

SUMMARY: The document below is an extract from the will of King Henry VIII containing the provisions for succession to the crown. According to the will, no child of Queen Elizabeth's could succeed to the crown who was not lawfully begotten. Moreover if Queen Elizabeth had not secured the prior consent of those whom Henry VIII had appointed in his will to authorize her marriage, no child of hers could succeed to the crown even if such child had been born of an otherwise lawful marriage.

[Image 13] And as concerning the order and disposition of th' imperial crown of this realm of England and Ireland, with our title of France, and all dignities, honours, pre-eminences, prerogatives, authorities and jurisdictions to the same annexed or belonging, and for the sure establishment of the successors of the same;

And also for a full and plain gift, disposition, assignment, declaration, limitation and appointment, with what conditions our daughters, Mary and Elizabeth, shall severally have, hold and enjoy the said imperial crown and other the premises after our decease and for default of issue and heirs of the several bodies of us and of our son, Prince Edward, lawfully begotten and his heirs;

And also for a full gift, disposition, assignment, declaration, limitation and appointment to whom and of what estate and in what manner, form and condition the said imperial crown and other the premises shall remain [Image 14] and come after our decease and for default of issue and heirs of the several bodies of us and of our said son, Prince Edward, and of our said daughters, Mary and Elizabeth, lawfully begotten;

We by these presents do make and declare our last will and testament concerning the said imperial crown and all other the premises in manner and form following, that is to say:

We will by these presents that immediately after our departure out of this present life our said son, Edward, shall have and enjoy the said imperial crown and realm of England and Ireland, our title to France, with all dignities, honours, pre-eminences, prerogatives, authorities and jurisdictions, lands and possessions to the same annexed or belonging, to him and to his heirs of his body lawfully begotten;

And for default of such issue of our said son Prince Edward's body lawfully begotten, we will the said imperial crown and other the premises after our two deceases shall wholly remain and come to the heirs of our body lawfully begotten of the body of our entirely beloved wife Queen Katherine that now is, or of any other our lawful wife that we shall hereafter marry;

And for lack of such issue and heirs, we will also that after our decease and for default of heirs of the several bodies of us and of our said son, Prince Edward, lawfully begotten, the said imperial crown and all other the premises shall wholly remain and come to our said daughter, Mary, and the heirs of her body lawfully begotten;

Upon condition that our said daughter, Mary, after our decease shall not marry ne take any person to her husband without the assent and consent of the Privy Councillors and others appointed by us to our dearest son, Prince Edward aforesaid, to be of counsel, or of the most part of them, or the most of such as shall then be alive, thereunto before the said marriage had in writing, sealed with their seals, all which condition we declare, limit, appoint and will by these presents shall be knit and invested to the said estate of our said daughter, Mary, in the said imperial crown and other the premises;

And if it fortune our said daughter, Mary, to die without issue of her body lawfully begotten, we will that after our decease and for default of issue of the several bodies of us and of our said son, Prince Edward, lawfully begotten, and of our daughter, Mary, the said imperial crown and other the premises shall wholly remain and come to our said daughter, Elizabeth, and to the heirs of her body lawfully begotten;

Upon condition that our said daughter, Elizabeth, after our decease shall not marry nor take any person to her husband without the assent and consent of the Privy Councillors and others appointed by us to be of counsel with our said dearest son, Prince Edward, or the most part of them, or the most part of such of them as shall be then on live, thereunto before the same marriage had in writing, sealed with their seals, which condition we declare, limit, appoint and will by these presents shall be to the said estate of our said daughter, Elizabeth, in the said imperial crown and other the premises knit and invested;

And if it shall fortune our said daughter, Elizabeth, to die without issue of her body lawfully begotten, we will that after our decease and for default of issue of the several bodies of us and of our said son, Prince Edward, and of our said daughters, Mary and Elizabeth, we will that the said imperial crown and other the premises after our decease and for default of th' issue of the several bodies of us and of our said son, Prince Edward, and of our said daughters, Mary & [Image 15] Elizabeth, lawfully begotten, shall wholly remain and come to the heirs of the body of the Lady Frances, our niece, eldest daughter to our late sister, the French Queen, lawfully begotten;

And for default of such issue of the body of the said Lady Frances, we will that the said imperial crown and other the premises after our decease and for default of issue of the several bodies of us and of our son, Prince Edward, and of our daughters, Mary and Elizabeth, and of the Lady Frances, lawfully begotten, shall wholly remain and come to the heirs of the body of the Lady Eleanor, our niece, second daughter to our said late sister, the French Queen, lawfully begotten;

And if it happen the said Lady Eleanor to die without issue of her body lawfully begotten, we will that after our decease and for default of issue of the several bodies of us and of our said son, Prince Edward, and of our said daughters, Mary and Elizabeth, and of the said Lady Frances, and of the said Lady Eleanor, lawfully begotten, the said imperial crown and other the premises shall wholly remain and come to the next rightful heirs;

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Also we will that if our said daughter, Mary, do marry without the consent and agreement of the Privy Councillors and others appointed by us to be of counsel to our said son, Prince Edward, or the most part of them, or the most part of such of them as shall then be alive, thereunto before the said marriage had in writing, sealed with their seals, as is aforesaid, that then and from thenceforth for lack of heirs of the several bodies of us and of our said son, Prince Edward, lawfully begotten, the said imperial crown and other the premises shall wholly remain, be and come to our said daughter, Elizabeth, and to the heirs of her body lawfully begotten in such manner and form as though our said daughter, Mary, were then dead without any issue of the body of our said daughter, Mary, lawfully begotten, anything contained in this our will or in any act of Parliament or statute to the contrary in any wise notwithstanding;

And in case our said daughter, the Lady Mary, do keep and perform the said condition expressed, decreed and limited to her estate in the said imperial crown and other the premises by this our last will declared, and that our said daughter, Elizabeth, for her part do not keep and perform the said condition declared and limited by this our last will to the estate of the said Lady Elizabeth in the said imperial crown of this realm of England and Ireland and other the premises, we will that then and from thenceforth after our decease and for lack of heirs of the several bodies of us and of our said son, Prince Edward, and of our said daughter, Mary, lawfully begotten, the said imperial crown and other the premises shall wholly remain & come to the next heirs lawfully begotten of the body of the said Lady Frances in such manner and form as though the said Lady Elizabeth were then dead without any heir of her body lawfully begotten, anything contained in this will or in any act or statute to the contrary notwithstanding, the remainders over for lack of issue of the said Lady Frances lawfully begotten to be and continue to such persons like remainders and estates as is before limited and declared.