, where he was made prisoner in the first engagement, and was compelled by his captors to pay a heavy fine for his ransom; the other, sir William Rauch, was on a charge of seditious words committed to prison, whence he was liberated after a confinement of three months, but probably not before he had appeased the king by a considerable present[†].

With the same view, Henry adulterated the parity of the coin: a plan by which, while he defrauded the public, he created numberless embarrassments in the way of trade, and involved his successors in almost inextricable difficulties. At his accession the ounce of gold, and the pound of silver, were each worth forty shillings: having raised them by successive proclamations to forty-four, forty-five, and forty-eight shillings, he issued a new coinage with a considerable quantity of alloy, and contrived at the same time to obtain possession of the old money, by offering a premium to those who would bring it to the mint. Satisfied with the result of this experiment, he rapidly advanced in the same career. Before the end of the war his coins contained equal quantities of silver and of alloy; the year after, the alloy exceeded the silver in the proportion of two to one. The consequence was, that his successors found themselves compelled to lower the nominal value of his shillings, first from twelvepence to ninepence, and then to sixpence, and finally to withdraw them from circulation altogether[‡].

During these operations in debasing the coin, the three years allotted for the payment of the last subsidy expired; and the king again laid his wants before his

[†] Sanders, 303, 304. Shaw, 355. Herbert, 357. The sum thus raised amounted to 7,733,134 10s. Stowe, i. App. 333. London, York, Durham, Northumberland and Westmoreland are not included.

[‡] Sanders, 306. Shaw, 367. Herbert, 361, 374. Folkes, 77. Fleetwood, 53.

1st. parliament, and solicited the aid of his loving subjects.

2^d. The clergy granted him fifteen per cent. on their incomes, during two years; the laity two-tenths and fifteenths, with an additional subsidy from real and personal property, which they begged him to accept, "as it pleased the great king Alexander to receive "thankfully a suppe of water of a poor man by the high "way side*." As this, however, did not satisfy his rapacity, parliament subjected to his disposal all colleges, chantries and hospitals in the kingdom, with all their manors, lands and hereditaments, receiving from him in return a promise, that he would not abuse the confidence of his subjects, but employ the grant to the glory of God, and the common profit of the realm. This was the last aid given to the insatiate monarch. As early as the 26th year of his reign, it was asserted by those who had made the calculation from official documents, that the receipts of the exchequer under Henry had even then exceeded the aggregate amount of all the taxes upon record, which had been imposed by his predecessors. But that sum, enormous as it must have been, was more than doubled before his death, by subsidies and loans which he was careful not to repay, by forced benevolences and the debasement of the currency, and by the secularization of part of the clerical, and of the whole of the monastic possessions†.

During these transactions the court of Henry was divided by the secret intrigues of the two religious parties, which continued to cherish an implacable hatred against each other. The men of the old learning naturally looked upon Cranmer as their most steady and most dangerous enemy; and, though he was careful not to

* St. of Realm, 1006.

† *Etiam in efrigi ipse, cum fide dignissimi, qui tabulas publicas, in quas rationes tributarum sunt relictæ visissent, et rationem innotuerit, hoc nihil ante aliquot annos secretissime asseruerunt, ita se rem habere; quæ ille tunc accepit, majorem summam effere, quam quæta omnino sit retro servatis tributa.* Apud. Bop. Pol. p. 91. Deben. eod. aut. fol. lxxviii. The *Wool Report to Venetian Senate, ann. 1551* gives the particulars of his receipts from his 26th to his 47th year, amounting to the gross sum of 1,020,000*l.*

commit any open transgression of the law, yet the encouragement which he gave to the new preachers, and the clandestine correspondence which he maintained with the German reformers, would have proved his ruin, had he not found a friend and advocate in his sovereign. Henry still retained a grateful recollection of his former services, and felt no apprehension of resistance or treason from a man, who on all occasions, whatever were his real opinions or wishes, had moulded his conscience in conformity to the royal will. When the prebendaries of Canterbury lodged an information against him, the king issued a commission to examine, not the accused but the accusers; of whom some were imprisoned; all were compelled to ask pardon of the archbishop*. In the house of commons sir John Goswick, representative for Bedfordshire, had the boldness to accuse him of heresy: but the king sent a message to the "varlet," that if he did not immediately acknowledge his fault, he should be made an example for the instruction of his fellows. On another occasion Henry had consented to the committal of the archbishop; but afterwards he revoked the permission, telling the council that Cranmer was as faithful a man towards him as ever was prelate in the realm, and one to whom he was many ways beholden; or, as another version has it, that he was the only man who had loved his sovereign so well, as never to have opposed the royal pleasure[†]. In like manner Gardiner, from his acknowledged abilities and his credit with the king, was to the men of the new learning a constant object of apprehension and jealousy. To ruin him in the royal estimation, it was pretended that he had communed with the papal agents through the imperial ministers; and that, while he pre-

* *Stowe's Cranmer*, 110—112.

† *Ibid.*, 121—126. *Saxton*, p. 74. *Utrum esse iam meritis partem amantem, qui nulla ratione in re ipsius defertur voluntati. Neque id solum presertim in de rebus, que Lutheranis prout accidit, verum etiam que contra apostolicas hereses pugnant, sine sacerdotum tanto spectant, quanto erat Cranmerus in ea re exequens iugiter. Vlt. *Cran. MS.* 1191. *Le Grand*, ii. 303.*

tended to be zealously attached to the interests of the king, he had in reality made his peace with the pontiff. But it was in vain that the accusation was repeatedly urged, and that Gardiner's secretary was even tried, convicted, and executed, on a charge of having denied the supremacy; the caution of the bishop bade defiance to the wiles and the malice of his enemies. Aware of the danger which threatened him, he stood constantly on his guard; and though he might prompt the zeal, and second the efforts of those who wished well to the ancient faith, he made it a rule never to originate any religious measure, nor to give his opinion on religious subjects, without the express command of his sovereign*. Then he was accustomed to speak his mind with boldness: but though he might sometimes offend the pride, still he preserved the esteem, of Henry†, who, unmoved by the suggestions of adversaries, continued to employ him in affairs of state, and to con-

* Modern writers have ascribed to his counsels all the measures adopted by Henry against the reformers. Yet Gardiner often denies it in his letters. "The east of Southeypton (Witchley) did," he says, "many things while he was chancellor, touching religion, which misliked me not. But I did never advise him so to do, nor made to him the more for it, who he had done. He was one of whom by reason I might have been bold: but I left him to his conscience." *Apud Ford*, ii. 66.

† On this subject I will transcribe a passage from one of his letters, because it serves to elucidate the character of the king. "This fashion of writing his highness (God pardon his soul) called whetting; which was not at all the most pleasant unto me, yet when I saw in my doings was go hurt, and some time by the session thereof the matter was amended, I was not so shy as always to reverse my argument: nor, so that his affairs went well, did I ever trouble myself whether he made me a wain or not. And when such as were party to his letters to me were afraid I had been in high displeasure (for the terms of the letters sounded so), yet I myself feared it nothing at all; I esteemed him as he was a wise prince, and whatsoever he said or wrote for the present, he would afterwards consider the matter as wisely as any man, nor either hurt or morally disgrace him, that had been bold with him. Whereof I serve for a proof: he no man could do me better during his life. And when he gave me the bishopric of Winchester, he said he had often quarrel with me, but he hated me never the worse; and for a token thereof he gave me the bishopric. . . . I was report of unto him, that I sought for rest, and was stubborn: and he commended unto me certain men's gentle nature as he called it, that were of every of his words; and he thought that my nature was as gentle as theirs; for I was very when he was moved. But else I know, who the displeasure was not justly proceeded in me, I had no cause to take thought." *Apud Ford*, ii. 66.

sult him on questions of religion. As often indeed as he was absent on embassies to foreign courts, Crammer improved the favourable moment to urge the king to a farther reformation. He was heard with attention; he was even twice desired to form the necessary plan, to subjoin his reasons, and to submit them to the royal consideration: still, however, Henry paused to receive the opinion of Gardiner; and, swayed by his advice, rejected or suspended the execution of the measures proposed by the metropolitan*.

At the death of lord Audeley, a zealous partisan of 1544
the new teachers, the office of chancery was given to
lord Wintchesley, who, though he affected an equal
friendship for the two parties, was in reality attached to
the ancient faith. But, if the power of the reformers
was weakened by this change, their loss had been amply
compensated by the influence of Henry's sixth queen,
Catherine Parr, relict of the late lord Latimer; who,
with her brother, now created earl of Essex, and her 1543
uncle, created lord Parr of Horton, zealously promoted Dec.
the new doctrines. But her zeal, whether it was stimu- 21.
lated by confidence in her own powers, or prompted by
the suggestions of the preachers, quickly transgressed
the bounds of prudence. She not only read the prohib-
ited works; she presumed to argue with her husband,
and to dispute the decisions of the head of the church.
Of all men, Henry was the least disposed to brook the
lectures of a female theologian, and his impatience of
contradiction was exasperated by a painful indisposition,
which confined him to his chamber. The chancellor
and the bishop of Winchester received orders to prepare
articles against Catherine: but the intelligence was im-
mediately, perhaps designedly, conveyed to the queen,

* Herbert, 363. 361. Stryp's Crammer, 136. 136.

† The king married her, after a widow-hood of more than a year, on the 12th of July 1543. The ceremony was performed by Gardiner, bishop of Winchester on the queen's private closet at Hampton Court, under license from the archbishop, who had dispensed with the publication of bans and all ordinary solemnities for the honour and good of the realm. See Chron. Citiz. 538.

who, repairing to a neighbouring apartment, fell into a succession of fits, and during the intervals made the palace ring with her cries and lamentations. Henry, moved with pity, or incommoded with the noise, first sent his physician, and was afterwards carried in a chair, to console her. In the evening she waited on him, in the company of her sister, and adroitly turning the conversation to the subject of religion, took occasion to express her admiration of his learning, and the implicit deference which she paid to his decisions. "No, no, by St. Mary," he exclaimed, "I know you too well. Ye are a doctor, Kate." She replied, that if she had sometimes presumed to differ from him, it had not been to maintain her own opinions, but to enose his grace; for she had observed, that, in the warmth of argument, he seemed to forget the pain which tormented him. "Is it so, sweetheart?" said Henry, "then we are friends again." The following morning the chamberlain came with a guard to take her into custody, but was remanded with a volley of reproaches; and the queen, taught by her past danger, was afterwards careful not to irritate the theological sensibility of her husband. It is, however, a question among the more ancient writers, whether the king was in earnest. By some the proceeding has been represented as a scheme of his own contrivance, to wean his wife from an attachment to doctrines, which might in the sequel conduct her to the stake or the scaffold*.

The books, the perusal of which had led the queen into danger, had been introduced to the ladies at court through the agency of two females, Anne Bocher, and Anne Kyne. With Bocher we shall meet again in the next reign, when she will be condemned to the flames by archbishop Cranmer: Kyne, who had abandoned her husband to exercise the office of an apostle under
John 12 her maiden name of Askew, had been committed to

* Hist. Brit. 612

Newgate by the council, "for that she was very obstinate
 "and heady in reasoning on matters of religion."²
 There she might perhaps have escaped further notice, had
 not the theological jealousy of the king been provoked
 by the impudent and contemptuous conduct of Dr.
 Crome. He had given offence by a sermon, in which he
 maintained that no one could approve of the dissolution
 of monasteries, and at the same time admit the useful-
 ness of prayers for the dead. Henry considered this
 assertion as a censure on himself; and Crome, to appease
 the king, offered to recant at St. Paul's cross. There he
 disappointed the royal expectation by a reassertion of
 the obnoxious doctrine; was called before the council
 on that account, and subsequently accused several of his
 friends and advisers†. Numerous examinations fol-
 lowed: those who submitted to a recantation, were re-
 manded to prison; the more obstinate were sent before
 the ecclesiastical court, of which the archbishop was
 probably the chief judge‡; and that court excommuni-
 cated them as incorrigible heretics, and delivered them
 over to the civil power. Among the former were Lati-
 mer and Crome himself, who by submission escaped the
 flames: the sufferers were Askew, Adam a tailor, 16.

² See Council book, Hist. MSS. 596. 66. 224.

† State Papers, i. 842—851. Baret, ii. 372. This persecution has been
 attributed by some writers to the king's advisers: but from the official
 correspondence it appears that they were only agents under him, espe-
 cially regarding him by letters of the daily ye meetings, and never ven-
 turing to take any step but by his express order.

‡ See Anne Boleyn's address to Cranmer at her trial in the next reign.

