FROUDE JAMES ANTHONY

THE DIVORCE OF CATHERINE OF ARAGON

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James Anthony Froude
The Divorce of Catherine of Aragon / The Story as Told by the Imperial Ambassadors Resident at the Court of Henry VIII

INTRODUCTION

The mythic element cannot be eliminated out of history. Men who play leading parts on the world's stage gather about them the admiration of friends and the animosity of disappointed rivals or political enemies. The atmosphere becomes charged with legends of what they have said or done – some inventions, some distortions of facts, but rarely or never accurate. Their outward acts, being public, cannot be absolutely misstated; their motives, being known only to themselves, are an open field for imagination; and as the disposition is to believe evil rather than good, the portraits drawn may vary indefinitely, according to the sympathies of the describer, but are seldom too favourable. The more distinguished a man is the more he is talked about. Stories are current about him in his own lifetime, guaranteed apparently by the highest authorities; related, insisted upon; time, place, and circumstance accurately given – most of them mere malicious lies; yet, if written down, to reappear in memoirs a hundred years hence, they are likely to pass for authentic, or at least probable. Even where there is no malice, imagination will still be active. People believe or disbelieve, repeat or suppress, according to their own inclinations; and death, which ends the feuds of unimportant persons, lets loose the tongues over the characters of the great. Kings are especially sufferers; when alive they hear only flattery; when they are gone men revenge themselves by drawing hideous portraits of them, and the more distinguished they may have been the more minutely their weaknesses are dwelt upon. "C'est un plaisir indicible," says Voltaire, "de donner des décrets contre des souverains morts quand on ne peut en lancer contre eux de leur vivant de peur de perdre ses oreilles." The dead sovereigns go their way. Their real work for good or evil lives after them; but they themselves are where the opinions expressed about their character affect them no more. To Cæsar or Napoleon it matters nothing what judgment the world passes upon their conduct. It is of more importance for the ethical value of history that acts which as they are related appear wicked should be duly condemned, that acts which are represented as having advanced the welfare of mankind should be duly honoured, than that the real character of individuals should be correctly appreciated. To appreciate any single man with complete accuracy is impossible. To appreciate him even proximately is extremely difficult. Rulers of kingdoms may have public reasons for what they do, which at the time may be understood or allowed for. Times change, and new interests rise. The circumstances no longer exist which would explain their conduct. The student looks therefore for an explanation in elements which he thinks he understands – in pride, ambition, fear, avarice, jealousy, or sensuality; and, settling the question thus to his own satisfaction, resents or ridicules attempts to look for other motives. So long as his moral judgment is generally correct, he inflicts no injury, and he suffers none. Cruelty and lust are proper objects of abhorrence; he learns to detest them in studying the Tiberius of Tacitus, though the character described by the great Roman historian may have been a mere creation of the hatred of the old Roman aristocracy. The manifesto of the Prince of Orange was a libel against Philip the Second; but the Philip of Protestant tradition is an embodiment of the persecuting spirit of Catholic Europe which it would be now useless to disturb. The tendency of history is to fall into wholesome moral lines whether they be accurate or not, and to interfere with harmless illusions may cause greater errors than it aspires to cure. Crowned offenders are arraigned at the tribunal of history for the crimes which they

are alleged to have committed. It may be sometimes shown that the crimes were not crimes at all, that the sufferers had deserved their fate, that the severities were useful and essential for some great and valuable purpose. But the reader sees in the apology for acts which he had regarded as tyrannical a defence of tyranny itself. Preoccupied with the received interpretation, he finds deeds excused which he had learnt to execrate; and in learning something which, even if true, is of no real moment to him, he suffers in the maiming of his perceptions of the difference between right and wrong. The whitewashing of the villains of tradition is, therefore, justly regarded as waste of labour. If successful, it is of imperfect value; if unsuccessful, it is a misuse of industry which deserves to be censured. Time is too precious to be squandered over paradoxes. The dead are gone; the censure of mankind has written their epitaphs, and so they may be left. Their true award will be decided elsewhere.

This is the common sense verdict. When the work of a man is done and ended; when, except indirectly and invisibly, he affects the living world no more, the book is closed, the sentence is passed, and there he may be allowed to rest. The case is altered, however, when the dead still live in their actions, when their principles and the effects of their conduct are still vigorous and operative, and the movements which they initiated continue to be fought over. It sometimes happens that mighty revolutions can be traced to the will and resolution of a single man, and that the conflict continues when he is gone. The personal character of such a man becomes then of intrinsic importance as an argument for attack or defence. The changes introduced by Henry VIII. are still denounced or defended with renewed violence; the ashes of a conflict which seemed to have been decided are again blown into a flame; and what manner of man Henry was, and what the statesmen and churchmen were who stood by him and assisted him in reshaping the English constitution, becomes a practical question of our own time. By their fruits ye shall know them. A good tree cannot bear evil fruit, neither can a corrupt tree bring forth good fruit. Roman Catholics argue from the act to the man, and from the man back to the act. The Reformation, they say, was a rebellion against an authority appointed by God for the rule of the world; it was a wicked act in itself; the author or the authors of it were presumably, therefore, themselves wicked; and the worst interpretation of their conduct is antecedently probable, because a revolt against the Church of Christ could only have originated in depraved hearts. Or again, inverting the argument, they say with sufficient plausibility that the sins and crimes of the King are acknowledged facts of history; that from so bad a man no good thing could ever rise; that Henry was a visible servant of the devil, and therefore the Reformation, of which he was the instrument, was the devil's work. If the picture drawn of him by his Catholic contemporaries is correct, the inference is irresistible. That picture, however, was drawn by those whose faith he wounded and whose interests he touched, and therefore might be regarded with suspicion. Religious animosity is fertile in calumny, because it assumes beforehand that every charge is likely to be true in proportion to its enormity, and Catholic writers were credulous of evil when laid to the charge of so dangerous an adversary. But the Catholics have not been Henry's only accusers; all sorts and sects have combined in the general condemnation. The Anglican High Churchman is as bitter against him as Reginald Pole himself. He admits and maintains the separation from Rome which Henry accomplished for him; but he abhors as heartily as Pole or Lingard the internal principles of the Reformation. He resents the control of the clergy by the civil power. He demands the restoration of the spiritual privileges which Henry and his parliaments took away from them. He aspires to the recovery of ecclesiastical independence. He therefore with equal triumph points to the blots in Henry's character, and deepens their shade with every accusation, proved or unproved, which he can find in contemporary records. With him, too, that a charge was alleged at the time is evidence sufficient to entitle him to accept it as a fact.

Again, Protestant writers have been no less unsparing from an imprudent eagerness to detach their cause from a disreputable ally. In Elizabeth's time it was a point of honour and loyalty to believe in the innocence of her mother. If Anne Boleyn was condemned on forged or false evidence to make way for Jane Seymour, what appears so clearly to us must have been far clearer to Henry and his Council; of all abominable crimes committed by tyrannical princes there was never one more base

or cowardly than Anne's execution; and in insisting on Anne's guiltlessness they have condemned the King, his ministers, and his parliaments. Having discovered him to have murdered his wife, they have found him also to have been a persecutor of the truth. The Reformation in England was at its outset political rather than doctrinal. The avarice and tyranny of the Church officials had galled the limbs of the laity. Their first steps were to break the chains which fretted them, and to put a final end to the temporal power of the clergy. Spiritual liberty came later, and came slowly from the constitution of the English mind. Superstition had been familiarised by custom, protected by natural reverence, and shielded from inquiry by the peculiar horror attaching to unbelief. The nation had been taught from immemorial time that to doubt on the mysteries of faith was the worst crime which man could commit; and while they were willing to discover that on their human side the clergy were but brother mortals of questionable character, they drew a distinction between the Church as a national institution and the doctrines which it taught. An old creed could not yield at once. The King did much; he protected individual Lutherans to the edge of rashness. He gave the nation the English Bible. He made Latimer a bishop. He took away completely and for ever the power of the prelates to punish what they called heresy *ex officio* and on their own authority; but the zeal of the ultra-Protestants broke loose when the restraint was taken off; the sense of the country was offended by the irreverence with which objects and opinions were treated which they regarded as holy, and Parliament, which had put a bit in the mouth of the ecclesiastical courts, was driven to a substitute in the Bill of the Six Articles. The advanced section in popular movements is usually unwise. The characteristic excellence of the English Reformation is, that throughout its course it was restrained by the law, and the Six Articles Bill, tempered as it was in the execution, was a permissible, and perhaps useful, measure in restraint of intemperance. It was the same in Germany. Anabaptists continued to be burnt in Saxony and Hesse long after Luther's revolt; Calvin thought the stake a fitting penalty for doubts upon the Trinity. John Knox, in Scotland, approved of witch-burning and sending mass-priests to the gallows. Henry could not disregard the pronounced feeling of the majority of the English people. He was himself but one of them, and changed slowly as they changed. Yet Protestant tradition has assumed that the bloody whip with six strings was an act of arbitrary ferocity. It considers that the King could, and ought to, have advanced at once into an understanding of the principle of toleration – toleration of the new opinions, and a more severe repression of the old. The Puritans and Evangelicals forgot that he had given them the English Testament. They forgot that by setting his foot upon the bishops he had opened the pulpits to themselves, and they classed him among the persecutors, or else joined in the shallow laughs of the ultramontane Catholics at what they pleased to call his inconsistency.

Thus from all sides a catena of invective has been wrapped about Henry's character. The sensible part of the country held its tongue. The speakers and writers were the passionate and fanatical of both persuasions, and by them the materials were supplied for the Henry VIII. who has been brought down to us by history, while the candid and philosophic thinkers of the last and present centuries have accepted the traditional figure. In their desire to be impartial they have held the balance equal between Catholics and Protestants, inclining slightly to the Catholic side, from a wish to conciliate a respectable body who had been unjustly maligned and oppressed; while they have lavished invectives upon the early Reformers violent enough to have satisfied even Pole himself, whose rhetoric has formed the base of their declamation.

Liberal philosophy would have had a bad time of it in England, perhaps in all Europe, if there had been no Henry VIII. to take the Pope by the throat. But one service writers like Macaulay have undoubtedly accomplished. They have shown that it is entirely impossible to separate the King from his ministers – to condemn Henry and to spare Cranmer. Protestant writers, from Burnet to Southey, have tried to save the reforming bishops and statesmen at Henry's expense. Cranmer, and Latimer, and Ridley have been described as saints, though their master was a villain. But the cold impartiality of Macaulay has pointed out unanswerably that in all Henry's most questionable acts his own ministers and his prelates were active participants – that his Privy Council, his parliaments, his judges on the

bench, the juries empanelled to try the victims of his tyranny, were equally his accomplices; some actively assisting; the rest, if these acts were really criminal, permitting themselves to be bribed or terrified into acquiescence. The leading men of all descriptions, the nation itself, through the guilt of its representatives, were all stained in the same detestable colours. It may be said, indeed, that they were worse than the King himself. For the King at least may be pleaded the coarse temptations of a brutal nature; but what palliation can be urged for the peers and judges who sacrificed Anne Boleyn, or More, or Fisher, according to the received hypothesis? Not even the excuse of personal fear of an all-powerful despot. For Henry had no Janissaries or Prætorians to defend his person or execute his orders. He had but his hundred yeomen of the guard, not more numerous than the ordinary followers of a second-rate noble. The Catholic leaders, who were infuriated at his attacks upon the Church, and would if they could have introduced foreign armies to dethrone him, insisted on his weakness as an encouragement to an easy enterprise. Beyond those few yeomen they urged that he had no protection save in the attachment of the subjects whom he was alienating. What strange influence was such a king able to exercise that he could overawe the lords and gentry of England, the learned professions, the municipal authorities? How was it that he was able to compel them to be the voluntary instruments of his cruelty? Strangest of all, he seems to have needed no protection, but rather to have been personally popular, even among those who disapproved his public policy. The air was charged with threats of insurrection, but no conspiracy was ever formed to kill him, like those which so often menaced the life of his daughter. When the North was in arms in the Pilgrimage of Grace, and a question rose among the leaders whether in the event of victory the King was to be deposed, it was found that anyone who proposed to remove him would be torn in pieces by the people.

Granting that Henry VIII. was, as Dickens said of him, “a spot of blood and grease” on the page of English history, the contemporary generation of Englishmen must have been fit subjects of such a sovereign. Every country, says Carlyle, gets as good a government as it deserves. The England of the Cromwells and the Cranmers, the Howards and the Fitzwilliams, the Wriothesleys and the Pagets, seems to have been made of baser materials than any land of which mankind has preserved a record. Roman Catholics may fairly plead that out of such a race no spiritual reform is likely to have arisen which could benefit any human soul. Of all the arguments which can be alleged for the return of England to the ancient fold, this is surely the most powerful.

Yet England shows no intention of returning. History may say what it pleases, yet England remains tenacious of the liberties which were then won for us, and unconscious of the disgrace attaching to them; unconscious, also, that the version of the story which it accepts contains anything which requires explanation. The legislation of Henry VIII., his Privy Council, and his parliaments is the Magna Charta of the modern world. The Act of Appeals and the Act of Supremacy asserted the national independence, and repudiated the interference of foreign bishop, prince, or potentate within the limits of the English empire. The clergy had held for many centuries an *imperium in imperio*. Subject themselves to no law but their own, they had asserted an irresponsible jurisdiction over the souls and bodies of the people. The Act for the submission of these persons reduced them to the common condition of subjects under the control of the law. Popes were no longer allowed to dispense with ordinary obligations. Clerical privileges were abolished. The spiritual courts, with their intolerable varieties of iniquity, were swept away, or coerced within rational limits. The religious houses were suppressed, their enormous wealth was applied for the defence of the realm, and the worse than Augean dunghill of abuses was cleared out with resolute hand. These great results were accomplished in the face of papal curses, in defiance of superstitious terrors, so despicable when bravely confronted, so terrible while the spectre of supernatural power was still unexorcised; in the face, too, of earthly perils which might make stout hearts shake, of an infuriated priesthood stirring the people into rebellion, of an exasperated Catholic Europe threatening fire and sword in the name of the Pope. These were distinguished achievements, not likely to have been done at all by an infamous prince and infamous ministers; yet done so well that their work is incorporated in the

constitution almost in the form in which they left it; and this mighty revolution, the greatest and most far-reaching in modern times, was accomplished without a civil war, by firmness of hand, by the action of Parliament, and a resolute enforcement of the law. Nor has the effect of Henry's legislation been confined to England. Every great country, Catholic or Protestant, has practically adopted its chief provisions. Popes no longer pretend a power of deposing princes, absolving subjects from their allegiance, or selling dispensations for offences against the law of the land. Appeals are no longer carried from the national courts to the court of the Rota. The papal treasury is no longer supplied by the plunder of the national clergy, collected by resident papal officials. Bishops and convocations have ceased to legislate above and independent of the secular authority, and clerks who commit crimes bear the same penalties as the profane. The high quality of the Reformation statutes is guaranteed by their endurance; and it is hard to suppose that the politicians who conceived and carried them out were men of base conditions. The question is not of the character of the King. If nothing was at issue but the merits or demerits of a single sovereign, he might be left where he lies. The question is of the characters of the reforming leaders, who, jointly with the King, were the authors of this tremendous and beneficent revolution. Henry in all that he did acted with these men and through them. Is it possible to believe that qualities so opposite as the popular theory requires existed in the same persons? Is it possible, for instance, that Cranmer, who composed or translated the prayers in the English Liturgy, was the miserable wretch which Macaulay or Lingard describes? The era of Elizabeth was the outspring of the movement which Henry VIII. commenced, and it was the grandest period in English history. Is it credible that so invigorating a stream flowed from a polluted fountain?

Before accepting a conclusion so disgraceful – before consigning the men who achieved so great a victory, and risked and lost their lives in the battle, to final execration – it is at least permissible to pause. The difficulty can only be made light of by impatience, by prejudice, or by want of thought. To me at any rate, who wished to discover what the real history of the Reformation had been, it seemed so considerable, that, dismissing the polemical invectives of later writers, I turned to the accounts of their conduct, which had been left behind by the authors of it themselves. Among the fortunate anomalies of the situation, Henry departed from previous custom in holding annual parliaments. At every step which he took, either in the rearrangement of the realm or in his own domestic confusions, he took the Lords and Commons into his council, and ventured nothing without their consent. The preambles of the principal statutes contain a narrative clear and precise of the motives of everything that he did – a narrative which at least may have been a true one, which was not put forward as a defence, but was a mere explanation of acts which on the surface seemed violent and arbitrary. If the explanation is correct, it shows us a time of complications and difficulties, which, on the whole, were successfully encountered. It shows us severe measures severely executed, but directed to public and necessary purpose, involving no sycophancy or baseness, no mean subservience to capricious tyranny, but such as were the natural safeguards during a dangerous convulsion, or remedies of accidents incidental to hereditary monarchy. The story told is clear and distinct; pitiless, but not dishonourable. Between the lines can be read the storm of popular passions, the beating of the national heart when it was stirred to its inmost depths. We see established institutions rooted out, idols overthrown, and injured worshippers exasperated to fury; the air, as was inevitable at such a crisis, full of flying rumours, some lies, some half lies with fragments of truth attaching to them, bred of malice or dizzy brains, the materials out of which the popular tradition has been built. It was no insular revolution. The stake played for was the liberty of mankind. All Europe was watching England, for England was the hinge on which the fate of the Reformation turned. Could it be crushed in England, the Catholics were assured of universal victory, and therefore tongues and pens were busy everywhere throughout Christendom, Catholic imagination representing Henry as an incarnate Satan, for which, it must be admitted, his domestic misadventures gave them tempting opportunities. So thick fell the showers of calumny, that, bold as he was, he at times himself winced under it. He complained to Charles V. of the libels circulated about him in France and Flanders. Charles, too, had suffered in the same way. He

answered, humorously, that "if kings gave occasion to be spoken about they would be spoken about; kings were not kings of tongues." Henry VIII. was an easy mark for slander; but if all slanders are to pass as true which are flung at public men whose policy provides them with an army of calumniators, the reputation of the best of them is but a spotted rag. The clergy were the vocal part of Europe. They had the pulpits; they had the writing of the books and pamphlets. They had cause to hate Henry, and they hated him with an intensity of passion which could not have been more savage had he been the devil himself. But there are men whose enmity is a compliment. They libelled Luther almost as freely as they libelled the English king. I myself, after reading and weighing all that I could find forty years ago in prints or manuscripts, concluded that the real facts of Henry's conduct were to be found in the Statute Book and nowhere else; that the preambles of the Acts of Parliament did actually represent the sincere opinion about him of the educated laymen of England, who had better opportunities of knowing the truth than we can have, and that a modern Englishman may be allowed to follow their authority without the imputation of paradox or folly.

With this impression, and with the Statute Book for a guide, I wrote the opening portion of my "History of England, from the Fall of Wolsey to the Defeat of the Armada." The published criticisms upon my work were generally unfavourable. Catholic writers inherited the traditions and the temper of their forefathers, and believed the catena of their own historians. Protestants could not believe in a defence of the author of the Six Articles Bill. Secular reviewers were easily witty at the "model husband" whom they supposed me to be imposing upon them, and resented the interference with a version of the story authenticated by great names among my predecessors. The public, however, took an interest in what I had to say. The book was read, and continues to be read; at the close of my life, therefore, I have to go once more over the ground; and as I am still substantially alone in maintaining an opinion considered heretical by orthodox historians, I have to decide in what condition I am to leave my work behind me. In the thirty-five years which have elapsed since those early volumes appeared large additions have been made to the materials for the history of the period. The vast collection of manuscripts in the English Record Office, which then were only partially accessible, have been sorted, catalogued, and calendared by the industry of my friends Mr. Brewer and Mr. Gairdner. Private collections in great English houses have been examined and reported on by the Historical Manuscripts Commission. Foreign archives at Paris, Simancas, Rome, Venice, Vienna, and Brussels have been searched to some extent by myself, but in a far larger degree by able scholars specially appointed for the purpose. In the despatches, thus made accessible, of the foreign ambassadors resident at Henry's court we have the invaluable, if not impartial, comments of trained and responsible politicians who related from day to day the events which were passing under their eyes. Being Catholics, and representatives of Catholic powers, they were bitterly hostile to the Reformation – hostile alike on political grounds and religious – and therefore inclined to believe and report the worst that could be said both of it and of its authors. But they wrote before the traditions had become stereotyped; their accounts are fresh and original; and, being men of the world, and writing in confidence to their own masters, they were as veracious as their prejudices would allow them to be. Unconsciously, too, they render another service of infinite importance. Being in close communication with the disaffected English peers and clergy, and engaged with them secretly in promoting rebellion, the ministers of Charles V. reveal with extraordinary clearness the dangers with which the Government had to deal. They make it perfectly plain that the Act of Supremacy, with its stern and peremptory demands, was no more than a legitimate and necessary defence against organised treason.

