

The Queene abideth by her ap- peale.

When the king had said, the Ducene departed without any thing, saying. When she was called, to know whether she would abide by her appeale, or answer there before the Legates. Her Doctor answered that she would abide by her appeale. That notwithstanding, the Counsaillers on both sides every day almost, met and debated this matter substantially, so y^t at the last the diuines were all of opinion, that the mariage was against the lawe of God, if she were carnally known by the first brother, which thing she clearly denied. But to that was answered, that prince Arthur her husband confessed the act done, by certaine words spoken, which beinge recorded in other Chronicles, I had rather should there be red, then by me here vttered. Furthermore, at the time of the death of prince Arthur, she thought and iudged that she was with child, and for that cause, the king was deferred from the title & creation of the prince of wales, almoste halfe a yeare, whych thing coulde not haue bene iudged, if she had not bene carnally known.

Also the her self caused a bul to be purchased, in y^e which were these words, Vel forsan cognitam, which is as much to say, as peraduenture carnally known, which words were not in the first Bull graunted by July at her second mariage, to the kinge, which seconde Bull with that clause was onely purchased, to dispence wyth the second matrimonie, although there were carnal copulation before, which Bul needed not to haue bene purchased, if there had ben no carnal copulation, for then the first Bull had bene sufficient.

Moreover, for the more cleare euidence of thys matter that prince Arthur had carnal knowlege of the sayd Lady Katherine his wife, it appeareth in a certaine booke of Records which we haue to this touching this mariage, that the same time when prince Arthur was firste maryed with this Lady Katherine daughter to Ferdinando, certaine Ambassadors of Ferdinando his Counsaile were then sent hether into England for the sayde purpose to see and to testifie, concerning the full consummation of the said matrimoniall coniunction. which Counsaillers here resident, beinge solemnely swoine, not onely did affirm to both their parentes, that the Mariamie was consummate by that acte: but also did send ouer into Spaine to her father, such demonstracions of their mutuall coniunction, as here I wil not name, sparing the reuerence of chaste eares: which demonstracions otherwise in those Records beinge named and testified, do sufficiently put the matter out of all doute and question.

Besides that, in the same recordes appeareth that both he and she not onely were of such yeares as were mete and able to eplete the consummation hereof, but also they were and did lie together both here and in wales by the space of 3. quarters of a yeare.

Out of a written booke of Records, containing certaine conferences betwixte the Cardinall and Queenes Katherines Amner about this matter, remaininge in our custodie to be seene.

Thus when the Diuines on her side, were beaten from that ground, then they fell to perswasions of Natural reasons, how this should not be vndone for thye causes. One was because, if it should be broken, the onely childe of the king should be a Bastard, which were a great mischief to the realme. Secondly, the separation should be cause of great vnkindnes betweene her kindred and this realme. And the third cause was, that the continuance of so long space, had made the Mariage honest. These perswasions with many other, were set forth by the Queenes Counsaile, and in especial by the Bishop of Exchester, which stode stiffe in her cause. But yet Gods precept was not answered, wherefore they left that ground and fel to pleading that the court of Rome had dispenced with that Mariage. To this some Lawyers sayde, that no earthly person is able to dispence with the positine lawe of God.

When the Legates hard the opinions of the Diuines, and saw wherunto the end of this question would tend, for asmuch as men began so to dispute of the authoritie of the Court of Rome, & especially because the Cardinal of York perceined the king to cast fauour to the Lady Anne, whom he knew to be a Lutheran, they thought best to wind them selues out of that brake by time, & so Cardinall Campeius dissembling the matter conueyed himselfe home to Rome againe, as is partly a boue touched, pag. 187. The Kinge seeing himself thus to be differred and deluded by the Cardinal, took it to no litle grieffe: whereupon, the fall of the Cardinal of York folowed not long after.

This was in the yeare of our Lord 1530. Shortly after it happened the same yeare, that the king by hys Ambassadors was aduertised that the Emperour and the Pope were both together at Bononie: wherefore he directed Sir Tho. Bullen late created Earle of wiltshire, and Doctor Stokesley (afterward Bishop of London) and Doctor Lee (afterward bishop of York) with his message to the popes

Court, where also the Emperour was. Pope Clement vnderstanding the kinges case and request, and fearing what might followe after, if learning and Scripture here should take place against the authoritie of their dispensacions, and moreover doubting the Emperours displeasure, bare him selfe strange of from the matter, answering the Ambassadors with this delay: that he presently would not define in the case, but would heare the full matter disputed when he came to Rome, and according to right he would do iustice.