§ In the narrative transmitted to us by Foxe as the composition of this
 unfortunate woman, she is made to say, "my lord choiced a good Master
 "Bishp (why the name of Bishop Gardiner has been of late substituted
 "for Master Bish, I know not) both pious to seek me with their own
 "hands, till I was nigh dead." Foxe, ii. 578. Foxe himself adds, that
 when Karrel the hostess, in compassion to the sufferer, refused to
 order additional vittues, the chancellor and Bish, wicked the rack them-
 selves. To no further story appears worthy of notice. Foxe, ii. 578. Foxe
 was contrary to us, and therefore was never intended without a written
 order subject to the lords of the council. ¶ The person who attended
 on such occasions to prevent the confusion of the sufferer was always
 some of the most discreet appointed by the council, not the lord chaplain
 or other members of that body. § There is no instance of a female being
 confined to the rack, or subjected to any of those afflictions, which were

Otterden a priest, and Lascelles a gentleman at court. Shaxton, the deprived bishop of Salisbury, was to have shared with them the honour of martyrdom; but his courage shrunk from the fiery ordeal, and he not only recanted, but preached the sermon at the execution of his former associates, pitying their blindness, and exhorting them to follow his example. His conformity was rewarded with the mastership of St. Giles's hospital in Norwich*.

As long as Henry enjoyed health, he was able, by the interposition of his authority, and by occasional acts of severity, to check the diffusion of the new doctrines: but as his infirmities increased, he found it a more difficult task, and, in his last speech to the parliament, he complained bitterly of the religious dissensions which pervaded every parish in the realm. It was, he observed, partly the fault of the clergy, some of whom were "so stiff in their old nonsensims, and others so busy in their new sounsims," that instead of preaching the word of God, they were employed in railing at each other; and partly the fault of the laity, whose delight it was to censure the proceedings of their bishops, priests, and preachers. "If you know," he added, "that any preach perverse doctrine, come and declare it to some of our council, or to us, to whom is committed by God the authority to reform and order such causes and behaviours: and be not judges yourselves of your own fantastical opinions and vain expositions: and although you be permitted to read holy scripture, and to have the word of God in your mother tongue, you must understand it is licensed you so to do, only to inform your conscience, and inform your children and families, and not to dispute, and to make scripture a railing and taunting stock against priests and preachers.

Under the denomination of Auctor.—See Mr. Justice's "Reading on the Law of Tithes."

* *Ibid.*, ii. 17; *Collier*, ii. 212. *Stat. Sup.*, 32. *Fabr.*, ii. 578. *State Pap. L.* 57-58.

"I am very sorry to know and hear, how irreverently
 "that precious jewel, the word of God, is disputed,
 "rhymed, sung, and jingled in every alehouse and
 "tavern, contrary to the true meaning and doctrine of
 "the same; and yet I am as much sorry that the readers
 "of the same follow it in doing so faintly and coldly.
 "For of this I am sure, that charity was never so faint
 "among you, and virtuous and godly living was never
 "less used, nor God himself among Christians never
 "less served. Therefore, as I said before, be in charity
 "with one another, like brother and brother, and love,
 "dread, and serve God, to which I, as your supreme
 "head and sovereign lord, exhort and require you.*"

The king had long indulged without restraint in the
 pleasures of the table. At last he grew so enormously
 corpulent, that he could neither support the weight of
 his own body, nor remove without the aid of machinery
 into the different apartments of his palace. Even the
 fatigue of subscribing his name to the writings which
 required his signature, was more than he could bear;
 and to relieve him from this duty three commissioners
 were appointed, of whom two had authority to apply
 to the papers a dry stamp, bearing the letters of the
 king's name, and the third to draw a pen furnished
 with ink over the blank impression. An irremediable ulcer
 in the thigh, which had more than once threatened his
 life, and which now seemed to baffle all the skill of his
 surgeons, added to the instability of his temper; and
 his imagination was perpetually haunted with apprehen-
 sions for the future safety of Edward his son and heir, a
 young prince, who had scarcely completed his ninth
 year. The king had no near relation of the blood royal,
 to whom he could intrust the care of the boy; nor could
 Edward's natural guardians, his uncles, boast of any
 other influence, than what they derived from the royal
 favour. Two of these, Thomas and Edward, had for

* Hist. 100.

† Hist. 101, 102.

some years resided at court; but the former had risen to no higher rank than that of knight; the latter, though he had been created earl of Hertford, and appointed lord chamberlain, was possessed of little real power, and unsupported by family alliances. They enjoyed, however, one advantage, of which the king himself was probably ignorant. They were known to favour the new doctrines; and all those who bore with reluctance the yoke of the six articles, looked impatiently to the commencement of a new reign, when they hoped that the young king, under the guidance of his uncles, would not only sheath the sword of persecution, but also adopt the reformed creed.

There had for some time existed a spirit of acrimonious rivalry between the Seymours and the house of Howard. The aged duke of Norfolk witnessed with indignation their ascendancy in the royal favour, and openly complained that the kingdom was governed by new men, while the ancient nobility was trampled in the dust. His son Henry, earl of Surrey, could not forgive the earl of Hertford for having superseded him in the command of the garrison of Boulogne; and had been heard to foretell, that the time of revenge was not far distant. On the one hand the father and son were the most powerful subjects in the realm, and allied by descent to the royal family; on the other, though they had strenuously supported the king in his claim of the supremacy, they were on all other points zealous patrons of the ancient doctrines. Hence the ruin or depression of the Howards became an object of equal importance to the uncles of the prince, and the men of the new learning; to those, that they might seize and retain the reins of government during the minority of their nephew; to these, that they might at length throw from their necks that intolerable yoke, the penal statute of the six articles.*

* Norfolk lay in the Tower, and in want of the cause of his imprisonment, was obliged to attribute it to the reformers. "Unavoidably," he says

The rapid decline of the king's health in the month of November admonished the Seymours and their associates to provide against his approaching death. Repeated consultations were held; and a plan was adopted to remove out of their way the persons, whose power and talents they had the greatest reason to fear, the duke of Norfolk with his son, and Gardiner bishop of Winchester. Of the charge brought against the bishop, we are ^{Dec.} ignorant. But he proberly threw himself on the king's ² mercy; and Henry, though he did not immediately receive him into favour, was pleased, to the disappointment of his enemies, to accept his submission*. The fate of the two Howards was more calamitous. While the royal mind, tormented with pain, and anxious for the welfare of the prince, was alive to every suggestion, their enemies reminded the king of their power and ambition, of their hatred of the Seymours, and of the general belief that Surrey had refused the hand of the daughter of Hertford, because he espoused that of the lady Mary.

Henry's jealousy was alarmed: the council received orders to inquire into their conduct; their enemies were invited to furnish charges against them; and every malicious insinuation was accepted by the credulity, and exaggerated by the fears, of the sick monarch, till at last he persuaded himself, that a conspiracy existed to place the reins of government in the hands of the Howards during his illness, and to give them the custody of the prince in the event of his death†. The earl was examined before the council on the same day with the

to the king, "I know not that I have offended any man, or that any man was offended with me, unless it were such as the mercy with me, for being quick against such as have abused the sacramentaries." *Apud Herbert, 63.*

* The occasion of the king's displeasure appears to have been a refusal of the bishop to assent to an excommunication of his bishopric. *St. Paul, l. 88.* Gardiner afterwards maintained that this was the work of a conspiracy formed against him; and offered to prove his assertion by witnesses in a court of justice. *Ibid., li. 161.*

† The ambassadors at foreign courts were instructed that such was their crime. *Herbert, 64.*

bishop of Winchester. He defended himself with spirit, and offered in scorn to fight his accuser in his shirt. Soon afterwards the duke was summoned to court; and, Dec. on his arrival, both father and son, ignorant of each other's arrest, were conveyed about the same time to separate cells in the Tower.

The next day the duke's houses, his plate and all his personal property were seized by the royal commissioners. Not only several of his servants, but his mistress, Elizabeth Holland, and even his daughter, the duchess of Richmond, relict of the king's natural son, were sent in custody to London to be examined before the council: and after a long investigation, conducted with all that inquisitorial rigour common in this reign, the charges selected out of the depositions were laid before Henry. Of these the principal were, that the duke bore on his escutcheon in the first quarter the arms of England with a label silver, which belonged of right to the king's son; that the earl had introduced into his armorial bearings of Edward the confessor, which had never been borne by his ancestors; that both had sought to marry the duchess of Richmond to the brother of the earl of Hertford, "wishing her to endear herself into the king's favour, that she might rule as others had done *;" and that Surrey had said, "if the king die, who should have the rule of the prince but my father or I?" In the judgment of Henry the two first articles proved an intention on the part of the Howards of obtaining the crown, when occasion might serve, to the dishonour of the prince: the others, an attempt to rule the king and his son, and thus possess themselves of the government of the realm: the judges agreeing with

* If the reader recollect that the duchess was the duke's daughter, the earl's sister, and widow of the king's son, will be believe that her father said he desired "she" to become Henry's bride? Yet this is the interpretation put on her words in the paper laid before the king! Probably she had been a great favourite during her husband's life, and therefore they was not her to return again to court. It was eight years since this marriage was thought of. — S. P. 578.

the king, pronounced them sufficient to sustain an indictment for high treason; and dispatches, according to custom, were forwarded to the ambassadors in foreign parts, stating that the duke and his son, had conspired to assume the government during the king's life, and to seize the person of the prince on the king's death*.

Soon after their committal the king's fever increased to an alarming height; but on Christmas day he began to grow better; and the next evening sending for his Dec. will, which had been originally drawn by the chancellor, † he ordered several alterations to be made in the presence of the earl of Hertford and of five others. Of these alterations the most important, whether it arose from his own judgment or the suggestion of the party, was the exclusion from the number of his executors of those persons, who professed the same religious principles with himself, of the duke of Norfolk, as a prisoner under the charge of treason, of Gardiner, an account of his "wilfulness," and of Thurlby, bishop of Westminster, because he was "schooled by Gardiner?." A new copy was then ordered to be made: but whether the instrument which was afterwards produced, was a correct copy, or whether it was ever executed by the king, is a subject of considerable doubt‡. It may be divided into three parts. The first provides for the interment of his body, and for masses to be said, and alms to be given, for the benefit of his soul. The second, according to the power given to him by act of parliament, limits the succession, in default of issue by his children Edward, Mary, and Elizabeth, to the descendants of his younger sister, the French queen, excluding the Scottish line, the issue of his elder sister, the queen of Scotland. The

* State Pap. 1. 230—24. Herth. 284. But see, in justification of the earl, the protests of the 8th Ric. II. to his ancestor Thomas Montagu.

† For. 855. First edit.

‡ In his former Edition has extracted several passages out of the council book in the reign of Edward VI. (Parliamentary Right, 157—169): but these passages merely show that those who were suspected of having forged it, acted as if they believed it to be genuine. Against its authenticity it was said that William Cise put the king's stamp to it, when Henry was

third, after the appointment of sixteen executors, most of them the adherents of the Seymours, selects the same persons to compose the privy council of the young king, till he shall have attained the age of eighteen years complete, with full power to choose for him a wife, to govern the kingdom in his name, and to appoint to all offices under the crown. It is dated the thirtieth of December; and, if it were genuine, was well calculated to secure to the Seymours the exercise of the sovereign authority during the minority of their nephew*. It did not, however, free them from alarm on account of the Howards. The king's death was rapidly approaching; and it was necessary to wait for the meeting of parliament, before the ruin of these, their most formidable adversaries, could be fully and legally accomplished.

The nation had witnessed with surprise the arrest and imprisonment of these two noblemen. There was no individual in the realm, who possessed more powerful claims on the gratitude of Henry than the duke of Norfolk. He had devoted a long life to the service of his sovereign; and had equally distinguished himself in the cabinet and in the field; in embassies of importance abroad, and in employments of difficulty and delicacy at home. His son was a nobleman of the highest promise. To hereditary courage and the accomplishments of a court, Surrey added, at that period no ordinary praise, a refined taste, and a competent knowledge of the polite arts. His poems, which delighted his contemporaries, will afford pleasure to the reader of the present day.

But services and abilities weighed as nothing in the scale against the interests of the opposite party. As soon as the holidays were over, the earl, as a commoner, was arraigned at Guildhall on a charge of having quar-

without sense or probability; and in proof of the assertion see noticed the witnesses of Lord Paget and sir Edmund Moregate, who were present, and who acknowledged the same upon oath in Mary's reign, both before the council, and in parliament. See Leslie on the Right of the Queen of Scots, p. 59, Eng. edition, and p. 43, Lat. edit. Also Locking to 's Letters to Cromwell, apud Burnet, i. Records, p. 257.