It was thus inevitable that much would have to be added to what I had already published. When a microscope is applied to the petal of a flower or the wing of an insect, simple outlines and simple surfaces are resolved into complex organisms with curious and beautiful details. The effect of these despatches is precisely the same – we see with the eyes, we hear with the ears, of men who were living parts of the scenes which they describe. Stories afterwards elaborated into established facts we trace to their origin in rumours of the hour; we read innumerable anecdotes, some with the

clear stamp of truth on them, many mere creations of passing wit or malice, no more authentic than the thousands like them which circulate in modern society, guaranteed by the positive assertions of personal witnesses, yet visibly recognisable as lies. Through all this the reader must pick his way and use his own judgment. He knows that many things are false which are reported about his own eminent contemporaries. He may be equally certain that lies were told as freely then as now. He will probably allow his sympathies to guide him. He will accept as fact what fits in with his creed or his theory. He will share the general disposition to believe evil, especially about kings and great men. The exaggerated homage paid to princes, when they are alive, has to be compensated by suspecting the worst of them as soon as they are gone. But the perusal of all these documents leaves the broad aspect of the story, in my opinion, precisely where it was. It is made more interesting by the greater fulness of particulars; it is made more vivid by the clear view which they afford of individual persons who before were no more than names. But I think now, as I thought forty years ago, that through the confusions and contradictions of a stormy and angry time, the statute-book remains the safest guide to follow. If there be any difference, it is that actions which till explained appeared gratuitously cruel, like the execution of Bishop Fisher, are seen beyond dispute to have been reasonable and just. Bishop Fisher is proved by the words of the Spanish Ambassador himself to have invited and pressed the introduction of a foreign Catholic army into England in the Pope's interest.

Thus I find nothing to withdraw in what I then wrote, and little to alter save in correcting some small errors of trivial moment; but, on the other hand, I find much to add; and the question rises in what way I had better do it, with fair consideration for those who have bought the book as it stands. To take the work to pieces and introduce the new material into the text or the notes will impose a necessity of buying a new copy, or of being left with an inferior one, on the many friends who least deserve to be so treated. I have concluded, therefore, on writing an additional volume, where such parts of the story as have had important light thrown upon them can be told over again in ampler form. The body of the history I leave as it stands. It contains what I believe to be a true account of the time, of the immediate causes which brought about the changes of the sixteenth century, and of the characters and principles of the actors in them. I have only to fill up certain deficiencies and throw light into places hitherto left dark. For the rest, I do not pretend to impartiality. I believe the Reformation to have been the greatest incident in English history; the root and source of the expansive force which has spread the Anglo-Saxon race over the globe, and imprinted the English genius and character on the constitution of mankind. I am unwilling to believe more evil than I can help of my countrymen who accomplished so beneficent a work, and in a book written with such convictions the mythical element cannot be wholly wanting. Even things which immediately surround us, things which we see and touch, we do not perceive as they are; we perceive only our own sensations, and our sensations are a combined result of certain objects and of the faculties which apprehend them. Something of ourselves must always be intermixed before knowledge can reach us; in every conclusion which we form, in every conviction which is forced upon us, there is still a subjective element. It is so in physical science. It is so in art. It is so in our speculations on our own nature. It is so in religion. It is so even in pure mathematics. The curved and rectilineal figures on which we reason are our own creation, and have no existence exterior to the reasoning mind. Most of all is it so in history, where we have no direct perceptions to help us, but are dependent on the narratives of others whose beliefs were necessarily influenced by their personal dispositions. The first duty of an historian is to be on his guard against his own sympathies; but he cannot wholly escape their influence. In judging of the truth of particular statements, the conclusion which he will form must be based partly upon evidence and partly upon what he conceives to be likely or unlikely. In a court of justice, where witnesses can be cross-examined, uncertain elements can in some degree be eliminated; yet, after all care is taken, judges and juries have been often blinded by passion and prejudice. When we have nothing before us but rumours set in circulation, we know not by whom or on what authority, and we are driven to consider probabilities, the Protestant, who believes the Reformation to have been a victory of truth

over falsehood, cannot come to the same conclusion as the Catholic, who believes it to have been a curse, or perhaps to the same conclusion as the indifferent philosopher, who regards Protestant and Catholic alike with benevolent contempt. For myself, I can but say that I have discriminated with such faculty as I possess. I have kept back nothing. I have consciously distorted nothing which conflicts with my own views. I have accepted what seems sufficiently proved. I have rejected what I can find no support for save in hearsay or prejudice. But whether accepting or rejecting, I have endeavoured to follow the rule that incidents must not be lightly accepted as authentic which are inconsistent with the universal laws of human nature, and that to disprove a calumny it is sufficient to show that there is no valid witness for it.

Finally, I do not allow myself to be tempted into controversy with particular writers whose views disagree with my own. To contradict in detail every hostile version of Henry VIII.'s or his ministers' conduct would be as tedious as it would be irritating and unprofitable. My censors have been so many that a reply to them all is impossible, and so distinguished that a selection would be invidious. Those who wish for invectives against the King, or Cranmer, or Cromwell, can find them everywhere, from school manuals to the grave works of elaborate historians. For me, it is enough to tell the story as it presents itself to my own mind, and to leave what appears to me to be the truth to speak for itself.

The English nation throughout their long history have borne an honourable reputation. Luther quotes a saying of Maximilian that there were three real sovereigns in Europe – the Emperor, the King of France, and the King of England. The Emperor was a king of kings. If he gave an order to the princes of the Reich, they obeyed or disobeyed as they pleased. The King of France was a king of asses. He ordered about his people at his will, and they obeyed like asses. The King of England was king of a loyal nation who obeyed him with heart and mind as loyal and faithful subjects. This was the character borne in the world by the fathers of the generation whom popular historians represent as having dishonoured themselves by subserviency to a bloodthirsty tyrant. It is at least possible that popular historians have been mistaken, and that the subjects of Henry VIII. were neither much better nor much worse than those who preceded or came after them.

CHAPTER I

Prospects of a disputed succession to the crown – Various claimants – Catherine incapable of having further children – Irregularity of her marriage with the King – Papal dispensations – First mention of the divorce – Situation of the Papacy – Charles V. – Policy of Wolsey – Anglo-French alliance – Imperial troops in Italy – Appeal of the Pope – Mission of Inigo de Mendoza – The Bishop of Tarbes – Legitimacy of the Princess Mary called in question – Secret meeting of the Legates' court – Alarms of Catherine – Sack of Rome by the Duke of Bourbon – Proposed reform of the Papacy – The divorce promoted by Wolsey – Unpopular in England – Attempts of the Emperor to gain Wolsey.

In the year 1526 the political prospects of England became seriously clouded. A disputed succession had led in the previous century to a desperate civil war. In that year it became known in private circles that if Henry VIII. was to die the realm would again be left without a certain heir, and that the strife of the Roses might be renewed on an even more distracting scale. The sons who had been born to Queen Catherine had died in childbirth or had died immediately after it. The passionate hope of the country that she might still produce a male child who would survive had been constantly disappointed, and now could be entertained no longer. She was eight years older than her husband. She had "certain diseases" which made it impossible that she should be again pregnant, and Henry had for two years ceased to cohabit with her. He had two children still living – the Princess Mary, Catherine's daughter, then a girl of eleven, and an illegitimate son born in 1519, the mother being a daughter of Sir John Blount, and married afterwards to Sir Gilbert Talboys. By presumptive law the Princess was the next heir; but no woman had ever sat on the throne of England alone and in her own right, and it was doubtful whether the nation would submit to a female sovereign. The boy, though excluded by his birth from the prospect of the crown, was yet brought up with exceptional care, called a prince by his tutors, and probably regarded by his father as a possible successor should his sister go the way of her brothers. In 1525, after the King had deliberately withdrawn from Catherine, he was created Duke of Richmond – a title of peculiar significance, since it had been borne by his grandfather, Henry VII. – and he was granted precedence over the rest of the peerage. Illegitimacy was a serious, but, it might be thought, was not an absolute, bar. The Conqueror had been himself a bastard. The Church, by its habits of granting dispensations for irregular marriages or of dissolving them on pleas of affinity or consanguinity or other pretext, had confused the distinction between legitimate and illegitimate. A Church Court had illegitimatised the children of Edward IV. and Elizabeth Grey, on the ground of one of Edward's previous connections; yet no one regarded the princes murdered in the Tower as having been illegitimate in reality; and to prevent disputes and for an adequate object, the Duke of Richmond, had he grown to manhood, might, in the absence of other claims, have been recognised by Parliament. But the Duke was still a child, and might die as Henry's other sons had died; and other claims there were which, in the face of the bar sinister, could not fail to be asserted. James V. of Scotland was next in blood, being the son of Henry's eldest sister, Margaret. There were the Greys, inheriting from the second sister, Mary. Outside the royal house there were the still popular representatives of the White Rose, the Marquis of Exeter, who was Edward IV.'s grandson; the Countess of Salisbury, daughter of Edward's brother the Duke of Clarence, and sister of the murdered Earl of Warwick; and Henry's life was the only obstacle between the collision of these opposing pretensions. James, it was quite certain, would not be allowed to succeed without a struggle. National rivalry forbade it. Yet it was no less certain that he would try, and would probably be backed by France. There was but one escape from convulsions which might easily be the ruin of the realm. The King was in the flower of his age, and might naturally look for a Prince of Wales to come after him if he was married to a woman capable

of bearing one. It is neither unnatural nor, under the circumstances, a matter to be censured if he and others began to reflect upon the peculiar character of his connection with Catherine of Aragon. It is not sufficiently remembered that the marriage of a widow with her husband's brother was then, as it is now, forbidden by the laws of all civilised countries. Such a marriage at the present day would be held *ipso facto* invalid and not a marriage at all. An irregular power was then held to rest with the successors of St. Peter to dispense, under certain conditions, with the inhibitory rules. The popes are now understood to have never rightly possessed such an authority, and therefore, according to modern law and sentiment, Henry and Catherine never were husband and wife at all. At the time it was uncertain whether the dispensing power extended so far as to sanction such a union, and when the discussion rose upon it the Roman canonists were themselves divided. Those who maintained the widest view of the papal faculty yet agreed that such a dispensation could only be granted for urgent cause, such as to prevent foreign wars or internal seditions, and no such cause was alleged to have existed when Ferdinand and Henry VII. arranged the marriage between their children. The dispensation had been granted by Pope Julius with reluctance, had been acted upon after considerable hesitation, and was of doubtful validity, since the necessary conditions were absent. The marriages of kings were determined with little reference to the personal affection of the parties. Between Henry and Catherine there was probably as much and as little personal attachment as there usually is in such cases. He respected and perhaps admired her character; but she was not beautiful, she was not attractive, while she was as proud and intractable as her mother Isabella. Their union had been settled by the two fathers to cement the alliance between England and Spain. Such connections rest on a different foundation from those which are voluntarily entered into between private persons. What is made up for political reasons may pardonably be dissolved when other reasons of a similar kind require it; and when it became clear that Catherine could never bear another child, that the penalty threatened in the Levitical law against marriages of this precise kind had been literally enforced in the death of the male offspring, and that civil war was imminent in consequence upon the King's death, Henry may have doubted in good faith whether she had ever been his wife at all – whether, in fact, the marriage was not of the character which everyone would now allow to attach to similar unions. Had there been a Prince of Wales, the question would never have arisen, and Henry, like other kings, would have borne his fate. But there was no prince, and the question had risen, and there was no reason why it should not. There was no trace at the outset of an attachment to another woman. If there had been, there would be little to condemn; but Anne Boleyn, when it was first mooted, was no more to the King than any other lady of the court. He required a wife who could produce a son to secure the succession. The powers which had allowed an irregular marriage could equally dissolve it, and the King felt that he had a right to demand a familiar concession which other sovereigns had often applied for in one form or another, and rarely in vain.

Thus as early as 1526 certainly, and probably as much as a year before, Cardinal Wolsey had been feeling his way at Rome for a separation between Henry and Catherine. On September 7 in that year the Bishop of Bath, who was English Ambassador at Paris, informed the Cardinal of the arrival there of a confidential agent of Pope Clement VII. The agent had spoken to the Bishop on this especial subject, and had informed him that there would be difficulties about it.[1] The "blessed divorce" —*benedictum divorcium* the Bishop calls it – had been already under consideration at Rome. The difficulties were not specified, but the political features of the time obliged Clement to be circumspect, and it was these that were probably referred to. Francis I. had been defeated and taken prisoner by the Imperialists at Pavia. He had been carried to Spain, and had been released at Henry's intercession, under severe conditions, to which he had reluctantly consented, and his sons had been left at Madrid as hostages for the due fulfilment of them. The victorious army, half Spanish, half German, remained under the Duke of Bourbon to complete the conquest of Italy; and Charles V.,

[1] *Calendar of State Papers, Hen. VIII., Foreign and Domestic*, vol. iv. Introduction, p. 223.

with his already vast dominions and a treasury which the world believed to be inexhaustibly supplied from the gold mines of the New World, seemed advancing to universal empire.

France in the preceding centuries had been the hereditary enemy of England; Spain and Burgundy her hereditary friends. The marriage of Catherine of Aragon had been a special feature of the established alliance. She was given first to Prince Arthur, and then to Henry, as a link in the confederacy which was to hold in check French ambition. Times were changing. Charles V. had been elected emperor, largely through English influence; but Charles was threatening to be a more serious danger to Europe than France had been. The Italian princes were too weak to resist the conqueror of Pavia. Italy once conquered, the Papacy would become a dependency of the empire, and, with Charles's German subjects in open revolt against it, the Church would lose its authority, and the organisation of the Catholic world would fall into hopeless decrepitude. So thought Wolsey, the most sharp-sighted of English ministers. He believed that the maintenance of the Papacy was the best defence of order and liberty. The only remedy which he could see was a change of partners. England held the balance between the great rival powers. If the English alliance could be transferred from the Empire to France, the Emperor could be held in check, and his supposed ambition neutralised. Wolsey was utterly mistaken; but the mistake was not an unnatural one. Charles, busy with his Italian wars, had treated the Lutheran schism with suspicious forbearance. Notwithstanding his Indian ingots his finances were disordered. Bourbon's lansquenets had been left to pay themselves by plunder. They had sacked monasteries, pillaged cathedral plate, and ravished nuns with irreverent ferocity. The estates of the Church had been as little spared by them as Lombardy; and to Clement VII. the invasion was another inroad of barbarians, and Bourbon a second Attila. What Bourbon's master meant by it, and what he might intend to do, was as uncertain to Clement as perhaps it was to Charles himself. In the prostrate, degraded, and desperate condition into which the Church was falling, any resolution was possible. To the clearest eyes in Europe the Papacy seemed tottering to its fall, and Charles's hand, if he chose to raise it, might precipitate the catastrophe. To ask a pope at such a time to give mortal offence to the Spanish nation by agreeing to the divorce of Catherine of Aragon was to ask him to sign his death-warrant. No wonder, therefore, that he found difficulties. Yet it was to France and England that Clement had to look for help in his extremities. The divorce perhaps had as yet been no more than a suggestion, a part of a policy which was still in its infancy. It could wait at any rate for a more convenient season. Meantime he sent his secretary, Sanga, to Paris to beg aid; and to Henry personally he made a passionate appeal, imploring him not to desert the Apostolic See in its hour of extreme need. He apologised for his importunacy, but he said he hoped that history would not have to record that Italy had been devastated in the time of Clement VII. to the dishonour of the King and of Wolsey. If France and England failed him, he would himself be ruined. The Emperor would be universal monarch. They would open their eyes at last, but they would open them too late. So piteous was the entreaty that Henry when he read the Pope's letter burst into tears.[2] Clement had not been idle. He had brought his own small army into the field to oppose Bourbon; he joined the Italian League, and prepared to defend himself. He was called the father of Christendom, yet he was at open war with the most Catholic king. But Wolsey reasonably considered that unless the Western powers interfered the end would come.

If England was to act, she could act only in alliance with France. The change of policy was ill understood, and was not popular among Henry's subjects. The divorce as yet had not been spoken of. No breath of such a purpose had gone abroad. But English sentiment was imperial, and could endure with equanimity even the afflictions of a pope. The King was more papal than his people; he allowed Wolsey to guide him, and negotiations were set on foot at once for a special treaty with France, one of the conditions of which was to be the marriage of the Princess Mary – allotted like a card in a game –

[2] *Calendar, Foreign and Domestic, Hen. VIII.*, vol. iv. p. 1112. – Hen. VIII. to Clement VII., Oct. 23, 1526. —*Ib.* p. 1145. Giberto to Gambara, Dec. 20, 1526. —*Ib.* p. 1207.

either to Francis or to one of his sons; another condition being that the English crown should be settled upon her should Henry die without a legitimate son. Sir John Russell was simultaneously despatched to Rome with money to help the Pope in paying his troops and garrisoning the city. The ducats and the "kind words" which accompanied them "created incredible joy," encouraged his Holiness to reject unjust conditions which had been offered, and restored him, if for the moment only, "from death to life."[3] If Russell described correctly what he saw in passing through Italy, Clement had good cause for anxiety. "The Swabians and Spaniards," he wrote, "had committed horrible atrocities. They had burnt houses to the value of two hundred million ducats, with all the churches, images, and priests that fell into their hands. They had compelled the priests and monks to violate the nuns. Even where they were received without opposition they had burned the place; they had not spared the boys, and they had carried off the girls; and whenever they found the Sacrament of the Church they had thrown it into a river or into the vilest place they could find. If God did not punish such cruelty and wickedness, men would infer that He did not trouble Himself about the affairs of this world."[4]

The news from Italy gave a fresh impulse to Wolsey's policy and the Anglo-French Alliance, which was pushed forward in spite of popular disapproval. The Emperor, unable to pay, and therefore unable to control, his troops, became himself alarmed. He found himself pressed into a course which was stimulating the German revolt against the Papacy, and he professed himself anxious to end the war. Inigo de Mendoza, the Bishop of Burgos, was despatched to Paris to negotiate for a general pacification. From Paris he was to proceed to London to assure Henry of the Emperor's inalienable friendship, and above all things to gain over Wolsey by the means which experience had shown to be the nearest way to Wolsey's heart. The great Cardinal was already Charles's pensionary, but the pension was several years in arrear. Mendoza was to tell him not only that the arrears should be immediately paid up, but that a second pension should be secured to him on the revenues of Milan, and that the Emperor would make him a further grant of 6,000 ducats annually out of the income of Spanish bishoprics. No means was to be spared to divert the hostility of so dangerous an enemy.[5]

Wolsey was not to be so easily gained. He had formed large schemes which he did not mean to part with, and in the matter of pensions Francis I. was as liberal in promises as Charles. The Pope's prospects were brightening. Besides the English money, he had improved his finances by creating six new cardinals, and making 240,000 crowns out of the disposition of these sacred offices.[6] A French embassy, with the Bishop of Tarbes at its head, came to England to complete the treaty with Henry in the Pope's defence. Demands were to be made upon the Emperor; if those demands were refused, war was to follow, and the cement of the alliance was to be the marriage of Mary with a French prince. It is likely that other secret projects were in view also of a similar kind. The marriage of Henry with Catherine had been intended to secure the continuance of the alliance with Spain. Royal ladies were the counters with which politicians played; and probably enough there were thoughts of placing a French princess in Catherine's place. However this may be, the legality of the King's marriage with his nominal queen was suddenly and indirectly raised in the discussion of the terms of the treaty, when the Bishop of Tarbes inquired whether it was certain that Catherine's daughter was legitimate.

