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Henry the Eighth's Divorce and Luther

By WILLIAM DALLMANN

I

"Luther gave the green light to divorce." — Rev. John Toomy in the *Jesuit America* of August 14, 1943.

"Luther teaches any man who is tired of his wife may leave her for any reason whatsoever, and, forthwith, the marriage is dissolved and both are free to marry again." — Right Reverend Monsignor Patrick O'Hare, D. D., LL. D., in *Facts About Luther*, p. 333. Pustet, 1916.

It is a rehash of stale stuff. Four hundred years ago, on May 19, 1536, Eustace Chapuys, Kaiser Karl's ambassador to London, wrote Karl's minister Granvelle: "Many think that the Concubine [Anne Boleyn] had become so audacious in vice, because most of the new bishops had persuaded her that she need not go to confession; and that according to the new sect [of Lutherans] it was lawful to seek aid elsewhere, even from her own relations, when her husband was not able to satisfy her." Which even he did not affect to believe. — Froude, *Divorce*, p. 431.

And Chapuys was able to believe almost anything against Lutherans.

Let us look into the matter.

Catherine of Aragon, daughter of Ferdinand and Isabella, the friend of Columbus, at eighteen was married to Prince Arthur at fifteen on November 14, 1501.

On April 2 the boy was dead.

Return the dowry of 200,000 scudi? Ridiculous! The

greedy old King Henry VII would rather himself marry his daughter-in-law. Mother Isabella, however, protested, so that the old miser instead betrothed her to her brother-in-law, Prince Henry, who was at that time ten years old.

Of course, this was all wrong; of course, the Pope would make it all right — for a price.

Dispense from the law of God in Lev. 20:21? Even the bloody Pope Julius II balked at that. Assured by Cardinal Hadrian it had been done repeatedly by recent Popes, and implored by the dying mother, the Vicar of Christ at last after a year reluctantly gave the permit on Dec. 26, 1503.

At once it was opposed as unlawful by Archbishop Warham and by Bishop John Longland of Lincoln, confessor of Henry. Catherine's young Spanish confessor instilled doubts in her, for which he was removed. Ferdinand quieted his daughter by pointing to King Manuel of Portugal, living happily with the sister of his first wife, sisters of Catherine, by a permit of Pope Alexander VI. The king was hardly kept from marrying his stepmother.

When on January 27, 1505, Henry was fourteen and of age, his father had him sign a protest before Bishop Richard Fox of Winchester:

"That, whereas, being under age, he was married to the princess Catherine, now, on coming of age, he protested against the marriage as illegal, and annulled it."

When the lad became Henry VIII on April 21, 1509, there was more talk about the marriage being unlawful. Erasmus declares it needed great pressure to get Henry to recant his protest. Be that as it will, on June 3 they were married, Henry eighteen and Catherine twenty-six.

In the spring of 1510 there was a miscarriage, then a stillbirth, and then death soon after birth, so on till 1518. The only one that managed to live was the sickly Mary, born February 18, 1516.

As early as August, 1514, Vetur Lipomano in Rome wrote Venice: "It is said the king of England intends to repudiate his wife." And Venetian Ambassador Marino Sanuto wrote the same — "From the Pope he will get what he wishes as France also did with Pope Julius" — Alexander VI was meant.

In 1523 Confessor Longland told the King his living with

Catherine was a mortal sin, and since then he left her bed, as he told Simon Grynaeus in 1530.

Early in 1525 the Kaiser heard faint rumors about his aunt's divorce.

About Easter Archbishop Warham told Wolsey it was unwise to press the very unpopular Amicable Grant "till this great matter of the King's Grace be ended."

In January, 1526, King Francis I offered his beloved sister Margaret to Henry "in case he was going to have his marriage with Catherine annulled."

Jean du Bellay, Bishop of Tarbes, later Cardinal Grammont, in March, 1527, came to arrange the marriage of the little Princess Mary to the widowed Francis or to his second son, the Duke of Orleans; he questioned Pope Julius' dispensation, and so whether Henry's marriage was legal, and so whether Mary was a bastard. Henry and Wolsey asserted this bothered the King's conscience and led him to seek a divorce, rather an annulment.

