

The Natural Issue of her Majesty's Body



Some evidence that Queen Elizabeth I had children whom she could have named as her heirs and successors to the throne of England.

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1571 Act of Treason and Succession

In 1571 Parliament passed an Act of Treason in which it was “established and affirmed” that the “right Heir and Successor” to the Queen’s Majesty should be “the natural issue of her Majesty’s body”: -

“Whosoever shall hereafter ... declare ... at any time before the same be by Act of Parliament of this Realm, established and affirmed, that any one particular person, whosoever it be, is or ought to be the right Heir & Successor to ... the Queen’s Majesty that now is (whom God long preserve) except the same be the natural issue of her Majesty’s Body ... shall for the first Offence suffer imprisonment”¹

Both the 1543-4 Act of Succession and the previous 1533-4 Act of Succession refer to “the heirs” of Lady Elizabeth’s body being “lawfully begotten”, so this 1571 change of wording caused many people to believe that the Queen could name a bastard of hers (i.e. a child born out of marriage) as well as a child of hers conceived as a result of marriage (i.e. “lawfully begotten”) as the heir to the throne of England. However, the 1571 Act of Treason does not purport to be a revision of any previous succession act, nor does it expressly repeal any succession act. What it does do is to make it a treasonable offence for anyone to name someone as the heir and successor to the Queen, unless that person has already been designated the successor by the Queen herself and confirmed by Parliament. The actual Acts of Succession state that any heir and successor must be “lawfully begotten”.

However, in English law, during the Tudor period, a marriage could be as simple as a couple agreeing to marry one another in front of a witness or witnesses. Even a priest was not needed. It could even be made secretly. All that was then needed was for the marriage contract to be consummated in order to make it legal. A church wedding, though, was normally required in order to satisfy the expectations of family, friends and community—and, in terms of a sovereign, the whole country; but the church ceremony only augmented (or, as some would say, completed) the legal marriage in a more religious and spiritual way by blessing it.

For many people, the implication of the word change was that the Queen had probably made a secret marriage with Leicester, which was consummated and therefore legal, and that at any time she could, if she chose to, and provided there were witnesses still living and willing to attest to the fact, or documents signed by witnesses, announce publicly that she was married and name a child of hers as her heir. However, if the Queen had not had a church wedding and did not propose to have one, then most people would probably consider such a son of hers a bastard, just as the Queen herself had at one time been considered a bastard (and still was by the Church of Rome). But the Queen was a powerful autocrat, being both

sovereign of her country and head of the Church of England, and she alone had the legal right to name her heir, provided the named heir was the natural issue from her body or else was the next in line in the royal blood-line of succession. All she had to do was to persuade Parliament to ratify her decision.

William Camden, the English antiquarian, historian, topographer and herald, recorded his remarks on this altered wording and the ferment it stirred up in the first part of his *Annals of Queen Elizabeth's reign*, published in 1615: -

"I remember, being then a young man, hearing it said openly by people, that this was done by the contrivance of Leicester, with a design to impose, hereafter, some base son of his own upon the Nation as the Queen's Offspring."²

Queen Elizabeth concealed her heir

In the 1612 edition of the historian William Warner's *Albion's England* is a plain declaration of Queen Elizabeth's refusal to publicly acknowledge her eldest son as Prince of Wales and rightful heir to the Throne of England: -

"Hence Englands Heires-apparent have of Wales bin Princes, till Our Queene deceast concealed her Heire, I wot not for what skill."³

Albion's England was first published in 1586 and passed through nine editions. Warner died in 1609, and so the revised and augmented 1612 edition was a posthumous publication. This comment by Warner would not have been allowed to be published in any edition whilst the Queen was still alive. (Queen Elizabeth I died 24 March 1603.)

Queen Elizabeth likened to Alexander the Great, Julius Caesar and Trajan

In his *Collection of the Felicities of Queen Elizabeth*, written in happy memory of the Queen, Francis Bacon likens Elizabeth to Alexander the Great, Julius Caesar and Trajan: -

"Childless she [Elizabeth I] was and left no *Issue* behind Her; which was the Case of many of the most fortunate *Princes; Alexander the Great, Julius Caesar, Trajan*, and others."⁴

At first glance it would seem clear that Bacon is saying that the Queen was childless and left no issue at all. But in his explicit comparison of Queen Elizabeth with Alexander the Great and Julius Caesar, he is in fact saying something rather different: for Alexander the Great and Julius Caesar were "Princes" who did have children of their own, both in marriage and outside marriage, but none of them were named by their fathers for succession. Trajan, on the other hand, is not known to have had any children, but he adopted his cousin's son, Hadrian, and named him as his imperial heir. In other words, Bacon is subtly informing us that Queen Elizabeth may well have had children, but they were not named by her for the royal succession, and therefore, in terms of the royal succession, she was "childless" and without "Issue". The analogy with Trajan is equally pertinent because, just before she died, the Queen named her cousin's son, James VI of Scotland, as her heir and successor.⁵

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Endnotes

¹ 13 Eliz., c. 1. *Statutes of the Realm*.

Statutes of the Realm is an authoritative collection of Acts of Parliament from its earliest days c. 1235 up to 1714, published, at the behest of George III, in nine volumes between 1810 and 1825. The reference “13 Eliz., c. 1” refers to the first statute passed in the 13th year of Elizabeth I’s reign. See ‘Did Tudor Succession Law Permit Royal Bastards to Inherit the Crown?’ by Thomas Regnier, *Brief Chronicles IV* (2012-13), pp.39-58.

² William Camden, *Annales rerum Anglicarum et Hibernicarum regnante Elizabetha, ad annum salutis M.D. LXXXIX* (1615). Transl.: ‘Annals of the Affairs of England and Ireland During the Reign of Elizabeth, to the year of salvation 1599’. This was the first volume, comprising books 1-3 and covering the reign of Elizabeth I up to and including 1588. The second volume, comprising book 4 and covering the years 1589–1603, was completed in 1617, but not published until 1625 (Leiden edition) and 1627 (London edition).

³ William Warner, *Albion’s England, a Continued History of the same Kingdom from the Originals of the First Inhabitants thereof...* (1612), page 415, lines 23-24.

⁴ Francis Bacon, *In Happy Memory of Elizabeth, Queen of England: or A Collection of the Felicities of Queen Elizabeth* (published by William Rawley in *Resuscitatio*, 1657).

⁵ James VI of Scotland was the son of Mary Stuart, Queen of Scotland. Mary was the daughter of King James V of Scotland and his second wife, Mary of Guise. Mary’s great-grandfather was Henry VII, making Henry VIII her great uncle. Elizabeth I was Mary’s cousin.