Mr. Brewer, the careful and admirable editor of the "Foreign and Domestic Calendar of State Papers," doubts whether the Bishop did anything of the kind. I cannot agree with Mr. Brewer. The Bishop of Tarbes was among the best-known diplomatists in Europe. He was actively concerned during subsequent years in the process of the divorce case in London, in Paris, and at Rome. The expressions which he used on this occasion were publicly appealed to by Henry in his addresses to the peers and to the country, in the public pleas which he laid before the English prelates, in the

[3] Giberto, Bishop of Verona, to Wolsey, Feb. 10, 1527. —*Calendar, Foreign and Domestic*, vol. iv. pp. 1282-3.

[4] Giberto, Bishop of Verona, to Wolsey, Feb. 10, 1527. —*Calendar, Foreign and Domestic*, April 26, 1527, vol. iv. p. 1386.

[5] Inigo de Mendoza to the Emperor, Jan. 19, 1527. —*Spanish Calendar*, vol. iii. pt. 2, p. 24.

[6] Alonzo Sanchez to Charles V., May 7, 1527. —*Ib.* p. 176.

various repeated defences which he made for his conduct. It is impossible that the Bishop should have been ignorant of the use which was made of his name, and impossible equally to suppose that he would have allowed his name to be used unfairly. The Bishop of Tarbes was unquestionably the first person to bring the question publicly forward. It is likely enough, however, that his introduction of so startling a topic had been privately arranged between himself and Wolsey as a prelude to the further steps which were immediately to follow. For the divorce had by this time been finally resolved on as part of a general scheme for the alteration of the balance of power. The domestic reasons for it were as weighty as ever were alleged for similar separations. The Pope's hesitation, it might be assumed, would now be overcome, since he had flung himself for support upon England and France, and his relations with the Emperor could hardly be worse than they were.

The outer world, and even the persons principally concerned, were taken entirely by surprise. For the two years during which it had been under consideration the secret had been successfully preserved. Not a hint had reached Catherine herself, and even when the match had been lighted by the Bishop of Tarbes the full meaning of it does not seem to have occurred to her. Mendoza, on his arrival in England, had found her disturbed; she was irritated at the position which had been given to the Duke of Richmond; she was angry, of course, at the French alliance; she complained that she was kept in the dark about public affairs; she was exerting herself to the utmost among the friends of the imperial connection to arrest Wolsey's policy and maintain the ancient traditions; but of the divorce she had not heard a word. It was to come upon her like a thunderstroke.[7]

Before the drama opens a brief description will not be out of place of the two persons who were to play the principal parts on the stage, as they were seen a year later by Ludovico Falieri, the Venetian ambassador in England. Of Catherine his account is brief.

"The Queen is of low stature and rather stout; very good and very religious; speaks Spanish, French, Flemish, and English; more beloved by the Islanders than any queen that has ever reigned; about forty-five years old, and has been in England thirty years. She has had two sons and one daughter. Both the sons died in infancy. One daughter survives."

On the King, Falieri is more elaborate.

"In the 8th Henry such beauty of mind and body is combined as to surprise and astonish. Grand stature, suited to his exalted position, showing the superiority of mind and character; a face like an angel's, so fair it is; his head bald like Cæsar's, and he wears a beard, which is not the English custom. He is accomplished in every manly exercise, sits his horse well, tilts with his lance, throws the quoit, shoots with his bow excellent well; he is a fine tennis player, and he practises all these gifts with the greatest industry. Such a prince could not fail to have cultivated also his character and his intellect. He has been a student from his childhood; he knows literature, philosophy, and theology; speaks and writes Spanish, French, and Italian, besides Latin and English. He is kind, gracious, courteous, liberal, especially to men of learning, whom he is always ready to help. He appears religious also, generally hears two masses a day, and on holy days High Mass besides. He is very charitable, giving away ten thousand gold ducats annually among orphans, widows, and cripples."[8]

Such was the King, such the Queen, whom fate and the preposterous pretensions of the Papacy to dispense with the established marriage laws had irregularly mated, and whose separation was to shake the European world. Pope Clement complained in subsequent years that the burden of decision should have been thrown in the first instance upon himself. If the King had proceeded at the outset to try the question in the English courts; if a judgment had been given unfavourable to the marriage, and had he immediately acted upon it, Queen Catherine might have appealed to the Holy See; but accomplished facts were solid things. Her case might have been indefinitely protracted by

[7] Mendoza to Charles V., March 18, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 110.

[8] Report from England, Nov. 10, 1531. —*Venetian Calendar.* Falieri arrived in England in 1528, and the general parts of the Report cover the intervening period.

legal technicalities till it died of itself. It would have been a characteristic method of escape out of the difficulty, and it was a view which Wolsey himself perhaps at first entertained. He knew that the Pope was unwilling to take the first step.

On the 17th of May, 1527, after a discussion of the Treaty with France, he called a meeting of his Legatine court at York Place. Archbishop Warham sate with him as assessor. The King attended, and the Cardinal, having stated that a question had arisen on the lawfulness of his marriage, enquired whether the King, for the sake of public morals and the good of his own soul, would allow the objections to be examined into. The King assented, and named a proctor. The Bull of Julius II. was introduced and considered. Wolsey declared that in a case so intricate the canon lawyers must be consulted, and he asked for the opinions of the assembled bishops. The bishops, one only excepted, gave dubious answers. The aged Bishop of Rochester, reputed the holiest and wisest of them, said decidedly that the marriage was good, and the Bull which legalised it sufficient.

These proceedings were not followed up, but the secrecy which had hitherto been observed was no longer possible, and Catherine and her friends learnt now for the first time the measure which was in contemplation. Mendoza, writing on the day following the York Place meeting to the Emperor, informed him, as a fact which he had learnt on reliable authority, that Wolsey, for a final stroke of wickedness, was scheming to divorce the Queen. She was so much alarmed that she did not venture herself to speak of it, but it was certain that the lawyers and bishops had been invited to sign a declaration that, being his brother's widow, she could not be the wife of the King. The Pope, she was afraid, might be tempted to take part against her, or the Cardinal himself might deliver judgment as Papal Legate. Her one hope was in the Emperor. The cause of the action taken against her was her fidelity to the Imperial interests. Nothing as yet had been made formally public, and she begged that the whole matter might be kept as private as possible.[9]

That the Pope would be willing, if he dared, to gratify Henry at Charles's expense was only too likely. The German Lutherans and the German Emperor were at the moment his most dangerous enemies. France and England were the only Powers who seemed willing to assist him, and a week before the meeting of Wolsey's court he had experienced in the most terrible form what the imperial hostility might bring upon him. On the 7th of that same month of May the army of the Duke of Bourbon had taken Rome by storm. The city was given up to pillage. Reverend cardinals were dragged through the streets on mules' backs, dishonoured and mutilated. Convents of nuns were abandoned to the licentious soldiery. The horrors of the capture may have been exaggerated, but it is quite certain that to holy things or holy persons no respect was paid, and that the atrocities which in those days were usually perpetrated in stormed towns were on this occasion eminently conspicuous. The unfortunate Pope, shut up in the Castle of St. Angelo, looked down from its battlements upon scenes so dreadful that it must have appeared as if the Papacy and the Church itself had been overtaken by the final judgment. We regard the Spaniards as a nation of bigots, we consider it impossible that the countrymen of Charles and Philip could have been animated by any such bitterness against the centre of Catholic Christendom. Charles himself is not likely to have intended the humiliation of the Holy See. But Clement had reason for his misgivings, and Wolsey's policy was not without excuse. Lope de Soria was Charles's Minister at Genoa, and Lope de Soria's opinions, freely uttered, may have been shared by many a Catholic besides himself. On the 25th of May, a fortnight after the storm, he wrote to his master the following noticeable letter: —

"The sack of Rome must be regarded as a visitation from God, who permits his servant the Emperor to teach his Vicar on earth and other Christian princes that their wicked purposes shall be defeated, the unjust wars which they have raised shall cease, peace be restored to Christendom, the faith be exalted, and heresy extirpated… Should the Emperor think that the Church of God is not what it ought to be, and that the Pope's temporal power emboldens him to promote war among

[9] Inigo de Mendoza to Charles V., May 18, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 193.

Christian princes, I cannot but remind your Majesty that it will not be a sin, but a meritorious action, to reform the Church; so that the Pope's authority be confined exclusively to his own spiritual affairs, and temporal affairs to be left to Cæsar, since by right what is God's belongs to God, and what is Cæsar's to Cæsar. I have been twenty-eight years in Italy, and I have observed that the Popes have been the sole cause of all the wars and miseries during that time. Your Imperial Majesty, as Supreme Lord on earth, is bound to apply a remedy to that evil."[10]

Heretical English and Germans were not the only persons who could recognise the fitness of the secular supremacy of princes over popes and Churches. Such thoughts must have passed through the mind of Charles himself, and of many more besides him. De Soria's words might have been dictated by Luther or Thomas Cromwell. Had the Emperor at that moment placed himself at the head of the Reformation, all later history would have been different. One statesman at any rate had cause to fear that this might be what was about to happen. Wolsey was the embodiment of everything most objectionable and odious to the laity in the ecclesiastical administration of Europe. To defend the Papacy and to embarrass Charles was the surest method of protecting himself and his order. The divorce was an incident in the situation, but not the least important. Catherine represented the Imperialist interest in England. To put her away was to make the breach with her countrymen and kindred irreparable. He took upon himself to assure the King that after the last outrage the Pope would agree to anything that France and England demanded of him, and would trust to his allies to bear him harmless. That the divorce was a thing reasonable in itself to ask for, and certain to be conceded by any pope who was free to act on his own judgment, was assumed as a matter of course. Sir Gregory Casalis, the English agent at Rome, was instructed to obtain access to Clement in St. Angelo, to convey to him the indignation felt in England at his treatment, and then to insist on the illegality of the King's relations with Catherine, on the King's own scruples of conscience, and on the anxiety of his subjects that there should be a male heir to the crown. The "urgent cause" such as was necessary to be produced when exceptional actions were required of the popes was the imminence or even certainty of civil war if no such heir was born.

Catherine meanwhile had again communicated with Mendoza. She had spoken to her husband, and Henry, since further reticence was impossible, had told her that they had been living in mortal sin, and that a separation was necessary. A violent scene had followed, with natural tears and reproaches.[11] The King endeavoured to console her, but it was not a matter where consolation could avail. Wolsey advised him to deal with her gently, till it was seen what the Pope and the King of France would do in the matter. Wolsey himself was to go immediately to Paris to see Francis, and consult with him on the measures necessary to be taken in consequence of the Pope's imprisonment. It was possible that Clement, finding himself helpless, might become a puppet in the Emperor's hands. Under such circumstances he could not be trusted by other countries with the spiritual authority attaching to his office, and schemes were being formed for some interim arrangement by which France and England were to constitute themselves into a separate patriarchate, with Wolsey at its head as Archbishop of Rouen. Mendoza says that this proposal had been actually made to Wolsey by the French Ambassador.[12] In Spain it was even believed to be contemplated as a permanent modification of the ecclesiastical system. The Imperial Councillors at Valladolid told the Venetian Minister that the Cardinal intended to separate the Churches of England and France from that of Rome, saying that as the Pope was a prisoner he was not to be obeyed, and that even if the Emperor released him, he still would not be free unless his fortresses and territory now in the Emperor's hands were restored

[10] Lope de Soria to Charles V., May 25, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 209.

[11] Mendoza to Charles V., July 13, 1527. —*Spanish Calendar*, vol. ii. part 2, p. 276.

[12] *Ib.* vol. iii. part 2, p. 273.

to him.[13] Wolsey had reason for anxiety, for Catherine and Mendoza were writing to the Emperor insisting that he should make the Pope revoke Wolsey's Legatine powers.

In spite of efforts to keep secret the intended divorce, it soon became known throughout England. The Queen was personally popular. The nation generally detested France, and looked on the Emperor as their hereditary friend. The reasons for the divorce might influence statesmen, but did not touch the body of the people. They naturally took the side of an injured wife, and if Mendoza can be believed (and there is no reason why he should not be believed), the first impression was decidedly unfavourable to a project which was regarded as part of the new policy. Mendoza made the most of the opposition. He told the Emperor that if six or seven thousand men were landed in Cornwall, forty thousand Englishmen would rise and join them.[14] He saw Wolsey – he reasoned with him, and when he found reason ineffectual, he named the bribe which the Emperor was willing to give. Knowing what Francis was bidding, he baited his hook more liberally. He spoke of the Papacy: "how the chair was now in the Emperor's hands, and the Emperor, if Wolsey deserved it, would no doubt promote his elevation." The glittering temptation was unavailing. The papal chair had been Wolsey's highest ambition, but he remained unmoved. He said that he had served the Emperor in the past out of disinterested regard. He still trusted that the Emperor would replace the Pope and restore the Church. Mendoza's answer was not reassuring to an English statesman. He said that both the spiritual and temporal powers were now centred in his master, and he advised Wolsey, if he desired an arrangement, to extend his journey from France, go on to Spain, and see the Emperor in person. It was precisely this *centering* which those who had charge of English liberties had a right to resent. Divorce or no divorce, they could not allow a power possessed of so much authority in the rest of Christendom to be the servant of a single prince. The divorce was but an illustration of the situation, and such a Papacy as Mendoza contemplated would reduce England and all Catholic Europe into fiefs of the Empire.

[13] Andrea Navagero to the Signory, July 17, 1527. —*Venetian Calendar.*

[14] Mendoza to Charles V., July 17, 1527. —*Spanish Calendar.*

CHAPTER II

Mission of Wolsey to Paris – Visits Bishop Fisher on the way – Anxieties of the Emperor – Letter of the Emperor to Henry VIII. – Large offers to Wolsey – Address of the French Cardinals to the Pope – Anne Boleyn chosen by Henry to succeed Catherine – Surprise and displeasure of Wolsey – Fresh attempts of the Emperor to bribe him – Wolsey forced to continue to advocate the divorce – Mission of Dr. Knight to Rome – The Pope at Orvieto – The King applies for a dispensation to make a second marriage – Language of the dispensation demanded – Inferences drawn from it – Alleged intrigue between the King and Mary Boleyn.

It was believed at the time – and it was the tradition afterwards – that Wolsey, in his mission to Paris, intended to replace Catherine by a French princess, the more surely to commit Francis to the support of Henry in the divorce, and to strengthen the new alliance. Nothing can be inherently more likely. The ostensible reason, however, was to do away with any difficulties which might have been suggested by the objection of the Bishop of Tarbes to the legitimacy of the Princess Mary. If illegitimate, she would be no fitting bride for the Duke of Orleans. But she had been born *bonâ fide parentum*. There was no intention of infringing her prospective rights or of altering her present position. Her rank and title were to be secured to her in amplest measure.

The Cardinal went upon his journey with the splendour attaching to his office and befitting a churchman who was aspiring to be the spiritual president of the two kingdoms. On his way to the coast he visited two prelates whose support to his policy was important. Archbishop Warham had been cold about the divorce, if not openly hostile. Wolsey found him “not much changed from his first fashion,” but admitting that, although it might be unpleasant to the Queen, truth and justice must prevail. Bishop Fisher was a more difficult subject. He had spoken in the Legate’s court in Catherine’s favour. It was from him, as the King supposed, that Catherine herself had learnt what was impending over her. Wolsey called at his palace as he passed through Rochester. He asked the Bishop plainly if he had been in communication with the Queen. The Bishop, after some hesitation, confessed that the Queen had sought his advice, and said that he had declined to give an opinion without the King’s command. Before Wolsey left London, at a last interview at York Place, the King had directed him to explain “the whole matter” to the Bishop. He went through the entire history, mentioned the words of the Bishop of Tarbes, and discussed the question which had risen upon it, on account of which he had been sent into France. Finally, he described the extreme violence with which Catherine had received the intelligence.

The Bishop greatly blamed the conduct of the Queen, and said he thought that if he might speak to her he might bring her to submission. He agreed, or seemed to agree, that the marriage had been irregular, though he did not himself think that it could now be broken. Others of the bishops, he thought, agreed with him; but he was satisfied that the King meant nothing against the laws of God, and would be fully justified in submitting his misgivings to the Pope.[15]

Mendoza’s and the Queen’s letters had meanwhile been despatched to Spain, to add to the anxieties which were overwhelming the Emperor. Nothing could have been less welcome at such a juncture than a family quarrel with his uncle of England, whose friendship he was still hoping to retain. The bird that he had caged at Rome was no convenient prisoner. The capture of Rome had not been ordered by himself, though politically he was obliged to maintain it. The time did not suit for the ambitious Church reforms of Lope de Soria. Peace would have to be made with the Pope on some moderate conditions. His own Spain was hardly quieted after the revolt of the *Comunidades*. Half

[15] Wolsey to Henry VIII., July 5. —*Calendar, Foreign and Domestic*, vol. iv. part 2. Bishop Fisher to Paul, *ibid.*, p. 1471.

Germany was in avowed apostasy from the Church of Rome. The Turks were overrunning Hungary, and sweeping the Mediterranean with their pirate fleets, and the passionate and restless Francis was watching his opportunity to revenge Pavia and attack his captor in the Low Countries and in Italy. The great Emperor was moderate, cautious, prudent to a fault. In a calmer season he might have been tempted to take the Church in hand; and none understood better the condition into which it had fallen. But he was wise enough to know that if a reform of the Papacy was undertaken at all it must be undertaken with the joint consent of the other Christian princes, and all his present efforts were directed to peace. He was Catherine's natural guardian. Her position in England had been hitherto a political security for Henry's friendship. It was his duty and his interest to defend her, and he meant to do it; not, however, by sending roving expeditions to land in Cornwall and raise a civil war; all means were to be tried before that; to attempt such a thing, he well knew, would throw Europe into a blaze. The letters found him at Valladolid. He replied, of course, that he was shocked at a proceeding so unlooked for and so scandalous, but he charged Mendoza to be moderate and to confine himself to remonstrance.[16] He wrote himself to Henry – confidentially, as from friend to friend, and ciphering his letter with his own hand. He was unable to believe, he said, that Henry could contemplate seriously bringing his domestic discomforts before the world. Even supposing the marriage illegitimate – even supposing that the Pope had no power to dispense in such cases – "it would be better and more honourable to keep the matter secret, and to work out a remedy." He bade Mendoza remind the King that to question the dispensing power affected the position of other princes besides his own; that to touch the legitimacy of his daughter would increase the difficulties with the succession, and not remove them. He implored the King "to keep the matter secret, as he would do himself." Meanwhile, he told Mendoza, for Catherine's comfort, that he had written to demand a mild brief from the Pope to stop the scandal. He had requested him, as Catherine had suggested, to revoke Wolsey's powers, or at least to command that neither he nor any English Court should try the case. If heard at all it must be heard before his Holiness and the Sacred College.[17] But he could not part with the hope that he might still bring Wolsey to his own and the Queen's side. A council of Cardinals was to meet at Avignon to consider the Pope's captivity. The Cardinal of England was expected to attend. Charles himself might go to Perpignan. Wolsey might meet him there, discuss the state of Europe, and settle the King's secret affair at the same time. Should this be impossible, he charged Mendoza once more to leave no stone unturned to recover Wolsey's friendship. "In our name," he said, "you will make him the following offers: —

"1. The payment of all arrears on his several pensions, amounting to 9,000 ducats annually.