John Sherren Brewer does not believe the story. Well, if not true, the Defender of the Faith and the representative of the Vicar of Christ are just plain liars.

A STRANGE SPECTACLE

On May 17 Archbishop Warham of Canterbury, Primate of All England, and Cardinal Archbishop Wolsey of York, Primate of England and Apostolic Legate, cited their king before their court "to answer for eighteen years' sinful cohabitation with Catherine," his brother's widow, against God's law in Lev. 20:21.

On June 22 Henry ordered Catherine to separate from him, for divines and lawyers had informed him they had not been truly married but had been living in mortal sin for eighteen years. She replied her marriage to Arthur had never been consummated, therefore the objections to Julius' permit did not apply. Granted, said Wolsey, but the marriage had been "in the face of the Church"; this established the impediment to open wedlock from which the Pope could not dispense.

Catherine was now forty, fat, and wilted and had "certain diseases," and Henry was at the peak of robust virility, and he now took up the matter with the Pope.

Why should he not look for relief? Augustine, Duns Scotus, Durandus, Gerson, Biel, and others held bigamy allowed. Cardinal Cajetan, whom Pope Clement VII rated the "Light of the Church," in his commentaries on Genesis and Paul's Epistles taught polygamy was not forbidden by divine Law. Alfred Henry Huth in *Marriage of Near Kin*, 2d ed., London, 1887, chapter III, gives many instances. So does Lawyer Charles Hastings Collette in *Luther Vindicated*, pp. 19—20. See also Gallighan, *Women Under Polygamy*.

In 1521 Kaiser Karl's Spanish Council pointed out that his ancestor Henry IV of Castile had in 1437 married Dona Blanca. She gave him no children, and the Pope gave a dispensation for bigamy to marry a second wife on condition that if within a fixed time he had no issue by her, he should return to the first. (*Cambridge Mod. Hist.*, II, p. 241.) The Kaiser himself is another interesting specimen. At eight he wrote his first love letter to Mary Tudor, sister of Henry VIII, to whom he presented a jewel with the monogram K and the posy, in Latin: "Mary hath chosen that good part, which shall not be taken away from her" (Luke 10:42). Mary "with moost sadde and pryncely countenance . . . spake parfittely and distinctly in the frensche tonge by a longe circumstance the wordes of matrimonye for hir partie . . . without any basshing of countenance, stoppe, or interrupcion therein . . . whiche thyng caused dyverse and many . . . not only to mervayle but also in suche wyse to rejoyse that for extreme contente and gladness the terys passed out of theyr ies."

So Karl by proxy married Mary, confirmed in 1513.

The next year he was engaged to the infant daughter of Francis I of France; should she die, he was engaged to her unborn sister; failing such a birth, to Louis XII's daughter Renee. Then he was engaged to another Mary Tudor, daughter of Henry VIII. Thirty-four years later she was married to Karl's son, Philip II.

Karl was engaged some ten times before he married.

Emmanuel of Portugal married Isabel, daughter of Ferdinand and Isabella; then her sister Maria, sisters of Catherine and aunts of Karl; then Karl's sister Eleanor. Karl's own wife was the child of the second of these marriages, and all had been entered by permit of the Pope. So he married his first cousin, who was also his sister-in-law. The only one of

his children born in wedlock was Philip II, and so Elliott-Binns styles Karl "a chronic adulterer."

Karl's children had a like amazing maze of marriage; yet all got papal permits.

Another interesting matrimonial muddle is furnished by Charles Brandon, later Duke of Suffolk and brother-in-law of Henry VIII, "who could resist no woman, and no woman could resist him."

He was engaged to Elizabeth Grey, but flirted with Margaret of the Netherlands, daughter of Kaiser Maximilian I, and when Elizabeth became of age, she refused him.

He broke his engagement with Anne Browne; got Pope Clement's dispensation to marry Widow Margaret Mortimer, related in the second and third degree of consanguinity; declared the dispensation null, won his case, and married Anne Brown, with whom he had three children; in 1515 had the Pope annul the marriage; married the beautiful Mary, sister of Henry and widow of Louis XII — Margaret Mortimer still living. On May 12, 1528, Pope Clement in a bull confirmed the divorce and marriage.