* Rymer, xv. 118.

tered on his shield the arms of Edward the Confessor. In an eloquent and spirited defence, he showed that he had long borne those arms without contradiction, and that they had been assigned to him by a decision of the heralds. But the fact was admitted; the court pronounced it sufficient evidence that he aspired to the Jan. throne; and the jury found him guilty. Six days later 13. this gallant and accomplished nobleman perished on the scaffold*.

But it was still more difficult to discover matter against the father. For some weeks after his arrest the duke was ignorant of the charge to be advanced against him. It was in vain that by repeated letters he requested to be confronted with his accusers, whoever they might be, in presence of the king, or at least of the council. At length, after many private examinations, he consented to sign a confession, which, to every un- 12. prejudiced mind, will appear a convincing proof of his innocence. In it he acknowledged that, during his service of so many years, he had communicated occasionally to others the royal secrets, contrary to his oath; that he had concealed the treasonable act of his son in assuming the arms of Edward the Confessor; and that

* See the indictment in *Nott's* *Life of Scory*.

† "I am sure," he says to the king, "some great enemy of mine hath informed your majesty of some untrue matter against me. Sir, God doth know that in all my life I never thought one untrue thought against you, or your successors: nor can no more judge or cast in my mouth what should be laid to my charge, than the devil that was born this night."—*Most noble and sovereign lord, for all the old service I have done you in my life, he so good and gracious a lord unto me, that either my accusers and I together may be brought before your royal majesty, or if your pleasure shall not be to take that pains, then before your council.*" *Heb.* 67, 68. In another he repeats his request to be confronted with his accusers. "My desire is to have no more favour showed to me, than was showed to Cornwall, I being present. He was a false man; but surely I am a true your gentleman." *Romist.* ii. *Reynolds*, 130. He was examined whether he had not written in cipher to others, whether he had not said that the bishop of Rome could dissolve the leagues between princes, whether he was not pious to an creature for an accommodation with the bishop of Rome made by Gardiner, and what were the contents of a letter written by him formerly to the bishop of Hereford, and burnt after the death of that prelate by order of the bishop of Durham. He answered the three first questions in the negative: the letter he said contained the opinion of the northern nobles respecting Cornwall, but did not so much as mention the king. *Urch.* 183.

he had himself treasonably borne on his shield the arms of England, with the difference of a hiel of silver, the right of prince Edward*.

If by this submission the duke hoped to appease the royal displeasure, he deceived himself; in another attempt, to defeat the rapacity of his enemies, he proved more successful. They had already elicited a promise from Henry, that the spoils of their victim should in certain proportions be shared among them †. But Norfolk, sensible that his estate, if it were preserved entire, might be more easily recovered by his family, sent a petition to the king, representing it as "good and stately gear," and requesting, as a favour, that it might be settled on prince Edward and his heirs for ever. The idea pleased the sick monarch. He assented to the petition; and, to satisfy his favourites, promised them an equivalent from some other source. This disappointment, however, did not retard their proceedings against their prisoner. Instead of arraigning him before his peers, they brought into the house of lords a bill of attainder, founded on his confession. It had been customary on such occasions to wait for the royal assent till the close of the session. But two days after the bill had passed, the king suddenly grew worse: the precedent established in the case of Catherine Howard was adopted; and the next morning the chancellor informed the two houses, that his majesty, anxious to fill up the offices held by the duke of Norfolk, preparatory to the coronation of the prince, had appointed certain lords to signify his assent to the act of attainder. The commission under the sign manual was then read; the royal

* The confession is in Herbert, 629. In the "Memorials, &c.," of the "Howard family," by Mr. Howard Carter, it is shown that his ancestor had borne these arms from the time of Thomas of Brotherton, son of Edward I.

† The colored Page to "sit upon the rail of Hertford" lands to the value of 60*l.* 1*6s.* 4*d.* per annum; Sir Thomas Seymour 200*l.*; Sir William Herbert 50*l.* 1*3s.* 4*d.*; the lords Lisle, St. John, and Russell, and Sir Archibop Darcy, 20*l.* each; and the lord Wilschetey 100*l.* They were all dissatisfied with the small amount of these grants. Burnet, ii. 6, out of the council book.

assent was given in due form;⁶ and an order was despatched to the lieutenant of the Tower to execute his prisoner on the following morning. Such indecent haste, at a time when the king was lying in the agonies of death, warranted a suspicion that there were other persons besides Henry who thirsted for the blood of the duke. But Providence watched over his life. Before Jan. the sun rose, Henry was dead. The execution was accordingly suspended; and in the reign of Mary the attainder was reversed, on the ground that the act of which he was accused, was not treason, and that Henry had not signed the commission, in virtue of which his pretended assent had been given †.

Of the king's conduct during his sickness, we know little. It is said that at the commencement he betrayed a wish to be reconciled to the see of Rome; that the other bishops, afraid of the penalties, evaded the question; but that Gardiner advised him to consult his parliament, and to commit his ideas to writing. He was constantly attended by his confessor, the bishop of Rochester, heard mass daily in his chamber, and received the communion under one kind. About a month before Dec. his death he endowed the magnificent establishment of 11. Trinity College in Cambridge, for a master and sixty fellows and scholars; and afterwards re-opened the church of the Grey Friars, which, with St. Bartholomew's Jan. Hospital, and an ample revenue, he gave to the city of 3. London.

Of his sentiments on his death-bed nothing can be

⁶ Burnet (i. 348) tells us that Cromwell, though the king was so near his death, withdrew to Chesham, that he might not concur in the act of attainder, both on account of its injustice, and because he and the duke were personal enemies. These might indeed have been reasons why he should abstain from giving his vote; but that they had no weight with the archbishop, is plain from the journals, which inform us that, instead of absenting himself, as Burnet would persuade us, he attended in his place every time the bill was read, and on the day on which it received the royal assent. Journals, 266, 286, 287, 289.

[†] Lewis' Journals, 299. Herbert, 603-611. Burnet, i. 345-348. By the act 33 Henry VIII. cap. 21, the king's signature with his own hand was required to such commissions; this, however, was not signed with his own hand, but only stamped. St. Pau. l. 898.

asserted with any degree of confidence. One account makes him die in the anguish of despair; according to another he refused spiritual aid till he could only reply to the exhortation of the archbishop by a squeeze of the hand; while a third represents him as expiring in the most edifying sentiments of devotion and repentance*. Not only the dangerous state in which he lay, but also his death, were carefully concealed from the knowledge of the public; and the parliament, ignorant of the event, met and transacted business after the usual manner. Three days were employed by the earl of Hertford to secure the person of his royal nephew at Enfield, and to arrange with his associates the plan of their subsequent proceedings. On the fourth the chancellor announced to the two houses the death of Henry; read to them an extract from the will respecting the government of the realm during the minority of his successor; and then, declaring the parliament dissolved, invited the lords to pay their respects to the new king. That prince was the same day conducted to the Tower, and proclaimed by the style of Edward the sixth, king of England, France, and Ireland, defender of the faith, and of the church of England and also of Ireland, in earth the supreme head †.

To form a just estimate of the character of Henry, we must distinguish between the young king, guided by the counsels of Wolsey, and the monarch of more mature age, governing by his own judgment, and with the aid of ministers selected and fashioned by himself. In his youth the beauty of his person, the elegance of his manners, and his adroitness in every martial and

* *Plus en gentil homme Anglois ni en seigneur qui l'eu belle repentance, et en ce lui autres choses de l'Empire d'icelle condempnante la ceste royaume* (meaning Anne Boleyn). Thores, *Comte LXVI*, quoted by O. E. in reply to N. D. anno 2696, p. 38.

† *Journal*, 291. Row, iv. 131. * These he to signify to you that our late sovereign Lord the King departed at Westminster upon Friday last, the 28th of this instant January, about two of the clock in the morning; and the King's majesty that now is, proclaimed King this present last day of the same month." The *entire* of *Sunder* to the *countess*, upon *Strype*, i. 11.

fashionable exercise, were calculated to attract the admiration of his subjects. His court was gay and splendid; and a succession of amusements seemed to absorb his attention: yet his pleasures were not permitted to encroach on his more important duties: he assisted at the council, perused the despatches, and corresponded with his generals and ambassadors; nor did the minister, trusted and powerful as he was, dare to act, till he had asked the opinion, and taken the pleasure of his sovereign. His natural abilities had been improved by study; and his esteem for literature may be inferred from the learned education which he gave to his children, and from the number of eminent scholars to whom he granted pensions in foreign states, or on whom he bestowed preferment in his own. The immense treasure which he inherited from his father was perhaps a misfortune: because it engendered habits of expense not to be supported from the ordinary revenue of the crown; and the soundness of his politics may be doubted, which, under the pretence of supporting the balance of power, repeatedly involved the nation in continental hostilities. Yet even these errors served to throw a lustre round the English throne, and raised its possessor in the eyes of his own subjects and of the different nations of Europe. But as the king advanced in age, his vices gradually developed themselves: after the death of Wolsey they were indulged without restraint. He became as rapacious as he was prodigal; as obstinate as he was capricious; as fickle in his friendships, as he was merciless in his resentments. Though liberal of his confidence, he soon grew suspicious of those whom he had trusted; and, as if he possessed no other right to the crown than that which he derived from the very questionable claim of his father, he viewed with an evil eye every remote descendant of the Plantagenets; and eagerly embraced the slightest pretences to remove those whom his jealousy represented as future rivals to himself or his posterity. In pride and vanity he was per-

haps without a parallel. Inflated with the praises of interested admirers, he despised the judgment of others; acted as if he deemed himself infallible in matters of policy and religion; and seemed to look upon dissent from his opinion as equivalent to a breach of allegiance. In his estimation, to submit and obey, were the great, the paramount duties of subjects; and this persuasion steeled his breast against remorse for the blood which he shed, and led him to trample without scruple on the liberties of the nation.

When he ascended the throne, there still existed a spirit of freedom, which on more than one occasion defeated the arbitrary measures of the court, though directed by an able minister, and supported by the authority of the sovereign: but in the lapse of a few years that spirit had fled, and before the death of Henry, the king of England had grown into a despot, the people had shrunk into a nation of slaves*. The causes of this important change, in the relations between the sovereign and his subjects, may be found not so much in the abilities or passions of the former, as in the obsequiousness of his parliaments, the assumption of the ecclesiastical supremacy, and the servility of the two religious parties which divided the nation.

I. The house of peers no longer consisted of those powerful lords and prelates, who in former periods had so often and so successfully resisted the encroachments of the sovereign. The reader has already witnessed the successive steps, by which most of the great families of the preceding reigns had become extinct, and their immense possessions had been frittered away among the favourites and dependents of the court. The most opulent of the peers under Henry were poor in com-

* Quando enim imperat, aut des in Angliâ, ubi semper populi libertates servavit, in imperio fuerunt, sed oratio in aliquo christianorum regno, aut fœderis, ut tunc se plus omnibus posset, et sic omnia sua potestate libèrè subjeta habere, et alium cuiquam contra Titum voluntatem prebitione in legibus constitutum esset, sed regia tutus omnia moderaretur. Pol. lib. ii.

parison with their predecessors; and by the operation of the statute against liveries, they had lost the accustomed means of arming their retainers in support of their quarrels. In general they were new men, indebted for their present honours and estates to the bounty of Henry or of his father; and the proudest among the rest, by witnessing the attainders and executions of others, had been taught to tremble for themselves, and to crouch in submission at the foot of a master, whose policy it was to depress the great, and punish their errors without mercy, while he selected his favourites from the lowest classes, bestowing on them honours and riches, and confiding to them the exercise of his authority*.

¶ By the separation of the realm from the see of Rome, the dependence of the spiritual had been rendered still more complete than that of the temporal peers. Their riches had been diminished, their immunities taken away; the support which they might have derived from the protection of the pontiff, was gone; they were nothing more than the delegates of the king, exercising a precarious authority determinable at his pleasure. The ecclesiastical constitutions, which had so long formed part of the law of the land, now depended on his breath, and were executed only by his sufferance. The convocation indeed continued to be summoned: but its legislative authority was gone. Its principal business was to grant money: yet even these grants now owed their force, not to the consent of the grantors, but to the approbation of the other two houses, and the assent of the crown †.

¶ As for the third branch of the legislature, the commons of England, they had not yet acquired suffi-

* *Si nobiles semper tractatisti, ut nullus participet minore in honore fuerit: in quos, si quibus liber deliquissent, acerbissimus iustus: nihil unquam cogitavit coram nisi; omnes despicere habuisti; nullum apud te locutus aut gratie licet un obtinere possis es: cum iudex semper abrepsissimos locutus ex tanta plebe assumptus circum te habuisset, quibus summa omnia dederis.* Pals. lib. lxxviii.