Although the king ought no suche seruice to the Pope, to stand to his arbitrement either in this case, or in any other hauing both the Scripture to lead him, and his lawe in his owne hands to warrant him: yet for quietnes sake: and for that he would not rashly breake order (which rather was a disorder in deede) he bare so long as conveniently he might. At length, after long delaies and much dissembling, when he saw no hope of redresse, he began somwhat to quicken & to looke about him, what was best both for his owne conscience, and the stablishment of his realme, to do.

No man here doubteth, but that at this was wrought not by mans deuise, but by the secreete purpose of the Lord himselfe, to bring to passe further thinges (as afterwarde folowed) whiche his diuine prouidence was disposed to work. For els as touching the kings intent & purpose, he neuer meant nor mynded any such thing as to seek the ruine of the pope, but rather sought all meanes contrary, both to stablish the Sea of Rome, & also to obteyne y^e good will of the same Sea and Court of Rome, if it might haue bene gotten. And therefore intending to luc his diuise firste to Rome, at the first beginning: his deuise was by Stephen Gardiner his Ambadour at Rome, to exalt the Cardinal of York, as is before shewed pag. 990. to be made pope and vniuersall Bishop, to the end that he ruling that Apostolicke sea, the matter of his vnlawfull maryage, whiche so troubled his conscience, might come to a quiet conclusion, without anye further rumor of the world. which purpose of his if it had taken effect as he had deuised it, and the english Cardinal had once bene made Pope, no doubt, but the authoritie of that sea had neuer bene exterminate out of England. But God beinge more mercifull vnto vs, tooke a better way then so. For both without and contrarye to the kinges expectation, he so brought to passe, that neyther the Cardinal of York was Pope (which should haue bene an infinite cost to the king) and yet neuertheles the king sped of his purpose too, and that much better then he looked for: For he was ridde, by lawfull diuorcement, not onely from that vnlawfull marriage which clogged his conscience, but also from the miserable yoke of the popes vnturped dominion, whiche clogged the whole realme, and all at one time.

Thus Gods holy prouidence ruling the matter (as I sayd) when the king could get no faourable graunt of the Pope touching his cause beinge so good and honest, he was enforced to take the redresse of his right into his own handes, and seeing this * Eozdian knotte would not be loosed at Rome, he was dyne against his wil (as God would) to play the noble Alexander himselfe, and with the sword of his princely authority knapt the knot at one stroke cleane a sunder, looking as it were with one solutis, infinite questions. For where the Doctors and Canonistes had long disputed, and yet could neuer thoroughly discusse the largenes and fulnes of the popes two swordes both temporall and spirituall: the king with one sword did so cut of bothe cleane out of England, as ye shall see more anon. But first, the king like a prudent prince, before he would come to the head of the foze, thought best to pare away such rankes and purrified places as were about it, and therefore following his owne prouerbe, like as one goying about to cast downe an olde rotten wall, will not beginne with the foundation first, but with the stones that lye in the toppes: so he to prepare his way better vnto the Pope, first beganne with the Cardinal, casting him by the lawe of Premunire, out of his goods & possessions, and so at length by poisoning himselfe, he procured his owne death: which was in the yeare 1530. Thys done, shortly after about the the yeare 1532. the King to prouide by time agaynst mischiefes that might come from Rome, gaue forth thisnes this proclamation as followeth.

The kings highnes straightly chargeth and commandeth, that no maner of person, what estate, degree, or condition so euer hee or they be of, doe purchase or attempt to purchase from the Court of Rome or els where, nor vse and put in executiō, diuulge or publish any thing heretofore within this yeare passed, purchased, or to be purchased hereafter containing matter preiudiciall to the high authoritie, iurisdiction and prerogatiue Royall of thys hys sayde realme, or to the letre, hinderance or impeache, ment of his graces noble and vertuous intended purposes in the

The king sendeth to the Emperour and the Pope.

The Popes answer to the king.

The king gaue more to the Pope then he needed.

Gods prouidence working mercifully in this matter.

Vid. sup. pag. 990.

Man purposeth but God disposeth.

* Gordium was a City in Asia, where there was a knotte so fast tyed, and folded so many wayes, that (as the saying was) whosoeuer could loose it, should haue all Asia. So Alexander comming to it when he could not loose it with his handes, he cutte it a sunder with his sword.

The kinges prouerbe. Look before.

A restraynte of the king that nothing should be purchased from Rome.

Queene Katherine carnally knowe by the kings brother.

Three reasons for Queene Katherine.

Either Bish. of Exchester a great doer for Queene Katherine.

The fearing of the kinges marriage brought more things to lighte.

Cardinall Campeius slippech fro the king.