"2. Six thousand additional ducats annually until such a time as a bishoprick or other ecclesiastical endowment of the same revenue becomes vacant in our kingdom.

"3. The Duke, who is to have Milan, to give him a Marquisate in that Duchy, with an annual rent of 12,000 ducats, or 15,000 if the smaller sum be not enough; the said Marquisate to be held by the Cardinal during his life, and to pass after him to any heir whom he shall appoint."[18]

As if this was not sufficient, the Emperor paid a yet further tribute to the supposed all-powerful Cardinal. He wrote himself to him as to his "good friend." He said that if there was anything in his dominions which the Cardinal wished to possess he had only to name it, as he considered Wolsey the best friend that he had in the world.[19]

For the ministers of great countries deliberately to sell themselves to foreign princes was the custom of the age. The measure of public virtue which such a custom indicates was not exalted; and among the changes introduced by the Reformation the abolition or suspension of it was not the least

[16] Charles V. to Inigo de Mendoza, July 29. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1500.

[17] *Ibid.*

[18] Charles V. to Mendoza, Sept. 30, 1527. —*Calendar, Foreign and Domestic*, vol. iv. p. 1569.

[19] The Emperor to the Cardinal of York, Aug. 31, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 357.

beneficial. Thomas Cromwell, when he came to power, set the example of refusal, and corruption of public men on a scale so scandalously enormous was no more heard of. Gold, however, had flowed in upon Wolsey in such enormous streams and from so many sources that the Emperor's munificence and attention failed to tempt him. On reaching Paris he found Francis bent upon war, and willing to promise anything for Henry's assistance. The belief at the French Court was that the Emperor, hearing that the Churches of England and France meant to decline from their obedience to the Roman Communion, would carry the Pope to Spain; that Clement would probably be poisoned there, and the Apostolic See would be established permanently in the Peninsula.[20] Wolsey himself wrote this, and believed it, or desired Henry to believe it, proving the extreme uncertainty among the best-informed of contemporary politicians as to the probable issue of the capture of Rome. The French Cardinals drew and sent an address to the Pope, intimating that as long as he was in confinement they could accept no act of his as lawful, and would not obey it. Wolsey signed at the head of them. The Cardinals Salviati, Bourbon, Lorraine, and the Chancellor Cardinal of Sens, signed after him.[21] The first stroke in the game had been won by Wolsey. Had the Pope recalled his powers as legate, an immediate schism might have followed. But a more fatal blow had been prepared for him by his master in England. Trusting to the Cardinal's promises that the Pope would make no difficulty about the divorce, Henry had considered himself at liberty to choose a successor to Catherine. He had suffered once in having allowed politics to select a wife for him. This time he intended to be guided by his own inclination. When Elizabeth afterwards wished to marry Leicester, Lord Sussex said she had better fix after her own liking; there would be the better chance of the heir that her realm was looking for. Her father fixed also after his liking in selecting Elizabeth's mother.

Anne Boleyn was the second daughter of Sir Thomas Boleyn, a Norfolk knight of ancient blood, and himself a person of some distinction in the public service. Lady Boleyn was a Howard, daughter of the Duke of Norfolk. Anne was born in 1507, and by birth and connection was early introduced into the court. When a girl she was taken to Paris to be educated. In 1522 she was brought back to England, became a lady-in-waiting, and, being a witty, brilliant young woman, attracted and encouraged the attentions of the fashionable cavaliers of the day. Wyatt, the poet, was among her adorers, and the young Percy, afterwards Earl of Northumberland. It was alleged afterwards that between her and Percy there had been a secret marriage which had been actually consummated. That she had been involved in some dangerous intrigue or other she herself subsequently confessed. But she was attractive, she was witty; she drew Henry's fancy, and the fancy became an ardent passion. Now, for the first time, in Wolsey's absence, the Lady Anne's name appears in connection with the divorce. On the 16th of August Mendoza informed Charles, as a matter of general belief, that if the suit for the divorce was successful the King would marry a daughter of Master Boleyn, whom the Emperor would remember as once ambassador at the Imperial court.[22] There is no direct evidence that before Wolsey had left England the King had seriously thought of Anne at all. Catherine could have had no suspicion of it, or her jealous indignation would have made itself heard. The Spanish Ambassador spoke of it as a new feature in the case.

The Boleyns were Wolsey's enemies, and belonged to the growing faction most hostile to the Church. The news as it came upon him was utterly distasteful.[23] Anne in turn hated Wolsey, as he probably knew that she would, and she compelled him to stoop to the disgrace of suing for her favour. The inference is reasonable, therefore, that the King took the step which in the event was to produce

[20] Wolsey to Henry VIII., Aug. – , 1527. —*Calendar, Foreign and Domestic*, vol. iv. part 2.

[21] The Cardinals of France to Clement VII., Sept. 16, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 383.

[22] Mendoza to Charles V., Aug. 16, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 327.

[23] The date of Henry's resolution to marry Anne is of some consequence, since the general assumption is that it was the origin of the divorce. Rumour, of course, said so afterwards, but there is no evidence for it. The early love-letters written by the King to her are assigned by Mr. Brewer to the midsummer of 1527. But they are undated, and therefore the period assigned to them is conjecture merely.

such momentous consequences when the Cardinal was not at hand to dissuade him. He was not encouraged even by her own family. Her father, as will be seen hereafter, was from the first opposed to his daughter's advancement. He probably knew her character too well. But Henry, when he had taken an idea into his head, was not to be moved from it. The lady was not beautiful: she was rather short than tall, her complexion was dark, her neck long, her mouth broad, her figure not particularly good. The fascinating features were her long flowing brown hair, a pair of effective dark eyes, and a boldness of character which might have put him on his guard, and did not.

The immediate effect was to cool Wolsey's ardour for the divorce. His mission in France, which opened so splendidly, eventuated in little. The French cardinals held no meeting at Avignon. They had signed the address to Clement, but they had not made the Cardinal of York into their patriarch. Rouen was not added to his other preferments. Could he but have proposed a marriage for his sovereign with the Princess of Alençon, all might have been different, but it had fared with him as it fared with the Earl of Warwick, whom Henry's grandfather had sent to France to woo a bride for him, and in his absence married Elizabeth Grey. He perhaps regretted the munificent offers of the Emperor which he had hastily rejected, and he returned to England in the autumn to feel the consequences of the change in his situation. Mr. Brewer labours in vain to prove that Wolsey was unfavourable to the divorce from the beginning. Catherine believed that he was the instigator of it. Mendoza was of the same opinion. Unquestionably he promoted it with all his power, and made it a part of a great policy. To maintain that he was acting thus against his conscience and to please the King is more dishonouring to him than to suppose that he was either the originator or the willing instrument. All, however, was altered when Anne Boleyn came upon the stage, and she made haste to make him feel the change. "The Legate has returned from France," wrote Mendoza on the 26th of October. He went to visit the King at Richmond, and sent to ask where he could see him. The King was in his chamber. It happened that the lady, who seemed to entertain no great affection for the Cardinal, was in the room with the King, and before the latter could answer the message she said for him, "Where else is the Cardinal to come? Tell him he may come here where the King is." The Legate felt that such treatment boded no good to him, but concealed his resentment. "The cause," said Mendoza, "is supposed to be that the said lady bears the Legate a grudge, for other reasons, and because she has discovered that during his visit to France the Legate proposed to have an alliance for the King found in that country."[24] Wolsey persuaded Mendoza that the French marriage had been a fiction, but at once he began to endeavour to undo his work, and prevent the dissolution of the marriage with Catherine. He tried to procure an unfavourable opinion from the English Bishops before legal proceedings were commenced. Mendoza, however, doubted his stability if the King persisted in his purpose, and advised that a papal decision on the case should be procured and forwarded as soon as possible.[25]

The Pope's captivity, however, would destroy the value of any judgment which he might give while he continued in durance. The Emperor, encouraged by the intimation that Wolsey was wavering, reverted to his previous hope. In a special memorandum of measures to be taken, the most important, notwithstanding the refusal of the previous offers, was still thought to be to "bribe the Cardinal." He must instantly be paid the arrears of his pensions out of the revenues of the sees of Palencia and Badajoz. If there was not money enough in the treasury, a further and larger pension of twelve or fourteen thousand crowns was to be given to him out of some rich bishopric in Castile. The Emperor admitted that he had promised the Cortes to appoint no more foreigners to Spanish sees, but such a promise could not be held binding, being in violation of the liberties of the Church. Every one would see that it was for the good of the kingdom.

The renewed offer was doubtless conveyed to Wolsey, but he probably found that he had gone too deep to retire. If he made such an effort as Mendoza relates, he must have speedily discovered

[24] Mendoza to Charles V., Oct. 26, 1527. —*Spanish Calendar*, vol. iii. part 2, p. 432.

[25] *Ibid.*

that it would be useless. He had encouraged the King in a belief that the divorce would be granted by the Pope as a matter of course, and the King, having made up his own mind, was not to be moved from it. If Wolsey now drew back, the certain inference would be that he had accepted an imperial bribe. There was no recourse, therefore, but to go on.

While Wolsey had been hesitating, the King had, unknown to him, sent his secretary, Dr. Knight, to Rome with directions to obtain access if possible to the Pope, and procure the dispensation which had been already applied for to enable him to marry a second time without the formalities of a judgment. Such an expedient would be convenient in many ways. It would leave Catherine's position unaffected and the legitimacy of the Princess Mary unimpugned. Knight went. He found that without a passport he could not even enter the city, still less be allowed an interview. "With ten thousand crowns he could not bribe his way into St. Angelo." He contrived, however, to have a letter introduced, which the Pope answered by telling Knight to wait in some quiet place. He (the Pope) would "there send him all the King's requests in as ample a form as they were desired." Knight trusted in a short time "to have in his custody as much, perfect, sped, and under lead, as his Highness had long time desired."[26]

Knight was too sanguine. The Emperor, finding the Pope's detention as a prisoner embarrassing, allowed him, on the 9th of December, to escape to Orvieto, where he was apparently at liberty; but he was only in a larger cage, all his territories being occupied by Imperial troops, and he himself watched by the General of the Observants, and warned at his peril to grant nothing to Catherine's prejudice. Henry's Secretary followed him, saw him, and obtained something which on examination proved to be worthless. The negotiations were left again in Wolsey's hands, and were pressed with all the eagerness of a desperate man.

Pope Clement had ceased to be a free agent. He did not look to the rights of the case. He would gladly have pleased Henry could he have pleased him without displeasing Charles. The case itself was peculiar, and opinions differed on the rights and wrongs of it. The reader must be from time to time reminded that, as the law of England has stood ever since, a marriage with a brother's widow was not a marriage. As the law of the Church then stood, it was not a marriage unless permitted by the Pope; and according to the same law of England the Pope neither has, nor ever had, any authority to dispense with the law. Therefore Henry, on the abstract contention, was in the right. He had married Catherine under an error. The problem was to untie the knot with as little suffering to either as the nature of the case permitted. That the negotiations were full of inconsistencies, evasions, and contradictions, was natural and inevitable. To cut the knot without untying it was the only direct course, but that all means were exhausted before the application of so violent a remedy was rather a credit than a reproach.

The first inconsistency was in the King. He did not regard his marriage as valid; therefore he thought himself at liberty to marry again; but he did not wish to illegitimatise his daughter or degrade Catherine. He disputed the validity of the dispensation of Julius II.; yet he required a dispensation from Clement which was equally questionable to enable him to take a second wife. The management of the case having reverted to Wolsey, fresh instructions were sent to Sir Gregory Casalis, the regular English agent at the Papal court, to wait on Clement. Casalis was "bid consider how much the affair concerned the relief of the King's conscience, the safety of his soul, the preservation of his life, the continuation of his succession, the welfare and repose of all his subjects now and hereafter." The Pope at Orvieto was personally accessible. Casalis was to represent to him the many difficulties which had arisen in connection with the marriage, and the certainty of civil war in England should the King die leaving the succession no better provided for. He was, therefore, to request the Pope to grant a commission to Wolsey to hear the case and to decide it, and (perhaps as an alternative) to sign a dispensation, a draft of which Wolsey enclosed. The language of the dispensation was peculiar. Wolsey explained it by saying that "the King, remembering by the example of past times what false

[26] Knight to Henry VIII., Dec. 4. —*Calendar, Foreign and Domestic*, vol. iv. part 2, pp. 1633-4.

claims [to the crown] had been put forward, to avoid all colour or pretext of the same, desired this of the Pope as absolutely necessary." If these two requests were conceded, Henry undertook on his part to require the Emperor to set the Pope at liberty, or to declare war against him if he refused.

A dispensation, which was to evade the real point at issue, yet to convey to the King a power to take another wife, was a novelty in itself and likely to be carefully worded. It has given occasion among modern historians to important inferences disgraceful to everyone concerned. The sinister meaning supposed to be obvious to modern critics could not have been concealed from the Pope himself. Here, therefore, follow the words which have been fastened on as for ever fatal to the intelligence and character of Henry and his Ministers.

The Pope, after reviewing the later history of England, the distractions caused by rival claimants of the crown, after admitting the necessity of guarding against the designs of the ambitious, and empowering Henry to marry again, was made to address the King in these words:[27]—

"In order to take away all occasion from evil doers, we do in the plenitude of our power hereby suspend *hâc vice* all canons forbidding marriage in the fourth degree, also all canons *de impedimento publicæ honestatis* preventing marriage in consequence of clandestine espousals, further all canons relating to precontracts clandestinely made but not consummated, also all canons affecting impediments created by affinity rising *ex illicito coitu*, in any degree even in the first, so far as the marriage to be contracted by you, the petitioner, can be objected to or in any wise be impugned by the same. Further, to avoid canonical objections on the side of the woman by reason of former contract clandestinely made, or impediment of public honesty or justice arising from such clandestine contract, or of any affinity contracted in any degree even the first, *ex illicito coitu*: and in the event that it has proceeded beyond the second or third degrees of consanguinity, whereby otherwise you, the petitioner, would not be allowed by the canons to contract marriage, we hereby license you to take such woman for wife, and suffer you and the woman to marry free from all ecclesiastical objections and censures."

The explanation given by Wolsey of the wording of this document is that it was intended to preclude any objections which might be raised to the prejudice of the offspring of a marriage in itself irregular. It was therefore made as comprehensive as possible. Dr. Lingard, followed by Mr. Brewer, and other writers see in it a transparent personal application to the situation in which Henry intended to place himself in making a wife of Anne Boleyn. Two years subsequent to the period when this dispensation was asked for, when the question of the divorce had developed into a battle between England and the Papacy, and the passions of Catholics and Reformers were boiling over in recrimination and invective, the King's plea that he was parting from Catherine out of conscience was met by stories set floating in society that the King himself had previously intrigued with the mother and sister of the lady whom he intended to marry; precisely the same obstacle existed, therefore, to his marriage with Anne, being further aggravated by incest. No attempt was ever made to prove these charges; no particulars were given of time or place. No witnesses were produced, nor other evidence, though to prove them would have been of infinite importance. Queen Catherine, who if any one must have known it if the accusation was true, never alludes to Mary Boleyn in the fiercest of her denunciations. It was heard of only in the conversation of disaffected priests or secret visitors to the Spanish Ambassador, and was made public only in the manifesto of Reginald Pole, which accompanied Paul III.'s Bull for Henry's deposition. Even this authority, which was not much in itself, is made less by the fact that in the first draft of "Pole's Book," sent to England to be examined in 1535, the story is not mentioned. Evidently, therefore, Pole had not then heard of it or did not believe it. The guilt with the mother is now abandoned as too monstrous. The guilt with the sister is peremptorily insisted on, and the words of the dispensation are appealed to as no longer leaving

[27] I follow Mr. Brewer's translation.

room for doubt. To what else, it is asked, can such extraordinary expressions refer unless to some disgraceful personal *liaison*?

The uninstructed who draw inferences of fact from the verbiage of legal documents will discover often what are called "mare's nests." I will request the reader to consider what this supposition involves. The dispensation would have to be copied into the Roman registers, subject to the inspection of the acutest canon lawyers in the world. If the meaning is so clear to us, it must have been clear to them. We are, therefore, to believe that Henry, when demanding to be separated from Catherine, as an escape from mortal sin, for the relief of his conscience and the surety of his succession, was gratuitously putting the Pope in possession of a secret which had only to be published to extinguish him and his plea in an outburst of scorn and laughter.

There was no need for such an acknowledgment, for the intrigue could not be proved. It could not be required for the legitimation of the children that were to be born; for a man of Wolsey's ability must have known that no dispensation would be held valid that was granted after so preposterous a confidence. It was as if a man putting in a claim for some great property, before the case came on for trial privately informed both judge and jury that it was based on forgery.

We are called on to explain further, why, when all Europe was shaken by the controversy, no hint is to be found in any public document of a fact which, if true, would be decisive; and yet more extraordinary, why the Pope and the Curia, when driven to bay in all the exasperation of a furious controversy, left a weapon unused which would have assured them an easy victory. Wolsey was not a fool. Is it conceivable that he would have composed a document so fatal and have drawn the Pope's pointed attention to it? My credulity does not extend so far. We cannot prove a negative; we cannot prove that Henry had not intrigued with Mary Boleyn, or with all the ladies of his court. But the language of the dispensation cannot be adduced as an evidence of it, unless King, Pope, and all the interested world had parted with their senses.

As to the story itself, there is no ground for distinguishing between the mother and the daughter. When it was first set circulating both were named together. The mother only has been dropped, lest the improbability should seem too violent for belief. That Mary Boleyn had been the King's mistress before or after her own marriage is now asserted as an ascertained fact by respectable historians – a fact sufficient, can it be proved, to cover with infamy for ever the English separation from Rome, King, Ministers, Parliaments, Bishops, and every one concerned with it. The effectiveness of the weapon commends it to Catholic controversialists. I have only to repeat that the evidence for the charge is nothing but the floating gossip of Catholic society, never heard of, never whispered, till the second stage of the quarrel, when it had developed into a passionate contest; never even then alleged in a form in which it could be met and answered. It could not have been hid from Queen Catherine if it was known to Reginald Pole. We have many letters of Catherine, eloquent on the story of her wrongs; letters to the Emperor, letters to the Pope; yet no word of Mary Boleyn. What reason can be given save that it was a legend which grew out of the temper of the time? Nothing could be more plausible than to meet the King's plea of conscience with an allegation which made it ridiculous. But in the public pleadings of a cause which was discussed in every capital in Europe by the keenest lawyers and diplomatists of the age, an accusation which, if maintained, would have been absolutely decisive, is never alluded to in any public document till the question had passed beyond the stage of discussion. The silence of all responsible persons is sufficient proof of its nature. It was a mere floating calumny, born of wind and malice.