† Journals 136. 23. 47. The first instance which I find was in 1540.

cient importance to oppose any effectual barrier to the power of the sovereign; yet rare was taken that among them the leading members should be devoted to the crown, and that the speaker should be one holding office, or high in the confidence of the ministers*. Freedom of debate was, indeed, granted: but with a qualification which in reality amounted to a refusal. It was only a *decent* freedom†; and as the king reserved to himself the right of deciding what was or was not decent, he frequently put down the opponents of the court, by reprimanding the "varlets" in person, or by sending to them a threatening message.

It is plain that from parliaments thus constituted, the crown had little to fear; and though Wolsey had sought to govern without their aid, Henry found them so obsequious to his will, that he convoked them repeatedly, and was careful to have his most wanton and despotic measures sanctioned with their approbation. The parliament, as often as it was opened or closed by the king in person, offered a scene not unworthy of an oriental divan. The form indeed differed but little from our present usage. The king sat on his throne; on the right hand stood the chancellor, on the left the lord treasurer: whilst the peers were placed on their benches, and the commons stood at the bar. But the addresses made on these occasions by the chancellor or the speaker, usually lasted more than an hour; and their constant theme was the character of the king. The orators, in their efforts to surpass each other, fed his vanity with the most hyperbolic praise. Cromwell was unable, he believed all men were unable, to describe the un-

* The members were in a great measure named by the crown or the lords. See a letter of the earl of Southampton to Cromwell, *Coop. E. ii.* 176; and another from Gardiner to the council, recording them that the house of commons was not complete, because he had not made returns as usual in several places (*For. ii.* 61). The treasurer and comptroller of the household were accustomed to conduct the business of the crown. The former generally named the speaker. See the *Journals of the commons* for the following reigns, p. 28, 37, 38.

† *Journals*, 167. This is the first time during Henry's reign that the request of freedom of speech is mentioned in the *Journals*, anno 1562.

terable qualities of the royal mind, the sublime virtues of the royal heart. Rich told him that in wisdom he was equal to Solomon, in strength and courage to Sampson, in beauty and address to Absalom; and Audeley declared before his face, that God had anointed him with the oil of wisdom above his fellows, above the other kings of the earth, above all his predecessors; had given him a perfect knowledge of the Scriptures, with which he had prostrated the Roman Goliath; a perfect knowledge of the art of war, by which he had gained the most brilliant victories at the same time in remote places; and a perfect knowledge of the art of government, by which he had for thirty years secured to his own realm the blessings of peace, while all the other nations of Europe suffered the calamities of war.

During these harangues, as often as the words "most sacred majesty" were repeated, or any emphatic expression was pronounced, the lords rose, and the whole assembly, in token of respect and assent, bowed profoundly to the demi-god on the throne. Henry himself affected to hear such fulsome adulation with indifference. His answer was invariably the same: that he had no claim to superior excellence; but that, if he did possess it, he gave the glory to God, the Author of all good gifts: it was, however, a pleasure to him to witness the affection of his subjects, and to learn that they were not insensible of the blessings which they enjoyed under his government.*

II. It is evident that the new dignity of head of the church, by transferring to the king that authority which had been hitherto exercised by the pontiff, must have considerably augmented the influence of the crown: but in addition, the arguments by which it was supported tended to debase the spirit of the people, and to exalt

* The title of Majesty is given to Henry II. in two passages of the "Black Book of the Exchequer," c. 333. 259; the most ancient instance I have met with.

† See the Journals, 82, 100, 129, 161, 162, 164, 177.

the royal prerogative above law and equity. When the adversaries of the supremacy asked in what passage of the sacred writings the government of the church was given to a layman, its advocates boldly appealed to those texts, which prescribe obedience to the established authorities. The king, they maintained, was the image of God upon earth: to disobey his commands was to disobey God himself; to limit his authority, when no limit was laid down, was an offence against the sovereign; and to make distinctions, when the Scripture made none, was an impiety against God. It was indeed acknowledged that this supreme authority might be employed unreasonably and unjustly; but even then to resist was a crime: it became the duty of the sufferer to submit; and his only resource was to pray that the heart of his oppressor might be changed: his only consolation to reflect, that the king himself would hereafter be summoned to answer for his conduct before an unerring tribunal. Henry became a sincere believer in a doctrine so flattering to his pride, and easily persuaded himself that he did no more than his duty in punishing with severity the least opposition to his will. To impress it on the minds of the people, it was perpetually inculcated from the pulpit; it was enforced in books of controversy, and instruction; it was promulgated with authority in the "Institution," and afterwards in the "Erolution of a Christian Man.*" From that period the doctrine of passive obedience formed a leading trait in the orthodox creed.

III. The two great parties, into which religious disputes had divided the nation, contributed also to

* See Gardiner's *Treatise de vera Obedientia*, in the *Pastorale seu reuerentia*, p. 240; and Strype's *de Obedientia Regi gratulatio*; *ibid.* 27; also *ibid.* 111. Thus we are told in a sermon by archbishop Cranmer: "Though the magistrates be evil and very tyrants against the commonwealth, and enemies to Christ's religion, yet we submit first obey in all worldly things as the Christians do under the tyrant, and ought so to do, as long as he commandeth them not to do against God." *Strype's Cranmer*, *Rec.* 114. See also the king's books, *viz.* Articles, the Institution, and the Erolution of a Christian Man.

strengthen the despotic power of Henry. They were too jealous of each other, to watch, much less to resist, the encroachments of the crown. The great object of both was the same; to win the favour of the king, that they might crush the power of their adversaries; and with this view they flattered his vanity, submitted to his caprice, and became the obsequious slaves of his pleasure. Henry, on the other hand, whether it were through policy or accident, played them off against each other; sometimes appearing to lean to the old, sometimes to the new doctrines, alternately raising and depressing the hopes of each, but never suffering either party to obtain the complete ascendancy over its opponent. Thus he kept them in a state of dependence on his will, and secured their concurrence to every measure, which his passion or caprice might suggest, without regard to reason or justice, or the fundamental laws of the land. Of the extraordinary enactments which followed, a few instances may suffice. 1^o. The succession to the crown was repeatedly altered, and at length left to the king's private judgment or affection. The right was first taken from Mary, and given to Elizabeth; then transferred from Elizabeth to the king's issue by Jane Seymour or any future queen; next restored, on the failure of issue by prince Edward, to both Mary and Elizabeth; and lastly, failing issue by them, secured to any person or persons to whom it should please him to assure it in remainder by his last will ^a. 2^o. Treasons were multiplied by the most vexatious, and often if ridicule could attach to so grave a matter, by the most ridiculous laws. It was once treason to dispute, it was afterwards treason to maintain, the validity of the marriage with Anne Boleyn, or the legitimacy of her daughter. It became treason to marry, without the royal license, any of the king's children, whether legitimate or natural, or his paternal brothers or sisters, or

^a 35 Hen. VIII. 22. 23 Hen. VIII. 7. 35 Hen. VIII. 2.

their issue; or for any woman to marry the king himself, unless she were a maid, or had previously revealed to him her former incontinence. It was made treason to call the king a heretic or schismatic, openly to wish him harm, or to slander him, his wife, or his issue*. This, the most heinous of crimes in the eye of the law, was extended from deeds and assertions to the very thoughts of men. Its guilt was incurred by any person who should by words, writing, imprinting, or any other exterior act, directly or indirectly accept or take, judge or believe, that either of the royal marriages, that with Catherine, or that with Anne Boleyn, was valid, or who should protest that he was not bound to declare his opinion, or should refuse to swear that he would answer truly such questions as should be asked him on those dangerous subjects. It would be difficult to discover, under the most despotic governments, a law more cruel and absurd. The validity or invalidity of the two marriages was certainly matter of opinion, supported and opposed on each side by so many contradictory arguments, that men of the soundest judgment might reasonably be expected to differ from each other. Yet Henry, by this statute, was authorized to dre into the breast of every individual, to extort from him his secret sentiments upon oath, and to subject him to the penalty of treason, if those sentiments did not accord with the royal pleasure †. ‡. The king was made in a great measure independent of parliament, by two statutes, one of which gave to his proclamations the force of laws, the other appointed a tribunal, consisting of nine privy counsellors, with power to punish all transgressors of such proclamations §. ¶. The dreadful punishment of

* 5 Hen. VIII. 22. 25 Hen. VIII. 13. 28 Hen. VIII. 16. 30 Hen. VIII. 25. 31 Hen. VIII. 21.

† 2 Hen. VIII. c. 7.

‡, § Hen. VIII. c. 34 Hen. VIII. 22. We learn from a letter of Bishop Gardiner that these statutes originated from a decision of the judges, that the council could not punish certain merchants who had repeated grain in violation of a royal proclamation, because they were permitted to export it by act of parliament, as long as it was below a particular price (see

heresy was not confined to those who rejected the doctrines which had already been declared orthodox, but it was extended beforehand to all persons who should teach or maintain any opinion contrary to such doctrines as the king might afterwards publish. If the criminal were a clergyman, he was to expiate his third offence at the stake: if a layman, to forfeit his personal property, and be imprisoned for life*. This was Henry invested, by act of parliament, with the high prerogative of theological infallibility, and an obligation was laid on all men, without exception, whether of the new or of the old learning, to model their religious opinions and religious practice by the sole judgment of their sovereign. †. By an *ex post facto* law, those who had taken the first oath against the papal authority, were reputed to have taken, and to be bound by, a second and much more comprehensive oath, which was afterwards enacted, and which, perhaps, had it been tendered to them, they would have refused ‡.

But that which made the severity of these statutes the more terrible, was the manner in which criminal prosecutions were then conducted. The crown could hardly fail in convicting the prisoner, whatever might be his guilt or his innocence. He was first interrogated in his cell, urged with the hope of pardon to make a confession, or artfully led by ensnaring questions into dangerous admissions. When the materials of the prosecution were completed, they were laid before the grand inquest: and, if the bill was found, the conviction of the accused might be pronounced certain: for, in the trial which followed, the real question submitted to the decision of the

Letts, *op cit* Bunsell, ii. B. 114). On this account it was that the king required that his proclamations should have the sanction of parliament. The bill did not pass without "many large words" (ibid.). When it did pass, the reason assigned was, "that the king might be better known to extend his royal supremacy." As a check on the exercise of this new prerogative, it was required that the majority of the council should advise the proclamation; and it was moreover declared, that such proclamations derived all its force "from the authority of this act." See the statute itself.

* 34 Hen. VIII. 1.

† 35 Hen. VIII. 1.

petit jury was, which of the two were more worthy of credit, the prisoner who maintained his innocence, or the grand inquest which had pronounced his guilt. With this view the indictment, with a summary of the proofs on which it had been found, was read; and the accused, now perhaps for the first time acquainted with the nature of the evidence against him, was intubled with the liberty of speaking in his own defence. Still he could not insist on the production of his accusers that he might obtain the benefit of cross-examination; nor claim the aid of counsel to repel the taunts, and unravel the sophistry, too often employed at that period by the advocates of the crown*. In this method of trial, every chance was in favour of the prosecution; and yet it was gladly exchanged for the expedient discovered by Cromwell, and afterwards employed against its author. Instead of a public trial, the minister introduced a bill of attainder into parliament, accompanied with such documents as he thought proper to submit. It was passed by the two houses with all convenient expedition; and the unfortunate prisoner found himself condemned to

* I speak with diffidence on this subject; but I conceive that the refusal to confront the accusers with the accused, grew out of the ancient manner of administering justice, and was strictly conformable to the practice of the courts of law. Originally there was but one jury, that which is called the grand inquest. If the prisoner, on the possession of this jury, pleaded not guilty, the judge might allow him to prove his innocence by the ordeal, afterwards by the ordeal of battle, and lastly by his country, that is by the verdict of a petit jury, who should decide on the guilt or innocence of the grand inquest. But in this case none of the former juries, or their witnesses, technically termed accusers, and identified with them, could be produced in court; because they were an interested party, the progress of whose proceedings was now a trial; and on that account the names of the accusers were returned on the back of the indictment, that they might be challenged as witnesses. It was first in the reign of Edward VI. that the law allowed the accusers to be brought forward; and after that it was long before the judges could be prevailed upon to depart from the ancient practice. See Mr. Reeves' History of English Law, li. 2. v. 487 n. 484-486. At the trial of the duke of Buckingham the witnesses or accusers were indeed brought before him. But it seems to have been a particular indulgence: "for the king had commanded that the law should be observed to him with favour and right." Nor does it appear that they were cross-examined. "Their depositions were read, and the deponents were delivered as prisoners to the officers of the Tower." Hall, fol. 85.

the scaffold or the gallows, without the opportunity of opening his mouth in his own vindication.