With Mary he had three children. Then he married his sixteen-year-old son's betrothed, a girl of fifteen, with whom he had two sons. The wronged son died of grief.

He began by marrying his aunt and ended by marrying his daughter-in-law. He committed bigamy twice and was divorced thrice. He had no trouble getting the permits of the Pope.

King Henry's other sister, Margaret, was married to King James IV of Scotland, who dismissed his mistress, Jane Kennedy, but soon after took her back. On the death of James, Margaret married the Earl of Angus, who lived with another woman, and Margaret was also guilty of "suspicious living," and in August, 1520, the adulterous Henry warned his adulterous sister she endangered her soul and reputation.

In 1521 she was "over tender" with Albany, Henry Stewart, and in 1525 Henry sent her "such a letter as was never written to a noblewoman." On March 11, 1527, Pope Clement VII annulled Margaret's marriage to Angus, and she promptly married Henry Stewart, who had also divorced his wife to marry his queen, for which he got the Pope's permit. The virtuous Henry had the virtuous Wolsey denounce the

"shameless sentence sent from Rome," hope she will turn "to God's word, the vively doctrine of Jesus Christ, the only ground of salvation, 1 Cor. 3, etc.," reminded her of "the divine ordinance of inseparable matrimony first instituted in Paradise," urged her to avoid "the inevitable damnation threatened against advouters."

Bothwell murdered Darnley, the husband of Mary, queen of Scots, lived with her openly, divorced his wife, and married the queen — with the Pope's permit.

Her own brother urged the duchess of Richmond, widow of Henry's bastard, to become the mistress of her father-in-law, Henry VIII.

One divine blamed the matrimonial troubles of Jupiter and Saturn on the want of papal dispensations. Another held the prohibition to marry a brother's wife had crept into the Pentateuch by the fault of a copyist. It was commonly believed, by a mistaken application of a pronoun in the works of St. Antoninus, that Pope Martin V, with a view to avoid scandal, had permitted a man to marry his own sister. Some held a man might marry his sister, grandmother, mother, daughter.

The Jesuit Escobar in his *Liber Theologiae Moralis* discussed the Pope's power to permit the marriage between brother and sister. Thirty-two editions appeared in Spain and three in France by 1651. Bishop Scipio de Ricci of Pistoja in his *Memoirs* describes this "infamous traffic."

Edward Armstrong in his *Charles V* asserts: "The Papacy had before now given dispensation for what plain-speaking men might term bigamy and incest." (Vol. I, 338.)

Lord Acton, a member of Gladstone's cabinet and professor of history at Cambridge, rated "the greatest Roman Catholic historical scholar in England for a century past," admits "the Church often used marriage dispensations and divorces as productive sources of revenue and political influence." (*Historical Reviews.*)

Professor O'Brien of Notre Dame admits Peter's bark was floundering perilously. "In regions, religion was almost dead."

The Professor's friend, the English Catholic Hilaire Belloc, in *How the Reformation Happened*, admits: "There were continual grants of such annulments by the court of Rome. . . .

The whole of late medieval history is full of them. . . . The process was facile. . . . The method was gravely abused." In his *Wolsey* he admits: "Such turpitude on the part of the Popes, such an example set by them to the rest of Christendom, was a commonplace of that corrupt time. It was as much a commonplace as simony or the open keeping of mistresses by prelates; it was as much a commonplace as the giving of great sees and abbacies to children. . . . Henry had lived in the thick of such things, the cases of his two sisters were notorious. He did but follow their example. Margaret was the heroine of a double divorce. She obtained one against her second husband; her paramour Stuart obtained one from his legitimate wife in order to marry the princess after openly living with her. His sister Mary had compelled Brandon to marry her, nor could Brandon do so until he had obtained a similar release from his wife. Henry was indeed moving in a family group. But all Europe was full of the thing. . . . We must not think of it as a piece of work unusual; it was in the very air of those days. All the rich world was full of it. That time was full of annulments and counterannulments."