Mr. Brewer does indeed imagine that he has discovered what he describes as a tacit confession on Henry's part. When the Act of Appeals was before the House of Commons which ended the papal jurisdiction in England, a small knot of Opposition members used to meet privately to deliberate how to oppose it. Among these one of the most active was Sir George Throgmorton, a man who afterwards, with his brother Michael, made himself useful to Cromwell and played with both parties, but was then against the divorce and against all the measures which grew out of it. Throgmorton,

according to his own account, had been admitted to an interview with the King and Cromwell. In 1537, after the Pilgrimage of Grace, while the ashes of the rebellion were still smouldering, after Michael Throgmorton had betrayed Cromwell's confidence and gone over to Reginald Pole, Sir George was reported to have used certain expressions to Sir Thomas Dyngley and to two other gentlemen, which he was called on by the Council to explain. The letter to the King in which he replied is still extant. He said that he had been sent for by the King after a speech on the Act of Appeals, "and that he saw his Grace's conscience was troubled about having married his brother's wife." He professed to have said to Dyngley that he had told the King that if he did marry Queen Anne his conscience would be more troubled at length, for it was thought he had meddled both with the mother and the sister; that his Grace said: "Never with the mother," and my Lord Privy Seal (Cromwell), standing by, said, "nor with the sister neither, so put that out of your mind." Mr. Brewer construes this into an admission of the King that Mary Boleyn had been his mistress, and omits, of course, by inadvertence, that Throgmorton, being asked why he had told this story to Dyngley, answered that "he spake it only out of vainglory, to show he was one that durst speak for the Commonwealth." Nothing is more common than for "vainglorious" men, when admitted to conversations with kings, to make the most of what they said themselves, and to report not very accurately what was said to them. Had the conversation been authentic, Throgmorton would naturally have appealed to Cromwell's recollection. But Mr. Brewer accepts the version of a confessed boaster as if it was a complete and trustworthy account of what had actually passed. He does not ask himself whether if the King or Cromwell had given their version it might not have borne another complexion. Henry was not a safe person to take liberties with. Is it likely that if one of his subjects, who was actively opposing him in Parliament, had taxed him with an enormous crime, he would have made a confession which Throgmorton had only to repeat in the House of Commons to ruin him and his cause? Mr. Brewer should have added also that the authority which he gave for the story was no better than Father Peto, afterwards Cardinal Peto, as bitter an enemy of the Reformation as Pole himself. Most serious of all, Mr. Brewer omits to mention that Throgmorton was submitted afterwards to a severe cross-examination before a Committee of Council, the effect of which, if he had spoken truly, could only be to establish the authenticity of a disgraceful charge.[28]

The last evidence alleged is the confession made by Anne Boleyn, after her condemnation, of some mystery which had invalidated her marriage with the King and had been made the ground of an Act of Parliament. The confession was not published, and Catholic opinion concluded, and concludes still, that it must have been the Mary Boleyn intrigue. Catholic opinion does not pause to inquire whether Anne could have been said to confess an offence of the King and her sister. The cross-examination of Throgmorton turns the conjecture into an absurdity. When asked, in 1537, whom he ever heard say such a thing, he would have had but to appeal to the proceedings in Parliament in the year immediately preceding.

Is it likely finally that if Throgmorton's examination proves what Mr. Brewer thinks it proves, a record of it would have been preserved among the official State Papers?

If all the stories current about Henry VIII. were to be discussed with as much detail as I have allowed to this, the world would not contain the books which should be written. An Irish lawyer told me in my youth to believe nothing which I heard in that country which had not been sifted in a court of justice, and only half of that. Legend is as the air invulnerable, and blows aimed at it, if not "malicious mockery" are waste of effort. Charges of scandalous immorality are precious to controversialists, for if they are disproved ever so completely the stain adheres.

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[28] 1. When he says, "It is thought," let him be examined whom he ever heard say any such thing of the King. 2. Where, when, and why he spoke those words to Sir Wm. Essex and Sir Wm. Barentyne. 3. Whether he communicated the matter to any other. 5, 6. Whether he thought the words true and why. 7, 8. Whether he did not think the words very slanderous to any man's good name. 10, 15. Whether he thinks such reports conducive to the peace of the Commonwealth, or fitting for a true subject to spread. —*Calendar, Foreign and Domestic*, 1537, p. 333.

CHAPTER III

Anxiety of the Pope to satisfy the King – Fears of the Emperor – Proposed alternatives – France and England declare war in the Pope's defence – Campeggio to be sent to England – The King's account of the Pope's conduct – The Pope's distress and alarm – The secret decretal – Instructions to Campeggio.

The story returns to Orvieto. The dispensation was promised on condition that it should not be immediately acted on.[29] Catherine having refused to acquiesce in a private arrangement, Wolsey again pressed the Pope for a commission to decide the cause in England, and to bind himself at the same time not to revoke it, but to confirm any judgment which he might himself give. "There were secret causes," he said, "which could not be committed to writing which made such a concession imperative: certain diseases in the Queen defying all remedy, for which, as for other causes, the King would never again live with her as his wife."

The Pope, smarting from ill-treatment and grateful for the help of France and England, professed himself earnestly anxious to do what Henry desired. But he was still virtually a prisoner. He had been obliged by the General of the Observants, when in St. Angelo, to promise to do nothing "whereby the King's divorce might be judged in his own dominions." He pleaded for time. He promised a commission of some kind, but he said he was undone if action was taken upon it while the Germans and Spaniards remained in Italy. He saw evident ruin before him, he said, but he professed to be willing to run the hazard rather than that Wolsey should suspect him of ingratitude. He implored the Cardinal, *cum suspiriis et lacrymis*, not to precipitate him for ever, and precipitated he would be if, on receiving the commission, the Cardinal at once began the process.[30] A fortnight later Casalis described a long conversation with the Pope and Cardinals on the course to be pursued. Henry had desired that a second Legate should be sent from Rome to act with Wolsey. To consent to this would directly compromise the Papal Court. Clement had no objection to the going forward with the cause, but he did not wish to be himself responsible. He signed an imperfect commission not inconsistent with his promise to the General of the Observants. On this Wolsey might act or, if he preferred it, might proceed on his own Legatine authority. For himself, instead of engaging to confirm Wolsey's sentence, he said that no doctor could better resolve the point at issue than the King himself. If he was resolved, said the Pope, let him commit his cause to the Legate, marry again, follow up the trial, and then let a public application be made for a Legate to be sent from the Consistory. If the Queen was cited first, she would put in no answer, save to protest against the place and judges. The Imperialists would demand a prohibition, and then the King could not marry, or, if he did, the offspring would be illegitimate. They would also demand a commission for the cause to be heard at Rome, which the Pope would be unable to refuse. But the King being actually married again, they could not ask for a prohibition. They could only ask that the cause should be re-examined at Rome, when the Pope would give sentence and a judgment could be passed which would satisfy the whole world.[31] This was the Pope's own advice, but he did not wish it to be known that it had come from himself. Casalis might select the Legate to England after the first steps had been taken. Campeggio he thought the fittest, being already an English bishop.[32] At any rate, the Pope bade Casalis say he would do his best to satisfy the King, though he knew that the Emperor would never forgive him.

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[29] *Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1672.

[30] *Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1672.

[31] Casalis to Wolsey, January 13, 1528. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1694.

[32] Three foreigners held English sees, not one of which either of them had probably ever visited. Campeggio was Bishop of Salisbury; Ghinucci, the auditor of the Rota, was Bishop of Worcester; and Catherine's Spanish confessor, who had come with her to England, was Bishop of Llandaff.

It is not certain what would have followed had Henry acted on the Pope's suggestion. The judgment which Clement promised might have been in his favour. Clement evidently wished him to think that it would. But he might, after all, have found himself required to take Catherine back. Either alternative was possible. At any rate he did not mean, if he could help it, to have recourse to violent methods. Charles himself, though he intended to prevent, if he could, a legal decision against his aunt, had hinted at the possibility and even desirableness of a private arrangement, if Catherine would agree. Catherine, unfortunately, would agree to nothing, but stood resolutely upon her rights, and Charles was forced to stand by her. Henry was equally obstinate, and the Pope was between the rock and the whirlpool.

The Pope had promised, however, and had promised with apparent sincerity. The Papal states remaining occupied by the Imperial troops, Henry carried out his own part of the engagement by joining France in a declaration of war against the Emperor. Toison d'or and Clarencieulx appeared before Charles at Burgos on the 22nd of January, Charles sitting on his throne to receive their defiance. Toison d'or said that the Emperor had opened Christendom to the Turks, had imprisoned the Pope, had allowed his armies to sack Rome and plunder churches and monasteries, had insulted the holy relics, slain or robbed princes of the Church, cardinals, patriarchs, archbishops, outraged nunneries and convents, had encouraged Lutheran heretics in committing these atrocities, &c. For these reasons France declared open war with the Emperor. The English herald – he was accused afterwards of having exceeded his instructions – was almost as peremptory. Henry, in earlier times, had lent Charles large sums of money, which had not been repaid. Clarencieulx said that, unless the Pope was released and the debt settled, the King of England must make common cause with his brother of France. Six weeks' interval was allowed for the Emperor to consider his answer before hostilities on the side of England should commence.

The Emperor replied with calmness and dignity. War with France was inevitable. As to England, he felt like Cicero, when doubting whether he should quarrel with Cæsar, that it was inconvenient to be in debt to an enemy. If England attacked him he said he would defend himself, but he declined to accept the defiance. Mendoza was not recalled from London. At the end of the six weeks the situation was prolonged by successive truces till the peace of Cambray. But Henry had kept his word to the Pope. England appeared by the side of France in the lists as the armed champion of the Papacy, and the Pope was expected to fulfil his promises without disguise or subterfuge.

Clement's method of proceeding with the divorce was rejected. The dispensation and commission which had been amended with a view to it were rejected also as worthless. Dr. Fox and Stephen Gardiner were despatched to Orvieto with fuller powers and with a message peremptory and even menacing. They were again to impress on the Pope the danger of a disputed succession. They were to hint that, if relief was refused in deference to the Emperor, England might decline from obedience to the Holy See. The Pope must, therefore, pass the commission and the dispensation in the form in which it had been sent from England. If he objected that it was unusual, they were to announce that the cause was of great moment. The King would not be defrauded of his expectation through fear of the Emperor. If he could not obtain justice from the Pope, he would be compelled to seek it elsewhere.[33]

The language of these instructions shows that the King and Wolsey understood the Proteus that they were dealing with, and the necessity of binding his hands if he was not to slip from them. It was not now the fountain of justice, the august head of Christendom, that they were addressing, but a shifty old man, clad by circumstances with the robe of authority, but whose will was the will of the power which happened to be strongest in Italy. It was not tolerable that the Emperor should dictate on a question which touched the vital interests of an independent kingdom.

[33] Wolsey to Gardiner and Fox, February – , 1528. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1740.

Spanish diplomatists had afterwards to excuse and explain away Clement's concessions on the ground that they were signed when he was angry at his imprisonment, had been extorted by threats, and were therefore of no validity. He struggled hard to avoid committing himself. The unwelcome documents were recast into various forms. The dispensation was not signed after all, but in the place of it other briefs were signed of even graver importance. The Pope yielded to the demand to send a second Legate to try the cause with Wolsey in England, where it was assumed as a matter of course that judgment would be given for the King. The Legate chosen was Campeggio, who was himself, as was said, an English bishop. The Pope also did express in writing his own opinion on the cause as favourable to the King's plea. What passed at Orvieto was thus afterwards compendiously related by Henry in a published statement of his case.

"On his first scruple the King sent to the Bishop of Rome, as Christ's Vicar, who had the keys of knowledge, to dissolve his doubts. The said Bishop refused to take any knowledge of it and desired the King to apply for a commission to be sent into the realm, authorised to determine the cause, thus pretending that it might no wise be entreated at Rome, but only within the King's own realm. He delegated his whole powers to Campeggio and Wolsey, giving them also a special commission in form of a decretal, wherein he declared the King's marriage null and empowered him to marry again. In the open commission also he gave them full authority to give sentence for the King. Secretly he gave them instructions to burn the commission decretal and not proceed upon it; (but) at the time of sending the commission he also sent the King a brief, written in his own hand, admitting the justice of his cause and promising *sanctissime sub verbo Pontificis* that he would never advocate it to Rome."[34]

Engagements which he intended to keep or break according to the turns of the war between Francis and Charles did not press very heavily perhaps on Clement's conscience, but they were not extorted from him without many agonies. "He has granted the commission," Casalis wrote. "He is not unwilling to please the King and Wolsey, but fears the Spaniards more than ever he did. The Friar-General has forbidden him in the Emperor's name to grant the King's request. He fears for his life from the Imperialists if the Emperor knows of it. Before he would grant the brief he said, weeping, that it would be his utter ruin. The Venetians and Florentines desired his destruction. His sole hope of life was from the Emperor. He asked me to swear whether the King would desert him or not. Satisfied on this point, he granted the brief, saying that he placed himself in the King's arms, as he would be drawn into perpetual war with the Emperor. Wolsey might dispose of him and the Papacy as if he were Pope himself."[35]

The Emperor had insisted, at Catherine's desire, that the cause should not be heard in England. The Pope had agreed that it should be heard in England. Consent had been wrung from him, but his consent had been given, and Campeggio was to go and make the best of it. His open commission was as ample as words could make it. He and Wolsey were to hear the cause and decide it. The secret "decretal" which he had wept over while he signed it declared, before the cause was heard, the sentence which was to be given, and he had pledged his solemn word not to revoke the hearing to Rome. All that Clement could do was to instruct the Legate before he started to waste time on his way, and, on his arrival in England, to use his skill to "accommodate matters," and to persuade the Queen – if he found her persuadeable – to save him from his embarrassments by taking the veil. This was a course which Charles himself in his private mind would have recommended, but was too honourable to advise it. The fatal decretal was to be seen only by a very few persons, and then, as Henry said, Campeggio was to burn it. He was instructed also to pass no sentence without first referring back to Rome, and, if driven to extremity, was to find an excuse for postponing a decision; very natural conduct on the part of a weak, frightened mortal – conduct not unlike that

[34] Embassy to the German Princes, January 5, 1534. —*Calendar, Foreign and Domestic*, vol. vii. p. 10.

[35] Casalis to Peter Vannes, April, 1538. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1842.

of his predecessor, Alexander III., in the quarrel between Becket and Henry II. – but in both cases purely human, not such as might have been looked for in a divinely guided Vicar of Christ.

CHAPTER IV

Anne Boleyn – Letters to her from the King – The Convent at Wilton – The Divorce – The Pope's promises – Arrival of Campeggio in England – Reception at the Bridewell Palace – Proposal to Catherine to take the veil – Her refusal – Uncertainty of the succession – A singular expedient – Alarms of Wolsey – The true issue – Speech of the King in the City – Threats of the Emperor – Defects in the Bull of Pope Julius – Alleged discovery of a brief supplying them – Distress of Clement.

The marriage with Anne Boleyn was now a fixed idea in Henry's mind. He had become passionately attached to her, though not perhaps she to him. The evidence of his feeling remains in a series of letters to her – how preserved for public inspection no one knows. Some of them were said to have been stolen by Campeggio. Perhaps they were sold to him; at any rate, they survive. A critic in the "Edinburgh Review" described them as such as "might have been written by a pot-boy to his girl." The pot-boy must have been a singular specimen of his kind. One, at any rate, remains to show that, though Henry was in love, he did not allow his love to blind him to his duty as a prince. The lady, though obliged to wait for the full gratification of her ambition, had been using her influence to advance her friends, while Wolsey brought upon himself the rebuke of his master by insufficient care in the distribution of Church patronage. The correspondence throws an unexpected light upon the King's character.

The Abbess of Wilton had died. The situation was a pleasant one. Among the sisters who aspired to the vacant office was a certain Eleanor Carey, a near connection of Anne, and a favourite with her. The appointment rested virtually with the Crown. The Lady Anne spoke to the King. The King deputed Wolsey to inquire into the fitness of the various candidates, with a favourable recommendation of Eleanor Carey's claims. The inquiry was made, and the result gives us a glimpse into the habits of the devout recluses in these sacred institutions.[36]

"As for the matter of Wilton," wrote Henry to Anne, "my Lord Cardinal here had the nuns before him, and examined them in the presence of Master Bell, who assures me that she whom we would have had Abbess has confessed herself to have had two children by two different priests, and has since been kept not long ago by a servant of Lord Broke that was. Wherefore I would not for all the gold in the world clog your conscience nor mine, to make her ruler of a house which is of so ungodly demeanour, nor I trust you would not that, neither for brother nor sister,[37] I should so distain mine honour or conscience. And as touching the Prioress [Isabella Jordan] or Dame Eleanor's elder sister, though there is not any evident cause proved against them, and the Prioress is so old that of many years she could not be as she was named, yet notwithstanding, to do you pleasure I have done that neither of them shall have it, but that some other good and well-disposed woman shall have it, whereby the house shall be better reformed, whereof I assure you it hath much need, and God much the better served."

This letter is followed by another to the Cardinal. Wolsey, in whose hands the King had left the matter, in a second letter which is lost, instead of looking out for the "good and well-disposed woman," though Isabella Jordan's reputation was doubtful, yet chose to appoint her, and the King's observations upon this action of his are worth attending to, as addressed by such a person as Henry is supposed to have been to a Cardinal Archbishop and Legate of the Holy See. Many of the letters signed by the King were the composition of his ministers and secretaries. This to Wolsey was his own.

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[36] Henry VIII. to Anne Boleyn, June or July, 1528. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 1960.

[37] Eleanor Carey was the sister of Mary Boleyn's husband.

"The great affection and love I bear you, causeth me, using the doctrine of my Master, *quem diligo castigo*, thus plainly as now ensueth to break to you my mind, ensuring you that neither sinister report, affection to my own pleasure, interest, nor mediation of any other body beareth part in this case, wherefore whatsoever I do say, I pray you think it spoken of no displeasure, but of him that would you as much good both of body and soul as you would yourself.

"Methinks it is not the right train of a trusty loving friend and servant when the matter is put by the master's consent into his arbitre and judgement – especially in a matter wherein his master hath both royalty and interest, to elect and choose a person who was by him defended. And yet another thing which displeaseth me more. That is to cloke your offence made by ignorance of my pleasure, saying that you expressly knew not my determinate mind in that behalf. Alas, my lord, what can be more evident or plainer than these words, specially to a wise man – 'His Grace careth not who, but referreth it all to you, so that none of those who either be or have been spotted with incontinence, like as by report the Prioress hath been in her youth, have it;' and also in another place in the letter, 'And therefore his Highness thinketh her not meet for that purpose;' thirdly, in another place in the same letter by these words, 'And though his Grace speaketh not of it so openly, yet meseemeth his pleasure is that in no wise the Prioress have it, nor yet Dame Eleanor's eldest sister, for many considerations the which your Grace can and will best consider.'

"Ah, my Lord, it is a double offence both to do ill and to colour it too; but with men that have wit it cannot be accepted so. Wherefore, good my Lord, use no more that way with me, for there is no man living that more hateth it. These things having been thus committed, either I must have reserved them *in pectore*, whereby more displeasure might happen to breed, or else thus soundly and plainly to declare them to you, because I do think that *cum amico et familiari sincere semper est agendum*, and especially the master to his best beloved servant and friend, for in so doing the one shall be more circumspect in his doing, the other shall declare and show the lothness that is in him to have any occasion to be displeased with him.

"And as touching the redress of Religion [convent discipline], if it be observed and continued, undoubtedly it is a gracious act. Notwithstanding, if all reports be true, *ab imbecillis imbecilla expectantur*. How be it, Mr. Bell hath informed me that the Prioress's age, personage and manner, *præ se fert gravitatem*. I pray God it be so indeed, seeing she is preferred to that room. I understand furthermore, which is greatly to my comfort, that you have ordered yourself to Godward as religiously and virtuously as any Prelate or father of Christ's Church can do, where in so doing and persevering there can be nothing more acceptable to God, more honour to yourself, nor more desired of your friends, among the which I reckon myself not the least…

"I pray you, my Lord, think it not that it is upon any displeasure that I write this unto you. For surely it is for my discharge before God, being in the room that I am in, and secondly for the great zeal I bear unto you, not undeserved in your behalf. Wherefore I pray you take it so; and I assure you, your fault acknowledged, there shall remain in me no spark of displeasure, trusting hereafter you shall recompense that with a thing much more acceptable to me. And thus fare you well; advertising you that, thanked be God, I and all my folk be, and have been since we came to Ampthill, which was on Saturday last, July 11, in marvellous good health and clearness of air.

