

Henry viii's succession acts assignment



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The Act of Succession 1534 is a statute issued by the English Parliament under the reign of King Henry VIII, which confirmed the annulment of Henry's marriage to Queen Katherine and validated Henry's marriage to Anne Boleyn. Also, through this Act the line of succession moved to the children of his marriage to Anne, or any future marriages, effectively removing Mary, Henry's only surviving child from his marriage to Katherine of Aragon, as heir.

Furthermore, the Act contained a clause that subjects must swear an oath recognising the terms of the Act, any refusal would be held as a treasonable offence. A predominant pre-occupation of Henry during his reign was to establish a clear line of succession for the Tudor dynasty. When his marriage to Catherine of Aragon failed to produce a male heir, Henry became convinced this was punishment under divine law for marrying his dead brother's wife (Lotherington, p. 71).

He petitioned the Pope for an annulment of the marriage, however the Pope was under the influence of Charles V of Spain, Katherine of Aragon's nephew, and ultimately refused Henry an annulment (Robinson, 2010). Henry also had ambitions to marry his mistress Anne Boleyn. There followed numerous Acts of Parliament instigated by Henry and his close advisors; beginning with the Act in Restraint of Appeals, which stated that 'no appeals were to be made from England to Rome in any matters concerning wills, marriages, or payments to the Church; cases were to go no further than the Archbishop' (Lotherington, p. 4), that paved the way for a break from the papacy enabling Henry to fulfil his personal ambitions. The main claim in relation to grounds for annulment of Henry's marriage to Katherine was that it was

incestuous, therefore illegal, as Katherine had previously been married to Henry's brother Arthur, despite Katherine's solemn claim that her marriage to Arthur had never been consummated (Fraser, pp. 139-40). With the backing of Thomas Cranmer; a key figure in Henry's reformation policies, (Cranmer had replaced Wolsey as Arch Bishop of Canterbury in 1533 after Wolsey's failure to obtain for Henry an annulment from the Pope (Lotherington, p. 2).) Katherine's claims were disregarded, ' being before lawful wife to Prince Arthur your elder brother, which by him was carnally known' (Act of Succession, 1534), thereby allowing Parliament to deem the marriage ' against the laws of Almighty God', therefore annulled. The Act goes on to declare the marriage of Henry VIII and Anne Boleyn (secretly married by Thomas Cranmer in January 1533, as Anne was pregnant and Henry was desperate for the child to be legitimate (Fraser, p. 187)), valid.

The validation of this marriage on Cranmer's ' grounds of judgement' is said in the Act to be confirmed also by ' the whole clergy of this realm in both the Convocations, and by both the universities thereof, as by the Universities of Bologna, Padua, Paris, Orleans' (Levine, 1973). Here again Cranmer's role in the annulment is significant. It was at the suggestion of Cranmer, before his elevation to Arch-bishop (and possibly partly as a result of), that Henry ' gather enough support to persuade the Pope of the justice of his cause... royal agents were sent to universities across Europe to win backing for the King's cause'(Lotherington, p. 79).

While the support garnered may have been ineffective in persuading the Pope, it is almost certainly used as a persuasion tool to back the validation of the annulment to Katherine; and marriage to Anne. Henry's ambition to

secure a Tudor line of succession aligns in the Act with his marriage to Queen Anne. Accordingly the order of succession went ' first to the King's sons by Queen Anne and their heirs, second to the King's sons by future wives and their heirs, third to Princess Elizabeth.... ' (Levine, 1973). Glaringly obvious in this order of seniority is the absence of Lady Mary, Henry's only surviving child from his marriage to Katherine.

Due to the annulment Mary, the previous rightful heir is omitted from of the line of succession leaving Princess Elizabeth, child of Henry and Anne, heir presumptive. Also contained in Henry's First Succession Act was a clause whereby all subjects must take an oath swearing to the contents of the Act, refusal would be an act of treason. It also became a treasonable offence to speak, act or write; against the King, against his marriage to Anne, against his heirs by this act (Levine, 1973). Through this clause Henry has laid a pre-emptive strike against anyone who might challenge the legitimacy of his marriage and heirs.