With such a background why should the King not quite naturally expect to get from the Pope quite easily what others had got? Nay, rather, much more so. Had he not with his learned pen so gallantly defended His Holiness when attacked by that devil of a monk Martin Luther? And had not the Holy Father owned the great debt by giving the glorious title of Defender of the Faith? Did not Clement send the coveted Golden Rose to his royal champion? Was he not still devoutly defending the faith by persistently punishing by blazing pyres those pestilent Lutherans, while the Kaiser was lax in doing his sworn duty?

HINDRANCES

The Vicar of Christ had gambled on the wrong horse, "The Most Christian King," Francis I of France. "The Most Catholic King" of Spain and German Kaiser, Karl V, spoke to his Holy Father in language which was extremely vehement, Sept. 17, 1526. In 1527 his troops sacked Holy Rome with such atrocities and debaucheries as make even our World Wars look almost like Sunday school picnics. A German diaried: "The troops had destroyed and burned down the city; two thirds of the houses were swept away. Doors, windows, and

every bit of woodwork, even to the roof beams, were consumed by fire. Most of the inhabitants, especially all the women, had taken flight." The neighborhood for fifty miles around was a wilderness. Even the sick in the hospitals were not spared. The army of 20,000 in eight months melted to 13,000 from vice and the plague. Pastor admits the Spanish Catholics were worse than the German Lutherans.

The Holy Father was a prisoner in the Castle of San Angelo for eight months and "dependent on a washerwoman for his daily salad." In order to pay the Kaiser the enormous ransom of 400,000 scudi the Vicar of Christ had to sell chalices and crucifixes and have even his tiara melted down by Benvenuto Cellini! In order to make a little pin money, he sold cardinals' hats.

Pope Julius II had declared invalid an election by bribes or promises, and now the indignant sworn protector of the Church before the Cardinals appealed to a Council against Pope Clement VII, a bastard, elected by bribing Cardinal Colonna!

"The Kaiser has destroyed the temporalities of the Church." The Vicar of Christ was under the iron heel of his imperial and imperious jailer. A papal punster pungently punned: "The Pope cannot err," or wander.

The romantic Kaiser Max once dreamed of ending the Papacy and uniting the papal tiara and the imperial crown on his own Hapsburg head; and now his grandson heard suggestions to end the temporal power of the Pope.

Lope de Soria, the Kaiser's minister at Genoa, on May 25, 1527, wrote his master: "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 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 be left to Caesar, since by right what is God's belongs

to God and what is Caesar's to Caesar. 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 supply a remedy to that evil."

Froude comments: "De Soria's words might have been dictated by Luther."

Micer Miguel Mai, Karl's agent at Rome, wrote him on May 11, 1529: "It would be for God's service to reduce them to their spiritual powers. . . . I took my most solemn oath that I would have him [a cardinal] beheaded or burnt alive within his own apartment." On June 5: "Luther's revolt was not to be wondered at, and in what the Lutherans said of Rome they were entirely right, except on points of faith." On Aug. 5: "Salviati . . . a great rogue . . . showed me a minute of a letter . . . a more stupid or rascally composition could not have been concocted in hell." On the 28: "The English were bribing right and left and spending money freely."

Chapuy's wrote Karl on December 6, 1529, Henry said the ambitious magnificence of the Pope "had been the cause of so many wars, discords, and heresies." Had the Pope's court observed the precepts of the Gospel and attended to the example of the Fathers [several of whom the King mentioned, to Chapuy's surprise], they would have led a different life, and not have scandalized Christendom by their acts and manners. So far Luther had told nothing but the truth; and had Luther limited himself to inveighing against the vices, abuses, and errors of the clergy, instead of attacking the sacraments of the Church, everyone would have gone with him; he would himself have written in his favor and taken pen in hand in his defense. Into the Church in his own dominions he hoped, little by little, to introduce reforms and end the scandal. "Henry maintained that the only power which churchmen had over laymen was absolution from sin." . . . Should not the Pope, in conformity with the opinions [of the universities] so expressed, declare the marriage null and void, he would denounce the Pope as a heretic and marry whom he pleased.