"Written with the hand of him that is, and shall be your loving Sovereign Lord and friend, – Henry R."[38]

Campeggio meanwhile was loitering on his way as he had been directed, pretending illness, pretending difficulties of the road. In sending him at all the Pope had broken his promise to Charles. He engaged, however, that no sentence should be given which had not been submitted first to Charles's approval. The Emperor, anxious to avoid a complete rupture with England, let the Legate go forward, but he directed Mendoza to inform Wolsey that he must defend his aunt's honour; her cause was his

[38] *Calendar, Foreign and Domestic*, vol. iv., Introduction, pp. 388-9.

and he would hold it as such.[39] Wolsey, though afraid of the consequence of opposing the divorce to himself and the Church, yet at heart had ceased to desire it. Mendoza reported that English opinion was still unfavourable, and that he did not believe that the commission would have any result. The Pope would interpose delays. Wolsey would allow and recognise them. Both Legates would agree privately to keep the matter in suspense. The English Cardinal appeared to be against the Queen, but every one knew that secretly he was now on her side.[40] Catherine only was seriously frightened. She had doubtless been informed of the secret decretal by which the Pope appeared to have prejudged her cause. She supposed that the Pope meant it, and did not understand how lightly such engagements sate upon him. The same Clement, when Benvenuto Cellini reproached him for breaking his word, replied, smiling, that the Pope had power to bind and to loose. Catherine came before long to know him better and to understand the bearings of this singular privilege; but as yet she thought that words meant what they seemed to say. When she heard that Campeggio was actually coming, she wrote passionately to the Emperor, flinging herself upon him for protection. Charles calmed her alarm. She was not, he said, to be condemned without a hearing. The Pope had assured him that the Legates should determine nothing to her detriment. The case should be decided at Rome, as she had desired. Campeggio's orders were to advise that it should be dropped. Apart from his present infatuation, the King was a good Christian and would act as one. If he persisted, she might rely on the Pope's protection. She must consent to nothing which would imply the dissolution of her marriage. If the worst came, the King would be made conscious of his duties.[41]

In the middle of October the Legate arrived. He had been ill in earnest from gout and was still suffering. He had to rest two days in Calais before he could face the Channel. The passage was wild. A deputation of Peers and Bishops waited to receive him at Dover. Respectful demonstrations had been prepared at the towns through which he was to pass, and a state ceremonial was to accompany his entrance into London. But he was, or pretended to be, too sick to allow himself to be seen. He was eight days on the road from the coast, and on reaching his destination he was carried privately in a state barge to the house provided for his residence. Wolsey called the next morning. The King was absent, but returned two days later to the Bridewell palace. There Campeggio waited on him, accompanied by Wolsey. The weather continued to frown. "I wish," wrote Gerardo Molza to the Marchioness of Mantua, "that you could have seen the two Cardinals abreast, one on his mule, the other carried in his chair, the rain falling fast so that we were all drenched." The King, simple man, believed that the documents which he held secured him. The Pope in sending the Legate had acted in the teeth of the Emperor's prohibition, and no one guessed how the affair had been soothed down. The farce was well played, and the language used was what Henry expected. Messer Floriano, one of Campeggio's suit, made a grand oration, setting out the storming of Rome, the perils of the Church, and the misery of Italy, with moving eloquence. The crowd was so dense in the hall of audience that some of the Italians lost their shoes, and had to step back barefoot to their lodgings through the wet streets.

The Legate was exhausted by the exertion, but he was not allowed to rest, and the serious part of the business began at once behind the scenes. He had hoped, as the Emperor said, that the case might be dropped. He found Henry immoveable. "An angel from heaven," he wrote on the 17th of October,[42] "would not be able to persuade the King that his marriage was not invalid. The matter had come to such a pass that it could no longer be borne with. The Cardinal of York and the whole kingdom insisted that the question must be settled in some way." One road out of the difficulty alone presented itself. The Emperor had insisted that the marriage should not be dissolved by Catherine's consent, objecting reasonably that a judgment invalidating it would shake other royal

[39] The Emperor to Mendoza, July 5, 1528. —*Spanish Calendar*, vol. iii. part 2, p. 728.

[40] Mendoza to the Emperor, September 18, 1528. —*Ibid.* vol. iii. part 2, p. 788.

[41] Charles V. to Queen Catherine, September 1, 1528. —*Spanish Calendar*, vol. iii. part 2, p. 779.

[42] Campeggio to Salviati and to Sanga, October 17, 1528. —*Calendar, Foreign and Domestic*, vol. iv. part 2, pp. 2099-2102.

marriages besides hers. But no such judgment would be necessary if Catherine could be induced to enter "lax religion," to take vows of chastity which, at her age and under her conditions of health, would be a mere form. The Pope could then allow Henry to take another wife without offence to any one. The legitimacy of the Princess would not be touched, and the King undertook that the succession should be settled upon her if he had no male heir. The Queen in consenting would lose nothing, for the King had for two years lived apart from her, and would never return to cohabitation. The Emperor would be delivered from an obligation infinitely inconvenient to him, and his own honour and the honour of Spain would be equally untouched.

These arguments were laid before the Queen by both the Legates, and urged with all their eloquence. In the interests of the realm, in the interests of Europe, in the interests of the Church, in her own and her daughter's interest as well, it would have been wiser if she had complied. Perhaps she would have complied had the King's plea been confined, as at first, to the political exigencies of the succession. But the open and premature choice of the lady who was to take her place was an indignity not to be borne. She had the pride of her race. Her obstinacy was a match for her husband's. She was shaken for a moment by the impassioned entreaties of Campeggio, and she did not at once absolutely refuse. The Legate postponed the opening of his court. He referred to Rome for further instructions, complaining of the responsibility which was thrown upon him. Being on the spot he was able to measure the danger of disappointing the King after the secret commission, the secret decretal, and the Pope's private letter telling Henry that he was right. Campeggio wrote to Salviati, after his first interview with Catherine, that he did not yet despair. Something might be done if the Emperor would advise her to comply. He asked Fisher to help him, and Fisher seemed not wholly unwilling; but, after a few days' reflection, Catherine told him that before she would consent she would be torn limb from limb; she would have an authoritative sentence from the Pope, and would accept nothing else; nothing should make her alter her opinion, and if after death she could return to life, she would die over again rather than change it.[43]

Wolsey was in equal anxiety. He had set the stone rolling, but he could not stop it. If Clement failed the King now, after all that he had promised, he might not only bring ruin on Wolsey himself, but might bring on the overthrow of the temporal power of the Church of England. Catherine was personally popular; but in the middle classes of the laity, among the peers and gentlemen of England, the exactions of the Church courts, the Pope's agents and collectors, the despotic tyranny of the Bishops, had created a resentment the extent of which none knew better than he. The entire gigantic system of clerical dominion, of which Wolsey was himself the pillar and representative, was tottering to its fall. If the King was driven to bay, the favour of a good-natured people for a suffering woman would be a poor shelter either for the Church or for him. Campeggio turned to Wolsey for advice on Catherine's final refusal. The Pope, he said, had hoped that Wolsey would advise the King to yield. Wolsey had advised. He told Cavendish that he had gone on his knees to the King, but he could only say to Campeggio that "the King – fortified and justified by reasons, writings, and counsels of many learned men who feared God – would never yield." If he was to find that the Pope had been playing with him, and the succession was to be left undetermined, "the Church would be ruined and the realm would be in infinite peril."

How great, how real, was the dread of a disputed succession, appears from an extraordinary expedient which had suggested itself to Campeggio himself, and which he declares that some perplexed politicians had seriously contemplated. "They have thought," he wrote on the 28th of October, "of marrying the Princess Mary to the King's natural son [the Duke of Richmond] if it could be done by dispensation from His Holiness." The Legate said that at first he had himself thought of this as a means of establishing the succession; but he did not believe it would satisfy the King's

[43] Campeggio to Salviati, October 26, 1528. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 2108.

desire.[44] If anything could be more astonishing than a proposal for the marriage of a brother and sister, it was the reception which the suggestion met with at Rome. The Pope's secretary replied that "with regard to the dispensation for marrying the son to the daughter of the King, if on the succession being so established the King would abandon the divorce, the Pope would be much more inclined to grant it."[45]

Clement's estimate of the extent of the dispensing power was large. But the situation was desperate. He had entangled himself in the meshes. He had promised what he had no intention of performing. He was finding that he had been trifling with a lion, and that the lion was beginning to rouse himself. Again and again Wolsey urged the dangers upon him. He wrote on the 1st of November to Casalis that "the King's honour was touched, having been so great a benefactor to the Holy See. The Pope would alienate all faith and devotion to the Apostolic See. The sparks of opposition which had been extinguished with such care and vigilance would blaze out to the utmost anger of all, both in England and elsewhere."[46] Clement and his Cardinals heard, but imperfectly believed. "He tells us," wrote Sanga, "that if the divorce is not granted the authority of the Apostolic See in England will be annihilated; he is eager to save it because his own greatness is bound up with ours." The Curia was incredulous, and thought that Wolsey was only alarmed for himself. Wolsey, however, was right. Although opinions might have varied on the merits of the King's request, people were beginning to ask what value as a supreme judge a pope could have, who could not decide on a point of canon law.

The excitement was growing. Certain knowledge of what was going on was confined to the few who had access to the secret correspondence, and they knew only what was meant for their own eyes. All parties, English and Imperial alike, distrusted the Pope. He had impartially lied to both, and could be depended on by neither, except so far as they could influence his fears. Catherine was still the favourite with the London citizens. She had been seen accidentally in a gallery of the Palace, and had been enthusiastically cheered. The King found it necessary to explain himself. On the 8th of November he summoned the Lord Mayor and Aldermen, the Privy Council, and a body of Peers, and laid the situation before them from his own point of view. He spoke of his long friendship with the Emperor, and of his hope that it would not be broken, and again of his alliance with France, and of his desire to be at peace with all the world. "He had wished," he said, "to attach France more closely to him by marrying his daughter to a French prince, and the French Ambassador, in considering the proposal, had raised the question of her legitimacy. His own mind had long misgiven him on the lawfulness of his marriage. M. de Tarbes' words had added to his uneasiness. The succession to the crown was uncertain; he had consulted his bishops and lawyers, and they had assured him that he had been living in mortal sin… He meant only to do what was right, and he warned his subjects to be careful of forming hasty judgments on their Prince's actions."

Apart from the present question the King was extremely popular, and reports arriving from Spain touched the national pride. There was a talk of calling Parliament. Mendoza and Catherine again urged Charles to speak plainly. The Pope must inhibit Parliament from interfering. The Nuncio in London would present the order, and Parliament, they thought, would submit.[47] They were mistaking the national temper. Mendoza's letters had persuaded the Spanish Council that the whole of England was in opposition to the King. The Spanish Chancellor had said publicly that if the cause was proceeded with there would be war, and "the King would be dethroned by his own subjects." The words were reported to Wolsey, and were confirmed by an English agent, Sylvester Darius, who had been sent to Valladolid on business connected with the truce.[48] Darius had spoken to the Chancellor on

[44] Campeggio to Sanga, Oct. 28. —*Calendar, Foreign and Domestic*, vol. vi. part 2, p. 2113.

[45] Sanga to Campeggio, Dec. – , 1528. —*Calendar, Foreign and Domestic*, vol. vi. part 2, p. 2210.

[46] Wolsey to Casalis, Nov. 1, 1528. —*Ib.* vol. iv. part 2, p. 2120.

[47] Catherine to Charles V., Nov. 24, 1528. —*Spanish Calendar*, vol. iii. part 2, p. 855.

[48] Mendoza to Charles V., Dec. 2, 1528. —*Ib.* p. 862. Jan. 16, 1529. —*ib.* p. 878.

the probability of England taking active part with France. “Why do you talk of the King of England?” the Chancellor had answered; “if we wished, we could expel him from his kingdom in three months. What force had the King? his own subjects would expel him. He knew how matters were.”[49] It was one thing for a free people to hold independent opinions on the arrangements of their own royal family. It was another to be threatened with civil war at the instigation of a foreign sovereign. Wolsey quoted the dangerous language at a public meeting in London; and a voice answered, “The Emperor has lost the hearts of a hundred thousand Englishmen.”[50] A fresh firebrand was thrown into the flames immediately after. The national pride was touched on a side where it was already sensitive from interest. There were 15,000 Flemish artisans in London. English workmen had been jealous of their skill, and had long looked askance at them. The cry rose that they had an army of traitors in their midst who must be instantly expelled. The Flemings’ houses were searched for arms, and watched by a guard, and the working city population, traders, shopkeepers, mechanics, apprentices, came over to the King’s side, and remained there.

Meantime the cause itself hung fire. A new feature had been introduced to enable Campeggio to decline to proceed and the Pope to withdraw decently from his promises. The original Bull of Pope Julius permitting the marriage had been found to contain irregularities of form which were supposed fatal to it. The validity of the objection was not denied, but was met by the production of a brief alleged to have been found in Spain, and bearing the same date with the Bull, which exactly met that objection. No trace of such a brief could be found in the Vatican Register. It had informalities of its own, and its genuineness was justly suspected, but it answered the purpose of a new circumstance. A copy only was sent to England, which was shown by Catherine in triumph to Henry, but the original was detained. It would be sent to Rome, but not to London; without it Campeggio could pretend inability to move, and meanwhile he could refuse to proceed on his commission. Subterfuges which answer for the moment revenge themselves in the end. Having been once raised, it was absolutely necessary that a question immediately affecting the succession should be settled in some way, and many of the peers who had been hitherto cool began to back the King’s demands. An address was drawn up, having among others the Duke of Norfolk’s signature, telling the Pope that the divorce must be conceded, and complaints were sent through Casalis against Campeggio’s dilatoriness. The King, he was to say, would not submit to be deluded.

Casalis delivered his message, and describes the effect which it produced. “The Pope,” he wrote, “very angry, laid his hand on my arm and forbade me to proceed, saying there was but too good ground for complaint, and he was deluded by his own councillors. He had granted the decretal only to be shown to the King, and then burnt. Wolsey now wished to divulge it. He saw what would follow, and would gladly recall what had been done, even with the loss of one of his fingers.”

Casalis replied that Wolsey wished only to show it to a few persons whose secrecy might be depended on. Was it not demanded for that purpose? Why had the Pope changed his mind? The Pope, only the more excited, said he saw the Bull would be the ruin of him, and he would make no more concessions. Casalis prayed him to consider. Waving his arms violently, Clement said, “I do consider. I consider the ruin which is hanging over me. I repent what I have done. If heresies arise, is it my fault? I will not violate my conscience. Let them, if they like, send the Legate back, because he will not proceed. They can do as they please, provided they do not make me responsible.”

Did the Pope mean, then, Casalis asked, that the commission should not proceed? The Pope could not say as much as that; he had told Campeggio, he said, to dissuade the King and persuade the Queen. “What harm could there be,” Casalis inquired, “in showing the decretal, under oath, to a few of the Privy Council?”

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[49] Sylvester Darius to Wolsey, Nov. 25, 1528. —*Calendar, Foreign and Domestic*, vol. iv. pt. 2, p. 2126.

[50] Du Bellay to Montmorency, Dec. 9, 1528. —*Calendar, Foreign and Domestic*, vol. iv. pt. 2, p. 2177.

The Pope said the decretal ought to have been burnt, and refused to discuss the matter further.[51]

[51] John Casalis to Wolsey, Dec. 17, 1528. —*Calendar, Foreign and Domestic*, vol. iv. part 2, p. 2186.

CHAPTER V

Demands of the Imperial Agent at Rome – The alleged Brief – Illness of the Pope – Aspirations of Wolsey – The Pope recovers – Imperial menaces – Clement between the anvil and the hammer – Appeal of Henry to Francis – The trial of the cause to proceed – Instructions to Campeggio – Opinion at Rome – Recall of Mendoza – Final interview between Mendoza and the King.

Human pity is due to the unfortunate Pope – Vicar of Christ, supreme judge in Europe, whose decrees were the inspirations of the Holy Ghost – spinning like a whipped top under the alternate lashes of the King of England and the Emperor. He had hoped that his decretal would not be known. It could not be concealed from Mendoza, who discovered, putting the worst interpretation upon it, "that the Pope and King had been endeavouring to intimidate the Queen into retiring into a convent." Finding that he, too, could put no faith in Clement, the Emperor's representative at Rome now forced a new promise from him. The proceedings in England were not to be opened without a fresh direct order from the Pope, and this the Pope was to be forbidden to give. If the King was obstinate and the Queen demanded it, Campeggio was to leave England, and, notwithstanding his engagements to the contrary, Clement was to advocate the cause to Rome. The new brief was sufficient plea. Without it the Legates could come to no conclusion, "the whole right of the Queen being based upon its contents." The Emperor had it in his hands, and by refusing to allow it to be examined, except at Rome, might prevent them from moving.

There was little doubt that the brief had been forged for the occasion. The Pope having sent a commission to England, the King considered that he had a right to the production of documents essential to the case. He required Catherine to write to Charles to ask for it. Catherine did as he desired, and the messenger who carried her letter to the Spanish Court was sworn to carry no private or separate missive from her. Mendoza dared not write by the same hand himself, lest his despatches should be examined. He made the messenger, therefore, learn a few words by heart, telling the Emperor that the Queen's letter was not to be attended to. "We thought," he said, "that the man's oath was thus saved."[52] Thus time drifted on. The new year came, and no progress had been made, though Campeggio had been three months in England. The Pope, more helpless than dishonest, continued to assure the King that he would do all that by law could be required of him, and as much as he could do *ex plenitudine potestatis*. No peril should prevent him. "If the King thought his resigning the Papacy would conduce to his purpose, he could be content, for the love he bore his Highness, rather than fail to do the same."

If the Pope was so well disposed, the King could not see where the difficulty lay. The Queen had refused his entreaty that she should enter religion. Why should not the Pope, then, allow the decretal to be put in execution? But Cardinal Salviati informed Casalis that a sentence given in virtue of the decretal would have no effect, but would only cause the Pope's deposition.[53] Visibly and unpleasantly it became now apparent to Henry to what issues the struggle was tending. He had not expected it. Wolsey had told him that the Pope would yield; and the Pope had promised what was asked; but his promises were turning to vapour. Wolsey had said that the Emperor could not afford to quarrel with him. The King found that war with the Emperor in earnest was likely enough unless he himself drew back, and draw back he would not. The poor Pope was as anxious as Henry. He had spoken of resigning. He was near being spared the trouble. Harassed beyond his strength, he fell ill, and was expected to die; and before Wolsey there was now apparently the strange alternative either of utter

[52] Mendoza to Charles V., Feb. 4, 1529. —*Spanish Calendar*, vol. iii. part 2.

[53] Knight and Benet to Wolsey, Jan. 8, 1529. —*Calendar, Foreign and Domestic*, vol. iv. part 3, p. 2262.

disgrace or of himself ascending the chair of St. Peter as Clement's successor. His election, perhaps, was really among the chances of the situation. The Cardinals had not forgiven the sack of Rome. A French or English candidate had a fair prospect of success, and Wolsey could command the French interest. He had boundless money, and money in the Sacred College was only not omnipotent. He undertook, if he was chosen, to resign his enormous English preferments and reside at Rome, and the vacancy of his three bishoprics and his abbey would pour a cataract of gold into the Cardinals' purses. The Bulls for English bishoprics had to be paid for on a scale which startled Wolsey himself. Already archbishop of York, bishop of Winchester, and abbot of St. Albans, he had just been presented to Durham. He had paid 8,000 ducats to "expedite" his Bulls for Winchester. The Cardinals demanded 13,000 ducats for Durham. The ducat was worth five shillings, and five shillings in 1528 were worth fifty shillings of modern money. At such a rate were English preferments bled to support the College of Cardinals; and if all these great benefices were again vacated there would be a fine harvest to be gathered. For a week or two the splendid vision suspended even the agitation over the divorce; but the Pope revived, and the Legates and he had to resume their ungrateful burden.