To proceed by attainder became the usual practice in the latter portion of the king's reign. It was more certain in the result, by depriving the accused of the few advantages which he possessed in the ordinary courts: it enabled the minister to gratify the royal suspicion or resentment without the danger of refutation, or of unpleasant disclosures; and it satisfied the minds of the people, who, unacquainted with the real merits of the case, could not dispute the equity of a judgment given with the unanimous assent of the whole legislature.

Thus it was that by the obsequiousness of the parliament, the assumption of the ecclesiastical supremacy, and the servility of religious factions, Henry acquired and exercised the most despotic sway over the lives, the fortunes, and the liberties of his subjects. Happily, the forms of a free government were still suffered to exist: into these forms a spirit of resistance to arbitrary power gradually infused itself; the pretensions of the crown were opposed by the claims of the people; and the result of a long and arduous struggle was that constitution, which for more than a century has excited the envy and the admiration of Europe.

NOTE (A), Page 109.

PETER MARTYR, in a letter dated May 2, 1510, says that Ferdinand expected to hear every day of the birth of a grandchild, because by the last account from England, Catherine was in her ninth month: *partu proximum esse, quia nono gravetur mense*. Yet the English historians consider Henry, born in January 1511, as her first child. That prince lived only six weeks. Catherine bore the king another son in November, 1513, who also died in a short time. Mary was born in 1515, February 8th. Her sponsors at baptism were the cardinal of York, the Lady Catherine, daughter of Edward IV. and the Duchess of Norfolk. Her style was proclaimed at the church door by the officers of arms: God give good life and long unto the right high, right noble, and right excellent princess, Mary, princess of England, and daughter of our sovereign lord the king. Sanford, 499.

NOTE (B), Page 119.

The following abstract of the reasoning on both sides of the question may not be unacceptable to the reader. It is taken from *Dei Pin*, Cent. xvi. l. ii. p. 140.

"Those on the king's party alleged; 1. That the laws of Moses which concerned marriage, were not particular for the Jews, but were for all times and all nations; that they were grounded upon natural decency; that God calls the breaches of those laws wickedness and abominations, and threatens the most severe punishments to such as will not observe them; and that the prohibition to marry the brother's wife, was not less strict than that of marrying within the degrees of consanguinity and affinity, set down in Leviticus.

"2. That that law was never repealed nor explained by Jesus Christ or his apostles.

"3. But that, on the contrary, St. John the Baptist had sharply reproved Herod for marrying his brother's wife.

"4. That the first Christians always accounted the laws of Leviticus to be inviolable; that Tertullian, Origen, St. Basil, St. Jerome, St. Chrysostom, St. Am-

brose, St. Augustine, and Hesychius, severely condemned the marriage of a man with his brother's wife; and affirmed, that this prohibition was not particular to the Jews, but general to all mankind; that the council of Neocesarea excommunicated every man who married his wife's sister, and the woman that should marry two brothers, and the same canon was confirmed by the council held under Gregory II.; that in all the councils, that have taken notice of the degrees of affinity, within which it is unlawful to contract marriage, this of the brother and sister-in-law is put among them; that the pope St. Gregory, being consulted by Augustine the monk, whom he sent into England, whether it was lawful for a man to marry his brother's widow, answered, that this sort of marriages was forbidden, and if any persons who were lately converted had contracted any such before their conversion, they ought to be advised not to associate with their wives; and that there never was a more favourable occasion to dispense with such marriages than this, if the church had had power."

On the other hand, the writers of the queen's party maintained: 1^o. "That the prohibition in Leviticus, to marry a brother's wife, was not a law of nature, but only a positive law; which Moses had sufficiently shewn by commanding in Deuteronomy the brother to marry his brother's widow, when he died without children, demonstrating by this exception, that the law admitted of dispensation, and consequently was not a law of nature; that before Moses that law was of no force, because Jacob married Leah and Rachel, two sisters; and Judah, after he had married two of his sons to Tamar, promised her the third.

"2^o. That in the New Testament Jesus Christ approved of the exception in Deuteronomy, in answer to the Sadducees, who had proposed that law to him.

"3^o. That St. John the Baptist reproved Herod for marrying his brother's wife, either because his brother was yet living, or because, if he was dead, he had left children.

"4^o. That the fathers always looked upon the law of Deuteronomy as an exception to that of Leviticus; that in the ancient apostolic canons, he that married two

sisters, one after another, was only put out of the clergy; and in the council of Elvira, only three years' penance was imposed upon the parties; that the ecclesiastical and civil laws, which forbid these marriages, forbid also marriages within the degrees of consanguinity; that there is not certainly any prohibition of such marriages by the law of nature; that the popes who condemned these marriages, did not deprive themselves of the power of dispensing in some cases, though they did seldom do it; and that there are examples of marriages made within the degrees forbidden in Leviticus, which have been always looked upon as lawful marriages."

To me two things appear evident: 1^o. That the law in Leviticus was not in its own nature so binding as never to admit of dispensation; because such dispensation is allowed in Deuteronomy: 2^o. That Moses published both the law and the exception to it for the use of the Jews. Whether both or either were to be extended to other nations, is a question, on which the Scripture is silent.

NOTE (C), Page 118. 121.

We have two versions of this story, one by the king, the other by the cardinal.

1. In 1529, Henry took occasion, in presence of his council, of several peers, and of the lord mayor and aldermen, to explain, "*le scrupule de conscience on de long tems il s'est trouvé de l'affaire susdite, qui terriblement luy a augmenté depuis qu'un eveque Francois, grant personnage et servant homme (signifiant M. de Tarbes.) estant pour lors ambassadeur deca, en avoit tenu en son conseil termes terriblement expres: Lettres de l'evêque de Bayonne, 218.*" According to this account, the Bishop of Tarbes did not in fact raise, but augment the king's doubt. That doubt had existed long before.

2. Wolsey, in a letter to the king, relates the manner in which he opened the matter of the divorce to the archbishop of Canterbury, and the bishop of Rochester, as he passed through Kent on his embassy to France. He told them, that during the conferences respecting the marriage of Francis with the Lady Mary, he had

asked whether that king was free from his pre-contract with Leonora of Portugal; that the bishop of Tarbes in return wrote to him from his lodging, to inquire if Henry's marriage with Catherine was a lawful marriage; and that the dispensation was shown to Tarbes, who doubted its sufficiency: whereupon the question was by mutual consent "put over till his (the cardinal's) coming into France." St. Pap. i. 199. The two stories certainly do not harmonize with each other.

3. It is worthy of notice that in his long and confidential despatch, in which Wolsey details to Henry his conversation with the two prelates, not a word, not an allusion escapes from him, to intimate that he told them the truth: on the contrary, he seems to hint that the tale had been got up between the king and himself, to furnish a suitable introduction to the subject, without exciting any suspicion that the doubt had originated with the king or the cardinal. For he says, "I declared "the hol matter at length, as was devised with your "Highness at Yorke Place." *Ibid.* 290.

4. But we have much stronger though negative evidence. The instructions, the despatches, and the journal of the French ambassadors are still extant among the MSS. de Brienne, and in the collection Fontanet. In these papers we find notice of the question put by the cardinal, and of the answer by the ambassadors, that the contract with Leonora was not binding, being made when Francis was in prison and not his own master; that he had previously protested against its validity, and that he had since been released from it by the act of the emperor, who, instead of sending Leonora to France, according to the treaty, "auroit refusé le faire, et ainsi contravenu audit traité." If, in addition, they had called in question the validity of Henry's marriage and the legitimacy of his daughter, had disputed the sufficiency of the dispensation, and had agreed that this matter should be fully investigated on the arrival of the cardinal in France, would not this also have been entered on their papers? Yet there is no trace of any such thing there, no reference to it. "Je ne trouve," says Le Grand, "rien de cela ny dans le journal que nous avons de cette ambassade, ny dans les lettres de

Messieurs de Turenne et de Terbes que j'ai lues." *Le Grand*, i. 49. Not content with his testimony, I have, on two occasions, employed friends to examine these MSS. who assure me that the assertion of *Le Grand* is perfectly correct.

5. *Walsey* said that the question was left for discussion till his arrival in France. Now we have the instructions given to him (*St. Pan.* i. 191), and a multitude of letters from him, detailing the whole progress of the negotiation (*ibid.* 196—281.); yet neither in one nor the other is there any mention of the matter.

Hence it is clear to me that the whole story is a fiction, got up to enable the cardinal to break the subject to the two prelates and to draw from them the expression of their opinion, under the pretext that he would be compelled in a few days to discuss it with the French ministers.

NOTE (D), Page 125.

It was reported at the time (*Polid.* xvii. 84; *Hall*, 728; *Singer's Cavendish*, 182), that the great object of this embassy was to offer in the king's name marriage to a French princess; according to some, to Margaret duchess of Alençon and sister of Francis; according to others, to his sister-in-law, *Renée*, daughter of the late king, *Louis XII.* We are even told that Margaret refused on the ground that the consequence would be wretchedness and death to Catherine; and that the proposal was made to *Renée* at Compeigne, but, for reasons with which we are unacquainted, did not take effect. These stories, though frequently repeated by succeeding writers, are undoubtedly fictitious, both as far as regards Margaret, for she was married to the king of Navarre on the 24th of Jan., 1567, five months before *Walsey* set out on the embassy; and also with respect to *Renée*: for not only is there no allusion to any marriage with her in *Walsey's* instructions or in his despatches from France, though she is there repeatedly mentioned in company with the other ladies of the court, but no proposal could be made to her, as long as it did not suit the policy of Henry and his minister to make an open declaration of the king's intention to obtain a

divorce from Catherine. For such declaration must have preceded any proposal of marriage. Now, as has been already shown, nothing more than an obscure and ambiguous hint of Henry's design was given, and that only at the cardinal's departure from Compeigne on his return home.

It may have been that, as Polydore asserts (p. 82), Wolsey, when the question of the divorce was first mentioned, suggested the benefit which would arise from an union with Margaret, and that, after her marriage with the king of Navarre, he substituted in his own mind Renee in her place; but that the king or the cardinal should actually propose such marriage to either of these ladies, before a single step had been taken to procure a divorce from Catherine, or any intention had been avowed of taking such step, is an inconsistency of which neither could have been guilty.

NOTE (E), Page 152.

The proceedings before the legates in the cause of the divorce have been extracted from the register, and published by Heineck (201—257), and more briefly by Burnet, in 46.

I. The evidence in proof of the consummation of the marriage between Arthur and Catherine, amounts to this; that the prince was fifteen years old; that he slept two or three nights in the same bed with the princess; and that on two occasions he made indelicate allusions to that circumstance. As Catherine declined the jurisdiction of the court, we are ignorant what answer her counsel might have given. But we know that one of the witnesses examined before the legates, the bishop of Ely, declared that the queen had often denied the consummation to him sub testimonio conscientie sue; that she also denied it upon oath in her appeal to the pontiff; that at the trial she put it to the king himself, whether she were not a virgin when she came to his bed; and that cardinal Pole also reminded Henry of a conversation, in which he had acknowledged the same to the emperor, when that prince was in England. *Poli defensori unct. eed. fol. lxxvii.*

Baron (p. 117) asserts, that Henry did not take the

title of prince of Wales for some months after the death of his brother, because it was possible that the princess might be pregnant. If the fact were so, or if any advantage could have been derived from it, it would not have been overlooked at the trial.

II. It was contended for the king, that the bull of dispensation was void, because it had been obtained on grounds manifestly false: viz. that Henry and Catherine wished to marry, in order to give, by their marriage, greater stability to the friendship between the crowns of England and Spain. This clause, it was contended, invalidated the whole instrument; because there was at that time no danger of enmity between the two crowns, and because the prince and princess could not have entertained any such notions as it attributed to them.

But in addition to the bull, Catherine had obtained from Spain the copy of a breve of dispensation, which was so worded as to elude this objection. The king's counsel denied its authenticity. 1°. If the breve were not a forgery, why was it not in England? How came it to be in Spain? How happened it that no trace of its existence could be discovered in Rome? 2°. It was dated on the same day with the bull, Dec. 26, 1509: a manifest anachronism according to the king's advocates. For if in bulls the year was computed from the 1st of January, in breves it was computed from the 25th of December: so that in reality the breve was dated one whole year before the bull, and even before Julius, who was made to grant the dispensation, had been chosen pope.

What answer was returned by the advocates of Catherine, we know not. Yet, notwithstanding these objections, I am inclined to believe that the breve was genuine. 1°. From the attestations of its authenticity given by the archbishop of Toledo, and the papal nuncio, by whom it was examined before the emperor and his council (*apud Herb.* 264): 2°. From the conduct of Henry himself, who acted as if he knew it to be genuine. He had demanded that the original should be sent him. Charles very prudently refused: but offered to deposit it with the pope, that it might be impartially examined. Henry, however, was alarmed.