On Dec. 9: "Nearly all the people hated the priests."

As early as 1512 France was about to throw off the papal power. "At Valdolit, the xiiiijth of Julie [1525] Edourd Lee,

almoſenar," wrote Wolſey "that the Frenche King wolde offre to your Grace the Papalitie of Fraunce vel Patri-Archatum for the Frenchemen wolde no more obay the Church of Rome."

In 1527 Wolſey wrote Henry glancing at the ſeparation of France and England from the Pope. On June 8, 1527, Karl's agent at Rome wrote him about England becoming a patriarchate ſeparate from the Pope. Karl promiſed to depoſe Clement and make Wolſey Pope and offered him \$800,000 to keep him from accepting the Weſtern Patriarchate of France and England as planned by Francis.

LICENSE FOR BIGAMY

In September, 1527, King Henry ſent Dr. William Knight with 3,000 crowns to the Vicar of Chriſt for "a diſpenſation to contract a freſh marriage, and that too either without a diſſolution of his marriage with Catherine — in other words, to commit bigamy — or after a legal divorce." — The Catholic Ludwig Paſtor, *History of the Popes*, X, p. 249. Fourth ed. 1938. Cardinal Piſani took the requeſt to the papal priſoner. He promiſed to ſend "all the King's requeſts in as ample a form as deſired" — when free.

On Dec. 4 Knight wrote he truſted in a ſhort "to have in his cuſtody as much perfect, ſped, and under lead, as His Highneſs had long deſired." He referred to the diſpenſation.

On Dec. 9 a man with a long falſe beard, in a blouſe, head and face partly hid by a ſlouched and battered hat, a baſket on his arm and an empty ſack on his back, paſſed unchallenged out of the gate of Rome. Who was it? Pope Clement VII, the God on earth, on his way to Orvieto, the ancient Urbs Vetus, and the biſhop's palace dilapidated. On Jan. 23, 1528, Roberto Boſchetti found him emaciated and in the moſt ſorrowful frame of mind. "They have plundered me of all I poſſeſs; even the canopy above my bed is not mine, it is borrowed." He was bedfaſt with ſwollen feet; there were ſuſpicions that poiſon had been given him. Bread was ſcarce, even drinking water.

On March 14, Secretary Jacopo Salviati wrote Cardinal Campeggi: "Clement is in ſuch dire neceſſity that, like David, he muſt, perforce, eat the loaves of ſhowbread" (1 Kings 21:6).

Sanuto ſays a Venetian reported: "The court here is bankrupt; the biſhops go about on foot in tattered cloaks; the

courtiers take flight in despair; there is no improvement in morals; men would sell Christ for a piece of gold."

On Palm Sunday, April 5, the Vicar of Christ said the court needed reform, the sack of Rome was a punishment for their sins.

In such circumstances Knight pressed the King's request.

The Vicar of Christ, Cardinals Cajetan and Campegi, Cochlaeus, and others believed in the King's good faith. Henry was supported by Gambara, Salviati, Simonetta, Du Bellay, and Gabriel de Grammont, both later cardinals, Stafileo, dean of the Rota, president of the supreme tribunal by which in the last instance the validity of marriage was decided. Cardinal Alessandro Farnese from the first maintained the general justice of Henry's demand and allowed his opinion to be generally known; he became Pope Paul III.

The Holy Father promised before long the King "should have not only that dispensation, but anything else that might lie in his power."

Knight "actually obtained, after some hesitation, the bull desired by Henry. It certainly had been revised in form by the Pope and the Grand Penitentiary Pucci, but in substance was in agreement with Henry's draft. The bull was drawn up on the 17th of December, 1527, and sent off on the 23d. . . . Absolutely valueless."—Pastor, X, 251.

On his way home Knight got fresh instructions, which made him return. At the end of December he laid before the Pope Wolsey's draft of a decretal bull transferring to Wolsey the whole case, and the Vicar was to ratify without condition and recall, to dissolve the marriage and permit another even in the first degree of affinity.