It was still really uncertain what Clement would do. Weak, impulsive men often leave their course to fate or chance to decide for them. Casalis, when he was able to attend to business again, told him in Wolsey's name that he must take warning from his late danger. "By the wilfully suffering a thing of such high importance to be unreformed to the doing whereof Almighty God worked so openly he would incur God's displeasure and peril his soul." The Imperialists were as anxious as Wolsey, and equally distrustful. In the Sacred College English gold was an influence not to be despised, and Henry had more to give than Charles. Micer Mai, the Imperial agent at Rome, found, as the spring came on, that the Italian Cardinals were growing cold. Salviati insisted to him that Catherine must go into a convent. Casalis denounced the new brief as a forgery, and the Sacred College seemed to be of the same opinion. The fiery Mai complained in the Pope's presence of the scant courtesy which the Ministers of the Emperor were meeting with, while the insolent and overbearing were regaled like the Prodigal Son.[54] The Pope assured him that, come what might, he would never authorise the divorce; but Mai only partially believed him. At trying moments Mai was even inclining to take the same view of the Papacy as Lope de Soria. "At other times," he said, "many things could be got out of the Pope by sheer intimidation; but now that could not be tried, for he would fall into despair, and the Imperialists would lose him altogether. They owed him something for what he had done for them before, otherwise he would be of opinion that it would be for God's service to reduce them to their spiritual powers."[55]

Occasionally Mai's temper broke through, and he used language worth observing. One of the Cardinals had spoken slightingly of the Emperor.

"I did not call on his Holiness," he wrote to Charles, "but sent him a message, adding that, if ever it came to my notice that the same Cardinal, or any member of the College, had dared to speak in such an indecent manner of the Emperor, I took my most solemn oath that I would have him beheaded or burnt alive within his own apartment. I had this time refrained out of respect for his Holiness; but should the insult be repeated I would not hesitate. They might do as they would with their Bulls and other rogueries – grant or refuse them as they liked; but they were not to speak evil of princes, or make themselves judges in the affairs of kingdoms."[56]

This remarkable message was conveyed to the Pope, who seemed rather pleased than otherwise. Mai, however, observed that the revolt of the Lutherans was not to be wondered at, and in what they said of Rome he considered that they were entirely right, except on points of faith.[57]

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[54] Mai to Charles V., April 3, 1529, —*Spanish Calendar*, vol. iii. part 2, p. 973.

[55] Micer Mai to the Emperor, May 11, 1529. —*Ibid.* vol. iv. part 1, p. 20.

[56] In Spanish the words are even more emphatically contemptuous: "Y que ennoramala que se curasen de sus bulas y de sus bellaquerias, si las querian dar ó no dar, y que no pongan lengua en los reyes y querir ser jueces de la subjeccion de los reynos."

[57] Micer Mai to the Emperor, June 5, 1529. —*Spanish Calendar*, vol. iv. part 1, p. 60.

Cardinals had been roughly handled in the sack of the Holy City at but a year's distance. The possibility was extremely real. The Imperial Minister, it appeared, could still command the services of the Spanish garrisons in the Papal territories if severity was needed, and the members of the Sacred College had good reason to be uneasy; but King Henry might reasonably object to the trial of his cause in a country where the assessors of the supreme judge were liable to summary execution if they were insubordinate. That Charles could allow his representative to write in such terms to him proves that he and Mai, and Henry himself, were in tolerable agreement on Church questions. The Pope knew it; one of his chief fears was that the Emperor, France, England, and the German Princes, might come to an understanding to his own disadvantage. Perhaps it might have been so had not the divorce kept Henry and Charles apart. Campeggio wrote to Sanga on the 3rd of April that certain advances had been made by the Lutherans to Henry, in which they promised to relinquish all heresies on articles of faith, and to believe according to Divine law if he and the King of France would reduce the ecclesiastical state to the condition of the Primitive Church, taking from it all its temporalities. He had told the King this was the Devil dressed in angel's clothing, a mere design against the property of the Church; and that it had been ruled by councils and theologians that it was right for the Church to hold temporal property. The King said those rules had been made by Churchmen themselves, and now the laity must interfere. He said also that Churchmen were said to be leading wicked lives, especially about the Court of Rome.[58]

Growled at on both sides, in terror for himself, in terror for the Church, the Pope drifted on, hoping for some accident to save him which never came, and wishing perhaps that his illness had made an end of him.

The Emperor complained of Campeggio as partial to the King because he held an English bishopric. "If the Pope leaves the succession undetermined," insisted Wolsey, on the other side, "no Prince would tolerate such an injury." "Nothing was done," wrote the Pope's secretary to Campeggio, "and nothing would be done. The Pope was in great trouble between the English and Imperial Ambassadors. He wished to please the King, but the King and Cardinal must not expect him to move till they had forced the Venetians to restore the Papal territories." Stephen Gardiner, who knew Clement well and watched him from day to day, said: "He was a man who never resolved anything unless compelled by some violent affection. He was in great perplexity, and seemed willing to gratify the King if he could, but when it came to the point did nothing. He would be glad if the King's cause could be determined in England by the Legates; and if the Emperor made any suit against what should be done there, they would serve him as they now served the King, and put off the time." So matters would go on, "unless Campeggio would frankly promise to give sentence in the King's favour; otherwise such delays would be found as the counterfeit Brief had caused."[59] Sir Francis Bryan, who was also at the Papal court, wrote to the King that the Pope would do nothing for him, and whoever had told the King that he would, had not done him the best service. "He was very sorry to write thus, but the King must not be fed with their flattering words."[60]

To wait longer on the Pope's action was now seen in England to be useless. The Pope dared not offend the Emperor further, and the Emperor had interposed to prohibit future action. Clement had himself several times suggested that the best way was to decide the case first in England in the Legate's court, and leave Catherine to appeal; he had promised Charles that no judgment should be given in England by the Legates; but he had worn so double a face that no one could say which truly belonged to him. Gardiner and Bryan were recalled. The King, finding the Pope's ingratitude, "resolved to dissemble with him, and proceed on the commission granted to Wolsey and Campeggio."[61] The

[58] Campeggio to Sanga, April 3, 1529. —*Calendar, Foreign and Domestic*, vol. iv. p. 2379.

[59] Gardiner to Henry VIII., April 21. —*Calendar, Foreign and Domestic*, vol. iv. p. 2415.

[60] Bryan to Henry VIII. —*Ibid.* p. 2418.

[61] Wolsey to Gardiner, May 5, 1529. —*Ibid.* p. 2442.

Cardinal of York encouraged his brother Legate by assuring him that if the marriage was now dissolved means would be found to satisfy the Emperor. Catherine would be left with her state undiminished, would have anything that she desired "except the person of the King." The Emperor's natural daughter might be married to the Duke of Richmond, and all would be well.[62]

So Wolsey wrote, but his mind was less easy than he pretended. Unless Henry was supported actively by the French, he knew that the Pope would fail him in the end; and Francis had been disappointed in the hope that Henry would stand actively by him in the war. Without effectual help from that quarter, Wolsey saw that he was himself undone. The French Ambassador represented to his Court that Wolsey was sincerely attached to the French alliance, that the King had only been induced to enterprise the affair by the assurance which the Cardinal had always given that he had nothing to fear from the Emperor; Wolsey had advanced the divorce as a "*means to break off for ever the alliance with the Emperor*"; and Francis, by now declaring himself, would confer a very great favour on the King, and would oblige Wolsey as much as if he had made him pope.[63] His master was not only now concerned for the discharge of his conscience and his desire to have issue, but the very safety and independence of England was at stake. He could not have it said that he left the succession to the throne uncleared for the threats of his enemy.[64]

The Duke of Suffolk was despatched to Paris to bring Francis to the point. Francis professed the warmest good-will to his brother of England. He undertook to advise the Pope. He assured Suffolk that if the Emperor attempted force Henry would find him at his side; but further he would not pledge himself. The time was past for a Wolsey patriarchate, and Francis, curiously enough, expressed doubts whether Wolsey was not after all betraying Henry. "There are some," he said, "which the King my brother doth trust in that matter that would it should never take effect. Campeggio told me he did not think the divorce would be brought about, but should be dissembled well enough. When the Cardinal of England was with me, as far as I could perceive, he desired the divorce might take place, for he loved not the Queen; but I advise my brother not to trust any man too much, and to look to his own matters. The Cardinal has great intelligence with the Pope, and Campeggio and they are not inclined to it."[65]

Things could not go on thus for ever. There would have been an excuse for Clement, if with a consciousness of his high office he had refused to anticipate a judgment till the case had been heard and considered. But from the first the right or wrong of the cause itself had been disregarded as of no moment. Nothing had been thought of but the alternate dangers to be anticipated from the King or the Emperor. Had the French driven the Imperialists out of Italy, the divorce would have been granted without further question. The supreme tribunal in Christendom was transparently influenced by no motive save interest or fear. Clement, in fact, had anticipated judgment, though he dared not avow it. He had appointed a commission, and by the secret decretal had ruled what the decision was to be. The decretal could not be produced, but, with or without it, the King insisted that the court should sit. Campeggio had been sent to try the cause, and try it he should. Notice was given that the suit was to be heard at the end of June. Wolsey perhaps had chosen a date not far from the close of term, that the vacation might suspend the process, and give time for further delay.

Since a trial of some kind could not be avoided, final instructions were sent from Rome to Campeggio. "If," wrote Sanga to him, "the Pope was not certain that he remembered the injunctions which he gave him by word of mouth, and which had been written to him many times, he would be very anxious. His Holiness had always desired that the cause should be protracted in order to find some means by which he could satisfy the King without proceeding to sentence. The citation of the

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[62] Campeggio to Salviati, May 12, 1529. —*Calendar, Foreign and Domestic*, p. 2451.

[63] Du Bellay to Montmorency, May 22, 1529. —*Ibid.* vol. iv. p. 2469.

[64] *Ibid.* May 28, 1529, p. 2476-7.

[65] The Duke of Suffolk to Henry VIII., June 4, 1529. —*Calendar, Foreign and Domestic*, vol. iv. p. 2491.

cause to Rome, which he had so often insisted on, had been deferred, not because it was doubted whether the matter could be treated with less scandal at Rome than there, but because His Holiness had ever shrunk from a step which would offend the King. But, since Campeggio had not been able to prevent the commencement of the proceedings, His Holiness warned him that the process must be slow, and that no sentence must in any manner be pronounced. He would not lack a thousand means and pretexts, if on no other point, at least upon the brief which had been produced."[66]

According to Casalis the view taken of the general situation at Rome was this.

"The Pope would not declare openly for the Emperor till he saw how matters went. He thought the Emperor would come to Italy, and if there was a war would be victorious, so that it would be for His Holiness's advantage to obtain his friendship beforehand. If peace was made the Emperor would dictate terms, and more was to be hoped from his help than from the French King. The Emperor was the enemy of the Allies, and sought to recover the honour which he lost by the sack of Rome by making himself protector of the Pope."[67]

Wolsey's dream was over, and with it the dreams of Lope de Soria and Micer Mai. The fine project to unite France and England in defence of the Papacy was proving baseless as the sand on which it was built. Henry VIII. was to lead the reform of the Church in England. Charles, instead of beheading cardinals, was to become the champion of the Roman hierarchy. The air was clearing. The parties in the great game were drifting into their natural situations. The fate which lay before Wolsey himself, the fate which lay before the Church of England, of the worst corruptions of which he was himself the chief protector and example, his own conscience enabled him too surely to foresee.

Mendoza was recalled, and before leaving had an interview with the King. "The Emperor," he said, "was obliged to defend his aunt. It was a private affair, which touched the honour of his family." The King answered that the Emperor had no right to interfere. He did not meddle himself with the private affairs of other princes. Mendoza was unable to guess what was likely to happen. The suit was to go on. If a prohibitory mandate arrived from the Pope, it was uncertain whether Wolsey would obey it, and it was doubtful also whether any such mandate would be sent. He suspected Clement of possible deliberate treachery. He believed that orders had been sent to the Legate to proceed, and give sentence in virtue of the first commission. In that case the sentence would certainly be against the Queen, and not a moment must be lost in pressing an appeal to Rome.[68]

[66] Sanga to Campeggio, May 29, 1529. —*Calendar, Foreign and Domestic*, vol. iv. p. 2479.

[67] Casalis to Wolsey, June 13, 1529. —*Calendar, Foreign and Domestic*, pp. 2507-8.

[68] Mendoza to Charles V., June 17, 1529. —*Spanish Calendar*, vol. iv. part 1, p. 96.

CHAPTER VI

The Court at Blackfriars – The point at issue – The Pope's competency as judge – Catherine appeals to Rome – Imperial pressure upon Clement – The Emperor insists on the Pope's admission of the appeal – Henry demands sentence – Interference of Bishop Fisher – The Legates refuse to give judgment – The Court broken up – Peace of Cambray.

The great scene in the hall at the Blackfriars when the cause of Henry VIII. and Catherine of Aragon was pleaded before Wolsey and Campeggio is too well known to require further description. To the Legates it was a splendid farce. They knew that it was to end in nothing. The world outside, even the parties chiefly concerned, were uncertain what the Pope intended, and waited for the event to determine their subsequent conduct. There was more at issue than the immediate question before the Court. The point really at stake was, whether the interests of the English nation could be trusted any longer to a judge who was degrading his office by allowing himself to be influenced by personal fears and interests; who, when called on to permit sentence to be delivered, by delegates whom he had himself appointed, yet confessed himself unable, or unwilling, to decide whether it should be delivered or not. Abstractly Henry's demand was right. A marriage with a brother's wife was not lawful, and no Papal dispensation could make it so; but long custom had sanctioned what in itself was forbidden. The Pope could plead the undisputed usage of centuries, and if when the case was first submitted to him he had unequivocally answered that a marriage contracted *bonâ fide* under his predecessor's sanction could not be broken, English opinion, it is likely, would have sustained him, even at the risk of a disputed succession, and the King himself would have dropped his suit. But the Pope, as a weak mortal, had wished to please a powerful sovereign. He had entertained the King's petition; he had hesitated, had professed inability to come to a conclusion, finally had declared that justice was on the King's side, and had promised that it should be so declared. If he now drew back, broke his engagements, and raised new difficulties in the settlement of a doubt which the long discussion of it had made serious; if he allowed it to be seen that his change of purpose was due to the menaces of another secular Prince, was such a judge to be any longer tolerated? Was not the Papacy itself degenerate, and unfit to exercise any longer the authority which it had been allowed to assume? This aspect of the matter was not a farce at all. The Papal supremacy itself was on its trial.

On the 16th of June the King and Queen were cited to appear in court. Catherine was unprepared. She had been assured by the Emperor that her cause should not be tried in England. She called on Campeggio to explain. Campeggio answered that the Pope, having deputed two Legates for the process, could not revoke their commission without grave consideration. He exhorted her to pray God to enlighten her to take some good advice, considering the times. He was not without hope that, at the last extremity, she would yield and take the vows. But she did not in the least accede to his hints, and no one could tell what she meant to do.[69] She soon showed what she meant to do. On the 18th the court sate. Henry appeared by a proctor, who said for him that he had scruples about the validity of his marriage, which he required to be resolved. Catherine attended in person, rose, and delivered a brief protest against the place of trial and the competency of the judges. Wolsey was an English subject, Campeggio held an English bishopric. They were not impartial. She demanded to be heard at Rome, delivered her protest in writing, and withdrew.

It was at once answered for the King that he could not plead in a city where the Emperor was master. The court adjourned for three days that the Cardinals might consider. On the 21st they sate again. The scene became more august. Henry came now himself, and took his place under a canopy

[69] Campeggio to Salviati, June 16, 1529. —*Calendar, Foreign and Domestic*, vol. iv. p. 2509.

at the Legates' right hand. Catherine attended again, and sate in equal state at their left. Henry spoke. He said he believed that he had been in mortal sin. He could bear it no longer, and required judgment. Wolsey replied that they would do what was just; and then Catherine left her seat, crossed in front of them, and knelt at her husband's feet. She had been his lawful wife, she said, for twenty years, and had not deserved to be repudiated and put to shame. She begged him to remember their daughter, to remember her own relations, Charles and Ferdinand, who would be gravely offended. Crowds of women, gathered about the palace gates, had cheered her as she came in, and bade her care for nothing. If women had to decide the case, said the French Ambassador, the Queen would win. Their voices availed nothing. She was told that her protest could not be admitted. She then left the court, was thrice summoned to come back, and, as she refused, was pronounced contumacious.

For the King to appear as a suitor at Rome was justly regarded as impossible. Casalis was directed to tell Clement that, being in the Emperor's hands, he could not be accepted as a judge in the case, and that sovereign princes were exempted by prerogative from pleading in courts outside their own dominions. If he admitted the Queen's appeal, he would lose the devotion of the King and of England to the See Apostolic, and would destroy Wolsey for ever.[70] Had the Legates been in earnest there would have been no time to learn whether the appeal was allowed at Rome or not; they would have gone on and given sentence under their commission. It appeared as if this was what they intended to do. The court continued sitting. Catherine being contumacious, there was nothing left to delay the conclusion. She was in despair; she believed herself betrayed. Mendoza, who might have comforted her, was gone. She wrote to him that she was lost unless the Emperor or the Pope interposed. Even Campeggio seemed to be ignorant how he was to avoid a decision. Campeggio, the French Ambassador wrote, was already half conquered. If Francis would send a word to him, he might gather courage to pass sentence, and Henry would be brought to his knees in gratitude. The very Pope, perhaps, in his heart would not have been displeased if the Legates had disobeyed the orders which he had given, and had proceeded to judgment, as he had often desired that they might. Micer Mai's accounts to Charles of the shifts of the poor old man, as the accounts from England reached him, are almost pathetic. Pope, Cardinals, canon lawyers, Mai regarded as equally feeble, if not as equally treacherous. One reads with wonder the Spaniard's real estimate of the persons for whose sake and in whose name Charles and Philip were to paint Europe red with blood.

"Salviati," said Mai, "who, though a great rogue, has not wit enough to hide his tricks, showed me the minute of a letter they had written to Campeggio: a more stupid or rascally composition could not have been concocted in hell."[71] Campeggio was directed in this letter to reveal to no one that he had received orders not to give sentence. He was to go on making delays, which was what "those people desired," because, if he was to say that he would make no declaration in the affair, the Archbishop of York would act by himself, the Pope's mandate having been originally addressed to the two Legates conjointly or to one individually. The letter had gone on to direct Campeggio, if he could not manage this, to carry on the proceedings until the final sentence, but not deliver sentence without first consulting Rome. If possible, he was to keep this part of his instructions secret, for fear of displeasing the King.

"I lost all patience," Mai continued. "Andrea de Burgo and I went to the Pope, and told him we had seen the instructions sent to Campeggio, which were of such a nature that if we were to inform your Majesty of their contents you would undoubtedly resent the manner in which you were being treated. We would not do that, but we would speak our minds plainly. The letter to Campeggio was a breach of faith so often pledged by his Holiness to your Majesty that the divorce suit should be advocated to Rome. The violation of such a promise and the writing to Campeggio to go on with the proceeding was a greater insult and offence to your Majesty than the commission given to him in the

[70] Wolsey to Casalis, June 22, 1529. —*Calendar, Foreign and Domestic*, vol. iv. p. 2526.

[71] "La mas necia y bellaca carta que se pudiera hacer en el Infierno."

first instance. It was a wonder to see how lightly his Holiness held promises made in accordance with justice and reason. An offence of such a kind bore so much on the honour of your Majesty and the princes of the Imperial family, that your Majesty would not put up with it. The King would have but to ask Campeggio whether he would or would not give sentence, and, if he refused, the duty would then devolve on the other Legate. His Holiness should be careful how he added fuel to the fire now raging in Christendom."[72]

It was not enough for Mai that the cause should be revoked to Rome. The English agents said that if an independent sovereign was to be forced to plead at Rome, the Pope must at least hear the suit in person. He must not refer it to the Rota. Mai would not hear of this. To the Rota it must go and nowhere else. The Pope might mean well, but he might die and be succeeded by a pope of another sort, or the English might regain the influence they once had, and indeed had still, in the Papal court. They were great favourites, bribing right and left and spending money freely.[73] What was a miserable pope to do? Casalis, and Dr. Benet who had joined him from England, pointed out the inevitable consequences if he allowed himself to be governed by the Emperor. The Pope replied with lamentations that none saw that better than he, but he was so placed between the hammer and the anvil, that, though he wished to please the King, the whole storm would fall on him. The Emperor would not endure an insult to his family, and had said that he regarded the cause more than all his kingdoms. Those were only ornaments of fortune, while this touched his honour. He would postpone the advocation for a few days, but it could not be refused. He was in the Emperor's power, and the Emperor could do as he pleased with him.