He ordered his agents to decline the offer, and to dissuade Clement from having any concern in the matter. Burnet, i. Records, n. 66. 73, 74. 3°. From the deposition of Bishop Fox, that several dispensations were obtained. Herb. 374.

But, supposing the breve to be genuine, how are we to account for its existence, and for the alleged error in the date? It appears from a letter of Julius to Henry VII. (apud Herb. 376), that the *bull* was expedited with great haste at the urgent solicitation of Isabella, the mother of Catherine, who, aware of the dangerous state of her health, solicited from the pontiff the consolation of possessing before her death a copy of the dispensation in favour of her daughter. But, if we compare that bull with the treaty of marriage, we shall find that it does not fulfil the conditions to which the parents of the parties had agreed; that it should be conceived in the most ample form which could be devised, and that it should contain a clause, authorizing the union of Catherine with Henry, "though her previous marriage with Arthur had been contracted in the face of the church, and afterwards consummated." (Rym. xiii. 50.) When it was discovered that the bull omitted this important clause, and was defective in other respects, there can be little doubt that the matter would be represented to the court of Rome, and that a second dispensation, supplying the deficiencies of the first, would be issued in form of a bull or breve. It was usual on such occasions to employ in the last instrument the original date; nor will it excite surprise, if the clerk, at the moment when he transcribed that date from the first dispensation, did not advert to the circumstance, that in breves the year commenced six days more early than in bulls.

III. The king's counsel gave in evidence the protest made by the prince, when he was on the point of completing his fourteenth year. What advantage could be derived from it, I do not see. For if it were argued that the protest was a legal revocation of the contract between the parties, it must also have been admitted that the subsequent marriage was a complete ratification of it. If the protest revoked the contract, the marriage revoked the protest. In a word, all that can be recollected with

any certainty from the evidence given before the legates is, that Arthur, at the age of fifteen, had slept in the same bed with the princess. This was the only conclusion drawn from it, when the proceedings recommenced before the archbishop Cramer, and was declared by the canonists in the convocation a presumptive proof that the marriage had been consummated.

Before I close this subject, I ought perhaps to notice an extract from one of the Lansdowne manuscripts, containing an assemblage of materials for an ecclesiastical history of England, from 1500 to 1510, by bishop Kennet. Under 1505 he says, "The king (Henry VII.) in a declining health began to fall into melancholy thoughts, and to imagine that the untimely death of his open, and the growing weakness of his own constitution, were a sort of judgment upon him for consenting to the contract made between prince Henry and his brother's wife: for which reason he made it a part of his penitential courses to dissuade his son Henry from ever perfecting and consummating that match, as the account is best given by sir Richard Moreyne." After an extract from the *Apomaxis Calumniarum* by Moreyne, he proceeds: "the king for this purpose sent for the priore to Richmond, and there by his own influence and the concurrent advice of his wisest counsellor Fox bishop of Winchester, &c. prevailed with him to make a solemn protestation against the validity of that contract, and a promise never to make it good by a subsequent matrimony." But this statement is liable to numerous objections. 1^o. If Henry VII. had ever expressed to his son any doubt respecting the validity of the dispensation, Henry VIII. would certainly have availed himself of it when he determined to divorce Catherine. In his speeches and despatches he often attempts to explain the origin of his scruples, and to defend them, but he never once mentions any doubt or objection made by his father. 2^o. If he could have proved that the protestation originated from religious motives, he would undoubtedly have done it before the legates. But the evidence before them proves the contrary. Warham, archbishop of Canterbury, owned indeed that he did not at first approve of

the marriage, and told the king so in the presence of Fox, who advised it; but added that, when the bull of dispensation arrived, he contradicted it no more. In addition, he deposed that, because the said king Henry appeared not much inclined to the marriage, he entreated him to persuade the prince to protest against it. But on what grounds he advised this protest, he has not told us. Herk. 271. Fox, however, who is said by Kennet to have advised it on motives of religion, says the contrary. He tells us, that though "the protest" "was made, it was the intention of the king that his" "son should marry the lady Catherine; but that he" "deferred the solemnization of this intended matrimony" "by reason of some discord which was at that time" "betwixt him and the king of Spain, for the calling" "hook of the dowry." Herk. 274. 3°. That the protest was entirely a political measure is evident from the testimony of bishop Fox, which I have just mentioned, from the succeeding negotiations in which Henry always expressed his consent to the solemnization of the marriage, provided the marriage portion were previously paid (see this history, vol. i, p. 325 et seq.), and from the fact of his having received two payments a little before his death, and not only signed the receipts himself, but compelled his son to sign them. This completely overturns the statement of his regret for having suffered the contract to be made, and of his resolution, during his penitential courses, to prevent its accomplishment. Morosini and Kennet knew of the existence of the protest; the rest was probably invented to account for that existence.

NOTE (F), Page 176.

That I may not incur the reproach of misrepresentation, I purpose in this note to specify the reasons which have induced me to dispute the value of the answers returned by the universities.

1°. Carendish, an attentive observer, tells us that "such as had any rule, or had the custody of their" "university seals, were choked by the commissioners" "with notable sums of money." Carendish, 417. The

first parliament under queen Mary asserts that the answers of the foreign universities had been obtained by bribes, those of our own by sinister workings, and secret threatenings. St. 1 Mary, c. 1. Pope Clement in one of his letters observes, that no artifice, no entreaty, no money was spared to obtain a favourable subscription. *Nullo non astu, et pree et pretio.* Apud Raynald, xxvii. 230.

2°. Of the "secret workings and sinister threatenings" employed in the English universities we have sufficient evidence. In February 1530 Gardiner and Fox were sent to Cambridge to procure an answer in the affirmative to the following question: Is it prohibited by the divine and natural law for a brother to marry the relict of his deceased brother? Finding the sense of the university against them, they proposed that the matter should be referred to a committee, in which the decision of two-thirds of the members should be taken for the decision of the whole body. The question was twice put and lost: but on a third division, "by the labour of friends to cause some to depart "the house who were against it," it was carried. The committee was accordingly appointed. Of the 29 members 16 had already promised their votes to the king, and four had given hopes of compliance: "of the which four," say the commissioners in their letter to Henry, "if we get two, and obtain "of another to be absent, it is sufficient for our purpose." An affirmative answer was now given. Yet it disappointed the hope of the king, for it embraced a condition which he had excluded from the question: "if the widow had been carnally known by her former husband." Henry complained of this addition: but Dr. Buckmaster, the vice-chancellor, assured him that it was so necessary to admit it, that without such admission they would have been left in a minority. See Burnet, 1. Rec. 56—58. iii. Rec. 20—21.

3°. At Oxford the opposition was still more obstinate. It was in vain that the king sent letter after letter, messenger after messenger, to the university. At length recourse was had to the experience and policy of Fox, who was ordered to repair to Oxford, and employ the same expedients there which had proved successful in

the sister university. On the 4th of April he obtained a decree, investing a committee of thirty-three persons with full authority to answer the question. Of the thirty-three the bishop of Lincoln, the vice-chancellor, and Dr. Stenton, were appointed by name, their thirty colleagues were left to their choice. Whether two-thirds of these pronounced in favour of the king or not, is rather doubtful. A determination in the affirmative, with the same condition appended to it which had been adopted at Cambridge, was forwarded to Henry: but its opponents denied that it had obtained the consent of the majority, and affirmed that the seal of the university had been affixed to it clandestinely. See *Wilk. Con.* iii. 726. *St. Papers*, i. 377. *Wood*, 256. *Fishes, Rec.* ii. 82—86. *Collier*, ii. 32, 33. *Barnet*, iii. *Rec.* 25—28.

Cardinal Pole, in his letter to Henry, observes that he found it more difficult to obtain subscriptions at home than abroad: and that he overcame the difficulty with the aid of menacing letters. *Nunquam, ubi consisteret, intrinset, nisi ea, que plus quam preces valere solent apud multorum animos, minarum referta regie literæ ad scholarum principes quasi auxiliatrices episcopi summisse, aciem jam inclinatam sustinissent*—*Omnes omnibus vis tentabas, qui aliqua doctrine et literarum opinione essent: cum quibus tamen plus tibi negotii fuit quam cum exteris.* *Pol. Defen.* fol. lxxvii. lxxviii.

4. The Italian commission consist of Ghinosei, bishop of Worcester, Gregorio da Casale, Stokesley, and Croke. But Croke seems to have been the most active, and to have employed a number of inferior agents, whose honesty in some instances he suspected. If we may believe him, whenever he failed, it was on account of the threats and promises of the imperialists: if he succeeded, it was not through bribes, for he never gave the subscriber anything, till he had written his name, and then nothing more than an honourable present. He seems, however, to have trusted much to the influence of these formidable presents: for in his letter to the king, dated July 1st, he says, "Albeit, gracious lord, if that in time I had been sufficiently furnished with money, albeit I have besides this seal (which cost me 100 crowns) procured unto your highness one hundred and

"ten subscriptions, yet it had been nothing in comparison of that that might easily and would have been done." Burnet, i. Rec. ii. xxxviii. Strype, i. App. 106.

Stokesley and Croke had sent a favourable answer from the university of Bologna, which Henry prized the more, because Bologna was situated in the papal dominions. This instrument had no date; was signed by Pallavicino, a carmelite friar, by command, as was pretended, of the university, and was ordered to be kept a profound secret. The secret, however, transpired; Pallavicino and the notary who attended were called before the governor on the 9th of September; and from their confessions it appeared that the instrument was composed by Pallavicino himself, was approved by four other friars, and was signed by the former on the 10th of June. What proceedings followed, we know not: but Croke, to discover who had betrayed the secret, called before him the friars, the notary, and the copiers of the instrument, and examined them upon oath. From their depositions, which, probably for his own justification, he transmitted to England, the preceding particulars are extracted; and when the reader has weighed them, he will be able to judge what right such an instrument can have to be considered as the real answer of the university. See *Rayner*, xiv. 393, 395—397.

At Ferrara, Croke applied separately to the faculties of theology and law. The theologians were divided. One party gave an answer in favour of Henry; but the instrument was carried off by their opponents. Croke softened the interference of the Duke of Ferrara; by open force the valuable prize was wrested from the possession of the robbers: and was carefully transmitted to England. But, in his negotiation with the civilians and canonists, the agent was less successful. He offered them 100 crowns, and was told that the sum was not worth their acceptance. Repenting of his parsimony, he offered 150 the next morning: but he was then too late; the faculty had resolved not to interfere in so delicate a question. From Padua, however, he sent an answer. How it was obtained, is a secret: but it cost 100 crowns. Burnet, i. 91.

3. If in Germany subscriptions could not be obtained, it was not through want of agents or of letters. The agents were Cramer, Giovanni, de Casale, Andrea, and Previlellus; and that money was promised is plain from the following testimony of Cocleus: *offerebatur mihi his annis super omnibus ampla remuneratio et curi spes, si contra matrimonium regis eorum Catharina vel ipse scribere, vel universitatem aliquot Germaniae sententias, quales aliquot Galliae et Italiae academie dedissent, procurare voluissem.* *Coel. in Scop. apud Sanders, p. 60.*

4. There can be little doubt that the same arts were employed with the French universities as with those of Italy. The letters published by Le Grand have exposed the whole intrigue with respect to the university of Paris. The first meeting broke up, after passing a resolution not to deliberate at all on the question. Francis compelled the members to assemble again, and a promise was made to Henry that out of sixty-three votes he should have a majority of fifty-six. On a division it appeared that he had only a minority of twenty-two against thirty-six. The Duke of Norfolk wrote to the French cabinet to complain. Assemblies were repeatedly held; and one of these was so artfully managed, that the king obtained fifty-three votes against thirty-seven. The faculty assembled the next day to rescind those proceedings. They were disappointed. The bishop of Sens had carried away the register; it was impossible to erase the decree; and a resolution was passed forbidding any member to give an opinion in favour of Henry. Francis, irritated by their obstinacy, ordered the president of the parliament to make a judicial inquiry into their conduct; but that minister, better informed than the king, advised him to allow the matter to sleep in silence; for, if all the particulars were made public, the inquiry would prove to the prejudice of Henry. *J'eiris audit Seigneur, que l'on la doit faire sur-seoir, jusqu'à ce que leint seigneur aura entendu par moy comment l'affaire a été conduite, et que ladite information pourroit par aventure plus nuire audit Roy d'Angleterre que profiter.* *Le Grand, iii. 458—491.* Du Modius, an unexceptionable witness, says that he had examined the account laid before Francis, from

which it was evident that the votes given for Henry had been purchased with English gold, and that the real opinion of the university was against the divorce. *Mém. Not. ad eunst. Dec. p. 602.*

NOTE (G), Page 194.