Why this item of affinity? The King wanted to marry Anne Boleyn, sister of Mary, his mistress.

On the last of December, Knight paid Lorenzo Pucci's secretary 2,000 crowns for the bull, and the King thanked the cardinals.

After advising with Pucci and Simonetta, the Vicar of Christ on January 12 told Casale under seal of confession the King was not to ask the Pope; Wolsey, the papal legate, was to dissolve the marriage with Catherine; Henry was to marry whom he pleased and then ask the Pope for confirmation.

This was the shortest and easiest way out. They can do as they please, if only they do not make me responsible.

Stephen Gardiner and Edward Fox on March 23, 1528, began to belabor the poor Vicar of Christ and did so till April 13. If the Pope refused, England would turn Lutheran, and the King would help himself.

Germany was lost; Scandinavia was lost; France was threatening; if England was lost, all was lost. The Holy Father was ground between the upper and the nether millstone. He was the greatest Cunctator; he dragged out the "divorce" for seven long years.

He spoke of "our plenary power as supreme ruler here upon earth and in the power of the dogs." He said he was placed "between the hammer and the anvil"; "weeping, he prayed for death."

Was not Sir Gregory Casale ordered to make presents? Was not Knight there with 10,000 ducats to give away where they would do most good? Were not Stephen Gardiner and Edward Fox ordered to make haste and spare no money, and was it not repeated to spare no money? Was the Pope not offered a guard of 2,000 men? Did not Cardinal Campegi publicly call Henry "The deliverer of the Pope and of the city of Rome?" The poor Pope was "incowarded" to sign a bull on Maundy Thursday.

On May 3 Fox came with it in triumph. Anne was pleased, and Henry turned somersaults and handsprings — "marvelously thankfully and made marvelous demonstrations of joy and gladness."

Why not? The English Catholic Hilaire Belloc writes: "They both felt the marriage with Catherine was as good as dissolved. They saw no obstacle to remarrying."

DUPED

The Cardinal's keen canonical eyes saw the bull was valueless and on the 11th sent Fox to Gardiner to get a decretal bull. After much pressure the Pope signed "with many tears."

On June 11 Gardiner reported to his King the Pope had promised to send Cardinal Campegi with the secret decretal bull.

The Pope also wrote Sir Gregory Casale on the solemn word of a Roman pontiff considering the justice of the King's

cause . . . he would never revoke the power granted or interfere with their execution; should he do anything against that promise, the act should be null and void.

Cardinal Campegi set out for England at the end of July. On August 28 Naples fell to the Kaiser. Seeing which way the cat had jumped, the very versatile Holy Father now with great agility climbed on the victor's bandwagon, returned to Rome, gave the hat and sword to Prince Philibert of Savoy, who had sacked Rome only a short year before, and rushed messages to Campegi to do nothing to roil the Kaiser and to burn the secret decretal bull.

On the 24th Campegi read to the King and Wolsey the secret decretal bull, "which confirmed the demands of Henry to their full extent, was guilty of incredible weakness . . . grievous blunder," writes Pastor (p. 261).

Under the sign and seal of the Vicar of Christ the King saw he had never been lawfully married! Campegi would not let them handle the bull, nor would he let them have a copy!

Wolsey wanted the Pope's permission to show it to the King's counselors. Casale wrote Clement said no. "I would gladly recall what has been done, even to the loss of one of my fingers. . . . The bull will be my ruin. . . . I repent of what I have done. . . . Let them do as they please, provided they do not make me responsible for their injustice."

The Pope's private secretary, Jacopo Salviati, reported: "Would to God the King had without the Pope's authority made a decision, bad or good; then it would have been done without blame of His Holiness." And Sanga, the Pope's confidant, wrote Campegi: "Would to God the cardinal had allowed the matter to take its course; for if the King had decided for himself, rightly or wrongly, without reference to the Pope, the Pope would have escaped all blame."

The further developments of the affair, and especially Luther's determined stand against any sanction of Henry's divorce, will be dealt with in the next issue of this journal.

Oak Park, Ill.