The few days' respite meant a hope that news of some decisive act might arrive meanwhile from England. The King must determine, Casalis and Benet thought, whether it would be better to suspend the process at his own request, or to proceed to sentence before the advocation.[74] The Pope, the Commissioners added, was well disposed to the King, and would not refuse to shed his blood for him; but in this cause and at this time he said it was impossible.

While matters were going thus at Rome, the suit in England went forward. The Cardinals availed themselves of every excuse for delay; but in the presence of Catherine's determined refusal to recognise the court, delay became daily more difficult. The King pressed for judgment; formal obstacles were exhausted, and the Roman Legate must either produce his last instructions, which he had been ordered not to reveal, or there was nothing left for him to urge as a reason for further hesitation. It was not supposed that in the face of a distinct promise the Pope would revoke the commission. Campeggio and Wolsey were sitting with full powers to hear and determine. Determine, it seemed, they must; when, at the fifth session, uncalled on and unlooked for, the Bishop of Rochester rose and addressed the court. The King, he said, had declared that his only intention was to have justice done, and to relieve himself of a scruple of conscience, and had invited the judges and everyone else to throw light upon a cause which distressed and perplexed him. He [the Bishop], having given two years' diligent study to the question, felt himself bound in consequence to declare his opinion, and not risk the damnation of his soul by withholding it. He undertook, therefore, to declare and demonstrate that the marriage of the King and Queen could be dissolved by no power, human or divine, and for that conclusion he was ready to lay down his life. The Baptist had held it glorious to die in a cause of marriage, when marriage was not so holy as it had been made by the shedding of Christ's blood. He was prepared to encounter any peril for the truth, and he ended by presenting his arguments in a written form.[75]

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[72] Mai to Charles V., August 4, 1529. —*Spanish Calendar*, vol. iv. part 1, page 155 (abridged).

[73] Same to the same, August 28. —*Ibid.* p. 182.

[74] Benet, Casalis, and Vannes to Henry VIII. —*Calendar, Foreign and Domestic*, vol. iv. pp. 2567-8.

[75] Campeggio to Salviati, June 29, 1529. —*Calendar, Foreign and Domestic*, vol. iv. p. 2538.

The Bishop's allusion to the Baptist was neither respectful nor felicitous. It implied that Henry, who as yet at least had punished no one for speaking freely, was no better than a Herod. Henry's case was that to marry a brother's wife was not lawful, and the Baptist was of the same opinion. The Legates answered quietly that the cause had not been committed to Fisher, and that it was not for him to pronounce judicially upon it. Wolsey complained that the Bishop had given him no notice of his intended interference. They continued to examine witnesses as if nothing had happened. But Fisher's action was not without effect. He was much respected. The public was divided on the merits of the general question. Many still thought the meaning of it to be merely that the King was tired of an old wife and wanted a young one. Courage is infectious, and comment grew loud and unfavourable. The popular voice might have been disregarded. But Campeggio, who had perhaps really wavered, not knowing what Clement wished him to do, gathered heart from Fisher's demonstration. "We are hurried on," he wrote to Salviati on the 13th of July, "always faster than a trot, so that some expect a sentence in ten days… I will not fail in my duty or office, nor rashly or willingly give offence to any one. When giving sentence I will have only God before my eyes and the honour of the Holy See."[76] A week later Du Bellay said that things were almost as the King wished, and the end was expected immediately, when Campeggio acted on the Pope's last verbal instructions at their parting at Rome. He was told to go on to the last, but must pause at the final extremity. He obeyed. When nothing was left but to pronounce judgment, he refused to speak it, and said that he must refer back to the Holy See. Wolsey declined to act without him, and Campeggio, when pressed, if we can believe his own account of what he said, answered: "Very well, I vote in favour of the marriage and the Queen. If my colleague agrees, well and good. If not, there can be no sentence, for we must both agree."[77]

Wolsey's feelings must be conjectured, for he never revealed them. To the Commissioners at Rome he wrote: "Such discrepancies and contrariety of opinion has ensued here that the cause will be long delayed. In a week the process will have to cease, and two months of vacation ensue. Other counsels, therefore, are necessary, and it is important to act as if the advocation was granted. Campeggio unites with me to urge the Pope, if it must be granted, to qualify the language; for if the King be cited to appear in person or by proxy, and his prerogative be interfered with, none of his subjects will tolerate it; or if he appears in Italy it will be at the head of a formidable army.[78] A citation of the King to Rome on threat of excommunication is no more tolerable than the whole loss of the King's dignity. If, therefore, the Pope has granted any such advocation, it must be revoked. If it arrives here before such a revocation, no mention of it shall be made, not even to the King."[79]

This was Wolsey's last effort. Before his despatch could reach Rome the resolution was taken. Had it arrived in time, it would have made no difference while Micer Mai was able to threaten to behead Cardinals in their own apartments. The cause was advoked, as it was called – reserved to be heard in the Rota. The Legates' commission was cancelled. The court at Blackfriars was dissolved, as Campeggio said, in anger, shame, and disappointment. He had fulfilled his orders not without some alarm for himself as he thought of his bishopric of Salisbury.

Catherine, springing from despondency into triumph, imagined that all was over. The suit, she thought, would be instantly recommenced at Rome, and the Pope would give judgment in her favour without further form. She was to learn a harsher lesson, and would have consulted better for her happiness if she had yielded to the Pope's advice and retired into seclusion. While the Legates were sitting in London, another conference was being held at Cambray, to arrange conditions of European peace. France and the Empire adjusted their quarrels for another interval. The Pope and the Italian

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[76] *Calendar, Foreign and Domestic*, vol. iv. p. 2581.

[77] Mai to Charles V., Sept. 3, 1529. —*Spanish Calendar*, vol. iv. part 1, p. 195.

[78] This was not an idle boast. A united army of French and English might easily have marched across the Alps; and nothing would have pleased Francis better than to have led such an army, with his brother of England at his side, to drive out the Emperor.

[79] Wolsey to Benet, etc., July 27. —*Calendar, Foreign and Domestic*, vol. iv. p. 2591.

Princes were included – England was included also – and the divorce, the point of central discord between Henry and the Emperor, was passed over in silence as too dangerous to be touched.

CHAPTER VII

Call of Parliament – Wolsey to be called to account – Anxiety of the Emperor to prevent a quarrel – Mission of Eustace Chapuys – Long interview with the King – Alarm of Catherine – Growth of Lutheranism – The English clergy – Lord Darcy's Articles against Wolsey – Wolsey's fall – Departure of Campeggio – Letter of Henry to the Pope – Action of Parliament – Intended reform of the Church – Alienation of English feeling from the Papacy.

On the collapse of the commission it was at once announced that the King would summon a Parliament. For many years Wolsey had governed England as he pleased. The King was now to take the reins in his own hands. The long-suffering laity were to make their voices heard, and the great Cardinal understood too well that he was to be called to account for his stewardship. The Queen, who could think of nothing but her own wrongs, conceived that the object must be some fresh violence to herself. She had requested the Pope to issue a minatory brief forbidding Parliament to meddle with her. She had mistaken the purpose of its meeting, and she had mistaken the King's character. Important as the divorce question might be, a great nation had other things to think of which had waited too long. It had originated in an ambitious scheme of Wolsey to alter the balance of power in Europe, and to form a new combination which the English generally disliked. Had his policy been successful he would have been continued in office, with various consequences which might or might not have been of advantage to the country. But he had failed miserably. He had drawn the King into a quarrel with his hereditary ally. He had entangled him, by ungrounded assurances, in a network of embarrassments, which had been made worse by the premature and indecent advancement of the Queen's intended successor. For this the Cardinal was not responsible. It was the King's own doing, and he had bitterly to pay for it. But Wolsey had misled his master into believing that there would be no difficulty. In the last critical moment he had not stood by him as the King had a right to expect; and, in the result, Henry found himself summoned to appear as a party before the Pope, the Pope himself being openly and confessedly a creature in the hands of the Emperor. No English sovereign had ever before been placed in a situation so degrading.

Parliament was to meet for other objects – objects which could not be attained while Wolsey was in power and were themselves of incalculable consequence. But Anne Boleyn was an embarrassment, and Henry did for the moment hesitate whether it might not be better to abandon her. He had no desire to break the unity of Christendom or to disturb the peace of his own kingdom for the sake of a pretty woman. The Duke of Norfolk, though he was Anne's uncle, if he did not oppose her intended elevation, did nothing to encourage it. Her father, Lord Wiltshire, had been against it from the first. The Peers and the people would be the sufferers from a disputed succession, but they seemed willing to encounter the risk, or at least they showed no eagerness for the King's marriage with this particular person. If Reginald Pole is to be believed, the King did once inform the Council that he would go no further with it. The Emperor, to make retreat easy to him, had allowed nothing to be said on the subject at Cambray, and had instructed the Pope to hold his hand and make no further movement. He sent a new Ambassador to England, on a mission of *doulceur et amytié*. Eustace Chapuys, the Minister whom he selected, was not perhaps the best selection which he could have made, and Lord Paget, who knew him well, has left an account of him not very favourable. "For Chapuys," he said, "I never took him for a wise man, but for one that used to speak *cum summâ licentiâ* whatsoever came *in buccam*, without respect of honesty or truth, so it might serve his turn, and of that fashion it is small mastery to be a wise man. He is a great practicer, with which honest term we cover tale-telling, lying,

dissimuling, and flattering."[80] Chapuys being the authority for many of the scandals about Henry, this description of him by a competent observer may be borne in remembrance; but there can be no question that Charles sent him to England on an embassy of peace, and one diplomatist is not always perhaps the fairest judge of another of the same trade. The King's hesitation, if he ever did hesitate, was not of long duration. He had been treated like a child, tricked, played with, trifled with, and he was a dangerous person to deal with in so light a fashion. Chapuys reached London in the beginning of September. On landing he found the citation to Rome had not been officially notified to the King, as a morsel too big for him to swallow.[81] The King received him politely, invited him to dine in the palace, and allowed him afterwards to be introduced to Catherine, who was still residing at the court. Three days after he had a long interview with Henry. His commission, he said, was to smooth all differences between the King and his master. The King responded with equal graciousness, but turned the conversation upon those differences themselves. The Emperor, he said, had not used him well. The advocation to Rome was absurd. He had written himself to the Pope with his own hand, telling him it was not only expedient but absolutely necessary that the cause should be tried in England. The Roman territories were still in the occupation of the Imperial troops. The Pope had committed it to two of his Cardinals, had solemnly promised that it should not be revoked, and that he would confirm any sentence which the Legates should pronounce. These engagements the Emperor had obliged the Pope to break. He himself had not proceeded upon light grounds. He was a conscientious prince, he said, who preferred his own salvation to all worldly advantages, as appeared sufficiently from his conduct in the affair. Had he been differently situated and not attentive to his conscience, he might have adopted other measures, which he had not taken and never would take.[82] Chapuys attempted to defend Clement. "Enough of that pope," Henry sharply interrupted. "This is not the first time that he has changed his mind. I have long known his versatile and fickle nature."[83] The Pope, he went on, "would never dare pronounce sentence, unless it favoured the Emperor."

Catherine was eagerly communicative. Chapuys learned from her that the King had offered that the case should be heard at Cambray – which she had, of course, refused. She was much alarmed about the Parliament, "the King having played his cards so well that he would have a majority of votes in his favour." It was quite certain that he meant to persevere. She professed outwardly that she was personally attached to the King; yet she desired Chapuys expressly to caution the Emperor against believing that his conduct had anything to do with conscience. The idea of separation, she said, had originated entirely in his own iniquity and malice, and when the treaty of Cambray was completed, he had announced it to her with the words: "My peace with the Emperor is made: it will last as long as you choose."[84]

Chapuys had been charged to ascertain the feeling of the English people. He found them generally well affected to the Queen. But the Lutheran heresy was creeping in. The Duke of Suffolk had spoken bitterly of Papal legates, and Chapuys believed if they had nothing to fear but the Pope's malediction, there were great numbers who would follow the Duke's advice and make Popes of the King and Bishops, all to have the divorce case tried in England.[85] The Queen was afraid of pressing her appeal, fearing that if the Commons in Parliament heard that the King had been summoned to Rome, measures injurious to her might easily be proposed and carried.[86] Even the Duke of Norfolk was not satisfactory. He professed to be devoted to the Emperor; he said he would willingly have lost a hand so that the divorce question should never have been raised; but it was an affair of theology

[80] Paget to Petre. —*State Papers, Henry VIII.*, vol. x. p. 466.

[81] Chapuys to the Regent Margaret, Sept. 18, 1529. —*Spanish Calendar*, vol. iv. part 1, p. 214.

[82] Chapuys to Charles V., Sept. 2. —*Spanish Calendar*, vol. v. part 2, p. 225.

[83] *Ibid.* p. 229.

[84] Chapuys to Charles V., Sept. 2, 1529. —*Spanish Calendar*, vol. vi. part 1, pp. 236-7.

[85] *Ibid.* p. 236.

[86] *Ibid.* p. 274.

and canon law, and he had not meddled with it. If the Emperor had remained neutral, instead of interfering, it would have been sooner settled.[87]

But, for the instant, the interests of the people of England were fixed on a subject more immediately close to them. The sins of the clergy had at last found them out. They pretended to be a supernatural order, to hold the keys of heaven and hell, to be persons too sacred for ordinary authority to touch. Their vices and their tyranny had made them and their fantastic assumptions no longer bearable, and all Europe was in revolt against the scandals of the Church and Churchmen. The ecclesiastical courts, as the pretended guardians of morality, had the laity at their mercy; and every offence, real or imaginary, was converted into an occasion of extortion. The courts were themselves nests of corruption; while the lives and habits of the order which they represented made ridiculous their affectations of superiority to common men. Clement's conduct of the divorce case was only a supreme instance of the methods in which the clerical tribunals administered what they called justice. An authority equally oblivious of the common principles of right and wrong was extended over the private lives and language of every family in Catholic Christendom. In England the cup was full and the day of reckoning had arrived. I have related in the first volume of my history of the period the meeting of the Parliament of 1529, and I have printed there the Petition of the Commons to the Crown, with the Bishops' reply to it.[88] I need not repeat what has been written already. A few more words are needed, however, to explain the animosity which broke out against Wolsey. The great Cardinal was the living embodiment of the detested ecclesiastical domination, and a representation in his own person of the worst abuses complained of. He had been a vigorous Minister, full of large schemes and high ambitions. He had been conscious of much that was wrong. He had checked the eagerness of the bench of Bishops to interfere with opinion, had suppressed many of the most disorderly smaller monasteries, and had founded colleges out of their revenues. But he had left his own life unreformed, as an example of avarice and pride. As Legate he had absorbed the control of the entire ecclesiastical organisation. He had trampled on the Peers. On himself he had piled benefice upon benefice. He held three great bishoprics, and, in addition to them, the wealthiest of the abbeys. York or Durham he had never entered; Winchester he may have visited in intervals of business; and he resided occasionally at the Manor of the More, which belonged to St. Albans: but this was all his personal connection with offices to which duties were attached which he would have admitted to be sacred, if, perhaps, with a smile. As Legate and Lord Chancellor he disposed of the whole patronage of the realm. Every priest or abbot who needed a license had to pay Wolsey for it. His officials were busy in every diocese. Every will that was to be proved, every marriage within the forbidden degrees, had to pass under their eyes, and from their courts streams richer than Pactolus flowed into Wolsey's coffers. Foreign princes, as we have seen, were eager to pile pensions upon him. His wealth was known to be enormous. How enormous was now to be revealed. Even his own son – for a son he had – was charged upon the commonwealth. The worst iniquity of the times was the appointing children to the cure of souls. Wolsey's boy was educated at Paris, and held benefices worth 1,500 crowns a year, or 3,000 pounds of modern English money. A political mistake had now destroyed his credit. His enemies were encouraged to speak, and the storm burst upon him.

A list of detailed complaints against him survives which is curious alike from its contents, the time at which it was drawn up, and the person by whom it was composed – the old Lord Darcy of Templehurst, the leader afterwards in the Pilgrimage of Grace. Darcy was an earnest Catholic. He had fought in his youth under Ferdinand at the conquest of Granada. He was a dear friend of Ferdinand's daughter, and an earnest supporter, against Wolsey, of the Imperial alliance. His paper is long and the charges are thrown together without order. The date is the 1st of July, when the Legates' court had begun its sittings and was to end, as he might well suppose, in Catherine's ruin. They express

[87] Chapuys to Charles V., Sept. 2, 1529. —*Spanish Calendar*, vol. vi. part 1, p. 294.

[88] The transcripts of these documents were furnished to me by the late Sir Francis Palgrave, who was then Keeper of the Records.

the bitterness of Darcy's feelings. The briefest epitome is all that can be attempted of an indictment which extended over the whole of Wolsey's public career. It commences thus: —

"Hereafter followeth, by protestation, articles against the Cardinal of York, shewed by me, Thomas Darcy, only to discharge my oath and bounden duty to God and the King, and of no malice.

"1. All articles that touches God and his Church and his acts against the same.

"2. All that touches the King's estate, honour and prerogative, and against his laws.

"3. Lack of justice, and using himself by his authority as Chancellor faculties legatine and cardinal; what wrongs, exactions he hath used.

"4. All his authorities, legatine and other, purchased of the Pope, and offices and grants that he hath of the King's grace, special commissions and instructions sent into every shire; he, and the Cardinal's servants, to be straitly examined of his unlawful acts."

Following vaguely this distribution, Darcy proceeds with his catalogue of wrongs. Half the list is of reforms commenced and unfinished, everything disturbed and nothing set right, to "the ruffling of the good order of the realm." Of direct offences we find Wolsey unexpectedly accused of having broken the Præmunire statute by introducing faculties from Rome and allowing the Pope to levy money in the realm contrary to the King's prerogative royal, while for himself, by "colour of his powers as Cardinal legate *a latere* and faculties spiritual and temporal, he had assembled marvellous and mighty sums of money." Of bishops, abbots, priors, deans, &c., he had received (other sums) for promotion spiritual since his entry. He had appropriated the plate and jewels of the suppressed abbeys. He had raised the "probate duty" all over the realm, the duty going into his own coffers. He had laid importable charges on the nobles of the realm. He had Towered, Fleeted, and put to the walls of Calais a number of the noblemen of England, and many of them for light causes. He had promoted none but such as served about the King to bring to pass his purposes, or were of his council in such things as an honest man would not vouchsafe to be acquainted with. He had hanged, pressed, and banished more men since he was in authority than had suffered death by way of justice in all Christendom besides. He had wasted the King's treasure, &c. He had levied mighty sums of other houses of religion, some for dread to be pulled down, and others by his feigned visitations under colour of virtuous reformation. As Chancellor "he had taken up all the great matters depending in suit to determine after his discretion, and would suffer no way to take effect that had been devised by other men." In other times "the best prelate in the realm was contented with one bishoprick." Darcy demanded that the duties of bishops should be looked into. They should hold no temporal offices, nor meddle with temporal affairs. They should seek no dispensation from the Pope. The tenure of land in England should be looked into, to find what temporal lands were in spiritual men's hands, by what titles, for what purposes, and whether it was followed or no. The King's grace should proceed to determine all reformations, of spiritual and temporal, within his realm. Never more Legate nor Cardinal should be in England: these legacies and faculties should be clearly annulled and made frustrate, and search and enquiry be made what had been levied thereby. He recommended that at once and without notice Wolsey's papers and accounts should be seized. "Then matters much unknown would come forth surely concerning his affairs with Pope, Emperor, the French King, other Princes, and within the realm."[89]

[89] Cardinal Wolsey and Lord Darcy, July 1, 1529. —*Calendar, Foreign and Domestic*, vol. iv. pp. 2548-62.

Конец ознакомительного фрагмента.