It is singular that there are still extant two copies of the archbishop's letter, both dated on the same day, both written with his own hand, both folded alike, addressed in the same words to the king, sealed with the archbishop's seal, and bearing marks of having been received; and yet, though they are the same in substance, they differ greatly from each other in several important passages. A careful comparison of the discrepancies between them will, however, disclose the whole mystery. It will show that the first letter did not satisfy the expectation of Henry. It was not conceived in language sufficiently submissive: it did not fully state the extent of the authority solicited by the primate from the new head of the church; nor did it declare that the motive of his petition was solely the exoneration of his own conscience. It was as follows:—

"Please yt your Highnes—that wher your Graces
 "wrete cause of matrimony is (as it is thought) through
 "all Christyntee divulgeted, and in the myvles of
 "the rude and ignorant common people of this your
 "Graces realme so talked of, that feare of them do heare
 "to repete and saye, that therof ys bishode hereafter
 "to ensue grete inconvenienc, daungier, and perill to
 "this your Graces realme, and moche uncertie of
 "succession; by whiche things the saide ignorant
 "people be not a litle offended;—and forasmoeche as yt
 "hath pleased Almighty God and your Grace of your
 "habundant goodnes to me shewed to call me (albeit a
 "poore wretche and moche unwortie) unto this high
 "and chargeable office of primate and archebisschope in
 "this your Graces realme, wheren I beseeche Almighty
 "God to graunte me his grace so to use and demean
 "myself, as may be standing with his pleasure and the
 "discharge of my conscience and to the weale of this
 "Your Graces saide realme; and considering also the

"oblique and brute, which darlie doith spring and in-
 "crease of the clergy of this realme, and speciallie of
 "the biddes and presidentes of the same, because they,
 "in this behalve, do not foresee and provide suche con-
 "venient remedies as might expell and put out of doubt
 "all such inconveniences, perilles and daungiers as the
 "saide rude and ignoraunte people do speke and talk to
 "be ynnocent, I, your most humble Orator and Bele-
 "man am in consideration of the premisses urgently
 "constrained at this time most humbly to beseeche Your
 "most noble Grace that, (1) when my office and duetie
 "is, by Yours and Your professors sufferance and
 "grawntes, (2) to directe and order causes spiritual in
 "this Your Graces realme, according to the lawes of
 "God and Holye Church, (3) and for relief of almsour
 "grewes and infirmities of the people, Goddes subjectes
 "and Yours, happening in the saide spiritual causes, to
 "provide suche remedie as shall be thought most
 "convenient for their helpe and relief in that behalfe;
 "and because I wolde be right lothe, and also it shall
 "not becom me (forasmoeche as Your Grace ys my
 "Prince and Sovereigne) to enterprise any parte of my
 "office in the saide weightie cause (4) without Your
 "Graces favour obtayned and pleasure therein first
 "known—it may please the same to ascerteyn me of
 "Your Graces pleasure in the premisses, to theintent
 "that, the same known, I may procede for my dis-
 "charge afore God to the execution of my saide office
 "and duetie according to his calling and Yours: (5) be-
 "seeing Your Highness most humbly upon my
 "kneys to pardon me of this my bolde and rude
 "letters, and the same to accepte and take in good
 "sense and parte. From my manour at Lambeth, the
 "11th day of Aprile, in the first yere of my consecra-
 "tion."

Your Highnes most humble
 Belisman and Chaplin,
 THOMAS CANTUAR.

If the archbishop thought that this letter was suffi-
 ciently comprehensive and submissive, he had deceived
 himself. The king was dissatisfied with it on three

grounds; 1°. He had asked to know the royal *pleasure*: Henry meant him to ask the royal *permission or licence*. 2°. He had spoken of *ordering and directing* spiritual causes: Henry insisted on having *his cause judged and finally determined*. 3°. He had indeed said that he wished to perform his said office for his *discharge afore God*: but Henry required something more, words which would exclude all idea of a previous compact between them, and would enable him to show afterwards, if ever there were need, that the whole proceeding originated with the new primate. Accordingly we find, that in the second copy the following corrections have been made. At No. 1. "my office and duty" is changed into "the office and duty of the *archbishop of Canterbury*." At No. 2 after "to direct and order" are added the words "to judge and determine." At No. 3. the whole passage in italics is omitted. At No. 4. after *favour* "*licence*" is inserted, and "*your pleasure first known, and it may please the same to ascertain me of your graces pleasure,*" are omitted. Then the following passage is substituted. "It may please therefore your most excellent majesty (considerations had to the premises, and to my most bounden dutie towards Your Highnes, your realme, succession, and posteritie, and for the exoneracion of my conscience towards Almighty God) to *licence* me according to myn office and dutie to proceede to the examination, *finall determination, and judgement* in the said greivous cause touching your Highnes." At No. 5. as if the archbishop were not low enough "on his knees," he is made to substitute the following: "Eftsones, as *prostrate at the feet* of your majesty, beseeching the same to pardon me of this my bolde and rude letters, and the same to accept and take in good sense and parte, as I do meane; which, calling Our Lorde to recorde, is onlie for the sake that I have to the causes aforesaid, and for none other intent and purpose." See State Papers, 390, 391.

It may be asked, how it appears that what I have called the second and corrected letter, was in reality such. I answer, from the licence granted to the archbishop. (Ibid. 392.) That licence is founded on the second letter and not on the first. It embodies the

second with all its corrections; it reminds the archbishop of the oath with which that letter concludes, and of his "calling God to his records," of his only intent and purpose; it commends that intent and purpose, and states that therefore the king, inclining to his humble petition, doth license him to proceed in the said cause, to the examination and final determination of the same. This instrument places it beyond a doubt that the first petition did not satisfy the king; and that the archbishop was compelled to write the second. How deeply must he have felt himself degraded, when he submitted to this mandate of his imperious master!

NOTE (H), Page 236.

On account of its relation to the funeral of Catherine, I add the following letter from Henry to Grace, the daughter of Lord Marry, and wife of Sir Edmond Bedingfield. The original is in the possession of Sir Henry Bedingfield.

"HENRY REX.

"BY THE KING.

"Right dear and welbelovéd we grete you well. And
 "forasmuch as it hath pleased Almighty God to call
 "unto his mercy out of this transitorie lyfe the right
 "excellent pryncesse our dearest sister the Lady Catha-
 "ryne, relict widow and dowager of our natural brother
 "Prince Arthur of famous memorie, deceased, and that
 "we entende to have her bodye interred according to her
 "honour and estate, at the enterrement whereof, and
 "for other ceremonies to be don at her funeral and in
 "conveyance of the corps from Kymbolton, wher it
 "now remyneth, to Peterborough, where the same shall
 "be buryed, it is requisite to have the presence of a
 "good number of ladies of honour, You shall understand
 "that we have appoynted youe to be there one of the
 "principal mourners, and therefore desire and pray you
 "to put yourself in readynes to be in any wise at Kymbol-
 "ton to aforsaid the 23th daye of this month, and so to
 "attende upon the sayd corps tyll the same shall be
 "buryed, and the ceremonies to be thereat done be

" finished. Letting you further wite that for the
 " mourning apparall of your own person we send you
 " by this bearer yards black cloth, for 2 gentle-
 " women to waite upon you yards, for 2 gentle-
 " men yards, for 8 yeomen yards; all which
 " apparall ye must cause in the meane tyme to be made
 " up as shall appertayne. And as concerning th' aduise-
 " ment of Lynen for your head and face we shall before
 " the day limited send the same unto youe accordingly.
 " Given vnder our signet at our manor of Greenvich
 " the 14th daye of January.

In another hand. " And for as moche as sithens the
 " writing herof it was thought ye should be enforced to
 " seede to London for making of the sayd apparall, for
 " the more expedition we thought convenient to
 " you immediately on receipt of this to seede your servant
 " to our trusty and welbeloued counsellor Sir Wm. Poulet
 " knt comptroller of our household, living at the freres
 " Augustines in London aforesaid, to whom bringing this
 " letter wth you (him) for a certen token that he cometh
 " from you, the said cloth and certain Lynen for yr
 " head shall be delivered accordinglye.

" To our right dere and

" Welbeloued the Lalye Berengfeld."

NOTE (I), Page 237.

In *Le Laboureur* (i. 403.) is a curious despatch from the French envoy Goulier to the admiral of France. He had visited Paris on matters connected with his negotiation in England, and had been also the bearer of a private message from Anne to the admiral and the king. On his return he was introduced after dinner into the queen's apartment, in which was Henry with the lords and ladies of the court. He presented the admiral's letter to her and made his compliment. "*Je la vis en ce propos estonnée, se plaignant de ma trop longue demeurée, qui avoit causé et engendré au Roy son mary plusieurs doutes et estranges pensemens: à quoi disoit estre bien besoin, que vous pensiez de donner remède, faisant envers le Roy son frere qu'elle ne demerme affolée et perdue: car elle se voit bien prochaine*

de cela, et plus en peine et ennuï que paravant ses espousailles : me chargeant de vous prier et requierir de sa part, de pourvoir à son affaire, duquel elle ne pouvoit me parler si amplement que desiroit, pour la crainte ou elle estoit, et les yeux qui regardoient sa contentance, tant dudit seigneur son mari, que princes qui là estoient : me disant qu'elle ne pourroit escrire, que plus ne me verroit, ne pourroit plus demeurer avec moy. Angel langage me delaisa, sortant cely seigneur Roy de ladite salle, pour entrer en l'autre prochaine, ou les danses se leverent sans que ladite dame y alast ; vous assurant, Monsiég^r : à ce que j'en puis connoistre, qu'elle n'est pas à son aise, presumant à mon petit jugement que les doutes et soupçons de ce Roy, dont je vous ay mentionné cy-devant, li mettent en ce travail." Feb. 5, 1533.

NOTE (K), Page 247.

Of so great importance was it deemed to conceal from public knowledge the grounds on which the marriage of Henry with Anne Boleyn was pronounced null and void that, even in the record of the judgment, the place, which they ought to occupy is supplied by the phrase, "quos pro hic insertis habere volumus." (Wilk. iii. 804.) In like manner, in the new act of settlement, though the real ground of the archbishop's judgment with respect to Henry's first marriage is openly stated, that for his judgment respecting the nullity of the second is merely said to have been "certain just and true causes." What could have been the motive of such concealment, but a desire to spare the king's reputation?

To my conjecture that the true cause was the previous cohabitation of Henry with Mary, the sister of Anne, it has been objected by a distinguished writer, 1. That in such case "both the statute and sentence must have stated as their main ground a notorious falsehood; for the commune, if at all, must have been before the act of settlement." I do not see how this inference can be drawn. Neither the one nor the other assert that there was no such cohabitation. The archbishop in his judgment says only that the causes had lately been

brought to his knowledge; the parliament, that the impediments were unknown at the passing of a previous statute, but since confessed by the lady Anne before the archbishop, "sitting judiciously for the same." This, plainly, is not a denial of the fact of cohabitation, but only of that fact having been officially brought before the archbishop and the legislature; which, in both cases was true. Moreover, we are ignorant whether the unlawful commerce between Henry and Mary Boleyn was publicly known or not; but it is certain, 1^o, that, in order to marry her sister, Henry had obtained from Clement a dispensation to marry within the first degree of affinity, *ex quoacumque legito seu illicito coitu proveniente*, provided the woman were not the relict of his own brother; and 2^o, that such dispensation had hitherto been considered valid according to the decision of Cramer himself in his own hand—*affinitatem impedientem, ne matrimonium contrahatur, induci quidem et nuptial fieret et carnal copula, illam jure divino, hanc jure ecclesiastico*; wherefore the pontiff could not dispense in the first case, but could in the last. Burnet, Rev. xxxvi. As long as Henry was attached to Anne Boleyn this doctrine prevailed; as soon as he wished to be disengaged from her, a new light burst forth, and it was found that both affinities were of divine right, and consequently, that the impediment arising from either was beyond the reach of the papal authority.

In the next place it is objected that, if the impediment arose out of the intercourse between Henry and Mary Boleyn, it could not, as the statute says, have been confessed by Anne. But it is plain that the word *confessed* by Anne means nothing more than that she, by her proctors (she was not present herself), admitted in the archbishop's court the allegation that such commerce had taken place, and that such impediment had been the legal consequence.