Significantly, this highlights Henry's use of Parliament to ensure his personal ambitions were carried out and demonstrates the shift in subordination of canon law to statute law during Henry's reign. THE SECOND SUCCESSION ACT, 1536. The Second Succession Act of 1536 (repealing the First Act of Succession, 1534), following the conviction and execution of Anne Boleyn for adultery and treason, cites Parliamentary legitimization of Henry's marriage to Jane Seymour and the line of succession passing to the lawful issue from this marriage.

The Act declared both Henry's marriage, to Katherine; and to Anne, to be void and also illegitimized the issue from each marriage, this being Mary and Elizabeth. This Act effectively left Henry VIII with no legitimate heir until the birth of Edward in 1537. The Act cites Parliamentary validation for Henry's next choice of wife, Jane Seymour with praise for her 'convenient years... and pureness of flesh and blood' (Williams, 1967). This highlights the unprecedented power of Parliament and King in relation to what had been previously Church matters.

In comparison to the First Act, where Henry's marriage to Queen Anne is 'solemnized' by Cranmer, who held the highest church position in England as the Arch Bishop of Canterbury; in the Second Act, Henry's marriage to Queen Jane is solemnized according to the laws of Holy Church, which by now meant the Church of England; which Henry established and claimed himself to be head of after the Act of Supremacy in 1534 (Lotherington, p. 85). Significantly this highlights the complete break with Rome and the shift in power from papal authority to the unprecedented power of the King, as head of state and church.

In the Act, Parliament acknowledges Henry's perceived 'intolerable perils' that he has had to endure through his 'unlawful' marriage to Katherine, with the inclusion now also of his 'unlawful' marriage to Anne. Significant in the Second Act in regards to Henry's previous marriage to Katherine, is the comparison of wording with the First Act, in which Parliament deems the marriage to be 'void and annulled' (Levine, 1973); in the Second Act Parliament deems the marriage as 'void and annihilate (Williams, 1967)'.

The wording in the First Act acknowledges that a marriage did exist but was revoked due to the lawlessness of the union, the Second Act uses the word 'annihilate' implying that the marriage never existed, thereby lending weight to the credibility of the exclusion of Mary as a rightful heir. Again Henry's pre-occupation with producing a male heir to succeed the throne and ensure a strong stable line of succession is evident in this Act. Albeit the birth of Elizabeth, Henry's marriage to Anne failed to produce the desired male heir and Henry became disillusioned with Anne's ability to do so (Fraser, p. 232). The timely execution of Anne Boleyn in 1536 allowed Henry to disentangle himself from his marriage to Anne without a drawn out legal struggle as there had been with Katherine. The only problem that needed to be addressed with regards to this marriage, it seems, was to declare it void, to be able to justify the displacement of Elizabeth as rightful heir and ensure succession to a male heir from his next union, that to Jane Seymour.

Hence the inclusion in the Act that any children from either previous marriage '.. shall be taken reputed and accepted to be illegitimate... and utterly foreclosed excluded and barred to claim challenge or demand any inheritance as lawful heir or heirs to your highness by lineal descent' (Williams, 1967) in reference to both Mary and Elizabeth. This enforcement by Parliament declaring both Mary and Elizabeth bastards effectively left the King without an heir apparent.

However, provision is given in the Act ' that all issue, hereafter to be had and procreate between your highness and your... queen Jane, shall be your lawful children and heirs' (Williams, 1967), this in conjunction with the repealing of the First Succession Act, established that the next in line of succession would

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be ' the first son of your body between your highness and your said lawful wife queen Jane begotten'(Williams, 1967). Henry's ambitions were realised with the birth of Edward, his son by Queen Jane, in 1537.

Significantly, the strategies used by Henry to secure a male heir, of which both the First Succession Act 1534 and Second Succession Act 1536 were part, instigated widespread radical changes in the role of church, state and monarch in England that became known as the ' Henrician Reformation' (anon). Ultimately, and perhaps unwittingly of Henry, due to his personal obsession with a male heir, these changes can be questioned as fast-tracking the revolutionary Protestant Reformation in England. BIBLIOGRAPHY Levine, First Succession Act, 1534.

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