But, though the ground of the divorce from Anne is not openly stated in the new act of settlement, it is obviously implied. By that statute it is enacted, 1^o, that, forasmuch as it was proved in the court of the archbishop, that the lady Catherine was carnally known by the king's brother, her marriage with the king shall be

deemed against God's law, and utterly void and ad-
 mitted: 2^d. that, inasmuch as the king's marriage
 with the lady Anne hath been adjudged by the archbishop
 of no value or effect, it shall be deemed of no strength,
 virtue, or effect: 3^d. that, since certain impediments of
 consanguinity and affinity, according to God's law, arise
 from the intercourse of the two sexes, "if it chance any
 man to know carnally any woman, then all sin-
 gular persons being in any such degree of con-
 sanguinity or affinity to any of the parties so
 carnally offending, shall be deemed and adjudged to
 be within the cases and limits of the said prohibitions
 of marriage;" and 4th. since no man can dispense with
 God's law, all separations of persons, of whatever estate
 or dignity, heretofore married within such degrees, made
 or to be made by authority of the bishops and ministers
 of the church of England, shall be firm, good, and
 effectual, notwithstanding any dispensation granted by,
 or appeal made to, the court of Rome. Stat. of Realm,
 ii. 6589.

The reader will see how ingeniously the latter part of
 the statute was framed, so as to apply equally to the two
 marriages of the king. By extending the scriptural
 prohibition to the affinity arising from any carnal know-
 ledge of a woman, whether lawful or unlawful, it
 opposed the same impediment to the marriage of Anne
 Boleyn with Henry as to the marriage of Henry with
 Catherine; by declaring such impediment indispensable
 by any power on earth, it made the dispensation granted
 by Clement to Henry, to marry any woman, even in the
 second degree of affinity, (which was the case of Anne
 Boleyn,) provided she were not the sister of his brother,
 of no more force than the dispensation previously
 granted to him by Julius, to marry the sister of his
 brother; and, lastly, by declaring all separations of
 persons so married, made by the bishops of the church
 of England, firm, good, and effectual, it gave the sanc-
 tion of the legislature both to the divorce from Cath-
 erine, notwithstanding her appeal, and to that from Anne,
 notwithstanding the dispensation which had been sol-
 cited by Henry himself.

NOTE (L), Page 360.

The objections to the validity of Henry's will are thus stated by Lethington, secretary to Mary, queen of Scots, in a letter to Cecil, secretary to queen Elizabeth.

" You know that long before his death he never used
 " his own signing with his own hand; and in the time of
 " his sickness, being divers times pressed to put his hand
 " to the will written, he refused to do it. . . . Then, his
 " death approaching, some, as well known to you as to
 " me, caused William Clarke, some time servant to
 " Thomas Heneage, to cause the supposed will to be
 " signed with a stamp—for otherwise signed it was never
 "—and yet, notwithstanding, procured divers honest
 " gentlemen, attending in divers rooms about the king's
 " person, to testify with their handwritings the contents of
 " the said pretended will, sarnaised to be signed with the
 " king's own hand. To prove this dissembled and forged
 " signed testament, I do refer you to such trials as
 " be yet left. First, the attestation of the late lord Paget,
 " published in parliament in queen Mary's time for the
 " restitution of the duke of Norfolk. Next, I pray you
 " on my sovereign's behalf, that the depositions may be
 " taken in this matter of the marchess of Winchester, the
 " marchess of Northampton, and ten other noblemen and
 " gentlemen" (whom he mentions by name). " Thirdly
 " I do refer you to the original will, that thereby it may
 " most clearly appear how the same was not signed with
 " the king's hand, but stamped as aforesaid." Burnet, i.
 Rec. p. 267.

The original will had been deposited, by order of the council, in the treasury of the exchequer, on the 9th of March, 1547, and was transferred thence to the Chapter house at Westminster, about the year 1695, where it still remains. At this distance of time it is difficult to come to any satisfactory conclusion, from the mere inspection of the two signatures, whether they were formed by stamp, or with a pen, or first stamped and then written. Some have been of opinion that they do not agree with either the king's usual stamp or his manner of writing; but that the character is fairer than

his, and the hand stiff as if it were counterfeit (Act. Resia, iii. 348); others that the letters are evidently formed with the pen, and the strokes uneven, as if drawn by a weak and trembling hand (Hartin, 206). Mr. Hallam has no doubt that the signatures were written with a pen, and, therefore, taking the will to be valid, shows after Hartin, that, on the death of Elizabeth, the crown ought not, according to the statute law, to have devolved on James I., but on one of the descendants of Mary, duchess of Suffolk. Const. His. i. 307-317.

Now it has escaped notice, that for the king's signature, even when it was stamped, it was necessary that the characters should be drawn with a pen. On Aug. 31, 1548, Henry appointed A. Denny, J. Gate, and W. Clerc, to sign all instruments requiring his signature from that day to the 10th of May, 1547, in the manner following: two of them were to impress a dry stamp on the instrument, and the third to fill up the impression so made with ink. *Ann.* xv. 100. Hence the signature so stamped was also formed with a pen, but not with the king's own hand.

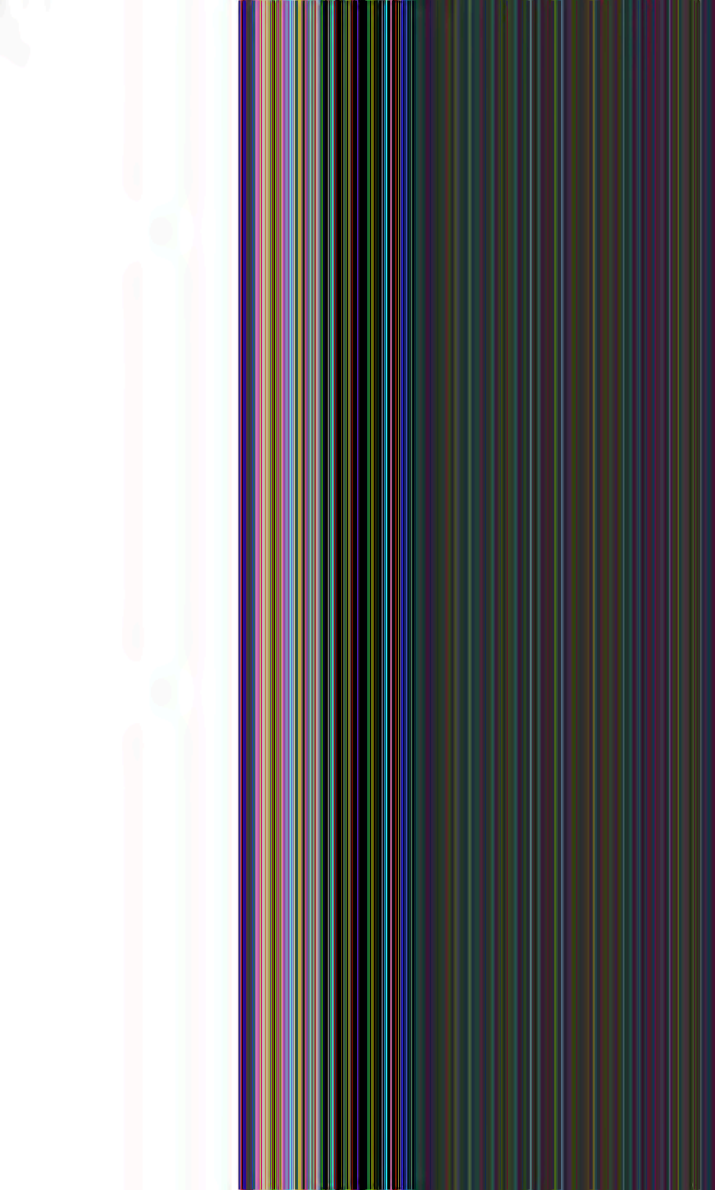
It was ordered at the same time, that schedules of all the instruments stamped in this manner should be prepared, that they might be submitted to the king every month for his signature. These monthly schedules still exist; and the last has been printed (in *State Papers*, i. 892.) with this title, "Hereafter ensueh a lardgment of
"all such billes . . . which the kinges majestie caused
"me, William Clerc, to stampe with his Hightnes secret
"stamp at diverse tynes and places in this mouth of
"Januarie, anno 28^o regni, &c. In the presence of Sir
"Anthonie Denny, Knight, and Mr. John Gate,
"Esquier." These were the other two individuals mentioned in the warrant.

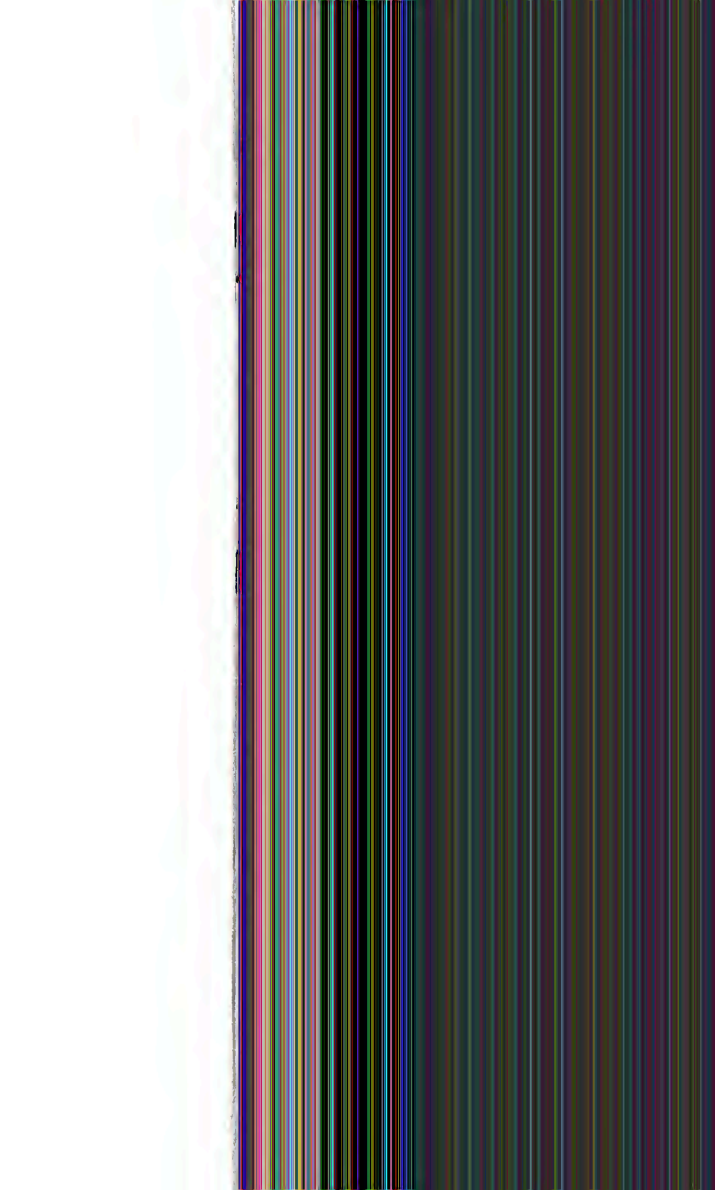
The eighty-fifth entry is the following:—"Your
"majesty's last will and testament, bearing date at
"Westminster, the thirthe day of December last past,
"written in a booke of paper, signed above in the be-
"ginning, and beneath in the end, and sealed with the
"signet in the presence of th' Erie of Hertford, Mr.
"Secretarie Paget, Mr. Denny, and Mr. Harbert, and

"also in the presence of certain other persons, whose names or subscribed with their own handes as witnesses to the same: which testament your majestie delivered then, in our sightes, with your own hande to the saide Erle of Hertforde, as your own dede, last will, and testament, revoking and annulling all other your Highnes former willes and testametes."

This schedule establishes the accuracy of Lethington's statement, as to the stamping of the will by Clere: it also tends to confirm his other statement, that the king, "being divers times pressed to put his hand to the will written, refused to do it:" as it shows that it was not even stamped till he was probably at the point of death. In the will itself, he is, indeed, made to say that he signed it with his hand on the 30th of December; but the schedule proves that he never signed it with his hand at all; and that, though eighty-four instruments were stamped, "at divers times and places," by his orders, after the thirtieth of December, the will was not one of them. When at last it is stamped, Clere closes the list with his signature, though the mouth was not yet up, a proof that he never exerted to stamp any other instrument during Henry's life. Yet he afterwards stamps another, (and again subscribes his signature,) the commission for giving the royal assent to the attainders of the duke of Norfolk and the earl of Surrey, which is dated in the journal on the 27th of January. On that night the king breathed his last. Hence it may be fairly concluded, that the will itself was not stamped till that day or the preceding.

On the whole, it is evident, that the will, not being signed with the king's own hand, could not, according to the statute, limit the descent of the crown.







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