

Archbishop, partly also either for feare of the Bishoppes (for kings cannot alwayes doe in their realmes what they will) or els perhaps enticed by some hope of subsidie to be gathered by the Clergy was contented to aduoyne his private assent (such as it was) to the setting downe of an ordinance which was in dede the very first lawe that is to be found made against Religion and the professors thereof being the name of an Acte made in the Parliament holden at Westmünster Anno .5. Rich. 2. where among sundry other Statutes then published and yet remaining in the printed bookes of Statutes, this supposed Statute is to be found Cap. 5. & ultimo. as followeth.

Item forasmuch as it is openly knowne that there be diuers euill persons within the realme going from county to county and from Towne to Towne in certayn habitcs vnder dissimulation of great holinesse and without the licence of the ordinaries of the places or other sufficient authority, preaching dayly not onely in Churches & churchyards, but also in markets, sayres, and other open places where a great congregation of people is (diuers sermons contayning heresies and notorious errors to the great embelishing of Christen sayth and destruction of the lawes, and of the estate of holy Church to the great perill of the soules of the people and of all the realme of England as moze plainly is found and insufficiently proued before the reuerend father in God the Archbishop of Caunterbury and the bishops and other prelates maisters of Diuinitie, and doctors of Canon & of ciuill law, and a great part of the clergy of the said Realme specially assembled for this great cause, which persons do also preach diuers matters of slander to engender discorde and discension betwixt diuers estates of the said realme as well spirituall as temporall, in exciting of the people to the great perill of all the Realme, which preachers cited or summoned before the ordinaries of the places thereto: answered of that whereof they be impeached, they will not obey to their summones & commandements, nor care not for their monitions nor censures of the holy Church, but expressely despise them. And mozeouer by their subtle and ingenuous wordes doe drawe the people to heare their Sermons, and doe mayntayne them in their errors by strong hand and by great rowtes. It is ordayned & assented in this present parliament, that the kinges commissions be made and directed to the Sheriffes and other ministers of our soueraigne Lord the king or other sufficient persons learned, and according to the certifications of the prelates thereof to be made in the Chaucery from time to time to arrest all such preachers, and also their fauourers, mayntayners, and abettours, and doe hold them in arrest and strong prison till they wil iustify to them according to the lawe and reason of holy Church. And the king will and commaund that the Chaucellour make such commissions at all times that he by the prelates or any of them shalbee certified and thereof required as is aforesaid.

*\* An examination of the foresayd supposed Statute and of the inualiditie therof.*

Which supposed statute for as muche as it was the principall ground whereupon proceeded all the persecution of that time, it is therefore not impertinent to examine the same moze perticularly, whereby shall appere that as the same was fraudulently and vnduly deuised by the prelates onely: so was it in like maner most inuiously and vnderly executed by them. For immediately vpon the publishing of this lawe, without further warrant eyther from the king or his counsell, commissions vnder the great seale of England were made in this forme. Richard by the grace of God &c. vt patet act pag. 541. Witnesse my self at Westmünster the 26. day of Iune in the sixt yeare of our raigne. Without moze wordes of warrant vnder witten such as in like cases are both vsuall and requisite. Viz. per ipsum Regem: per Regem & Concilium: or per breue de priuato Sigillo: all or any of which wordes being vterly wanting in this place as may be seene in the kinges Recordes of that tunc: it must therefore be done eyther by warrant of this foresayd Statute, or els without any warrant at all. Whereupon it is to be noted, that whereas the said Statute appointed the commissions to be directed to the Sheriffe, or other ministers of the kings, or to other sufficient persons learned for the arresting of suche persons: the sayd commissions are directed to the Archbishop and his Suffragans, being as it appereth parties in the case, authorizing the further without either the wordes or reasonable meaning of the sayde Statute to imprison them in their owne houses or where els pleased them.

Besides also what maner of law this was, by whome

deuised and by what authoritie the same first made and established iudge by that that followeth. Viz.

In the Citas of S. Michell next following at a parliament summoned and holden at Westmünster the sixt yeare of the said king, among sondry petitions made to the king by his commons, wherunto he assented, there is one in this forme. Articl. 52.

Item, prayen the commons, that whereas an Statute was made the last parliament in these wordes. It is ordayned in this present Parliament that commissions from the king be directed to the Sheriffes and other ministers of the king or to other sufficient persons skillfull, and according to the certificates of the prelates thereof to be made vnto the Chaucerie from time to time to arrest all suche preachers & theyz fauourers maintainers and abettours. And them to deteine in strong prison, vntill they will iustify themselves according to read, & law of holy church. And the king willety and commaundeth that the Chaucellour make such commissions at all times as shalbee by the prelates or any of them certified and thereof required as is aforesaid. The which was neuer agreed nor granted by the commons: but what sooner was moued therein was without their assent. That said statute be therefore disannulled, for it is not any wise their meaning y either themselves, or such as shal succeed the, shalbe further iustified or bound by the prelates, then were their ancestors in former times wherunto is answered, il plaist aa Roy. 1. y king is pleased.

Whereby notwithstanding the former vnuall lawe of Anno .5. was repealed, and the fraude of the framers thereof sufficiently disclosed: yet such meane was there made by the prelates, that this acte of Repeale was neuer published nor euer sithence imprinted with the rest of the Statutes of that Parliament. In so much as the sayd Repeale being concealed, like commissions and other process were made from time to time by vertue of the sayd Wastard Statute aswel during al the reign of this king as euer sithence against the professors of religion: As shall hereafter by the grace of God appere in the second yeare of king Henry the fourth, where the Clergy pursued the like practice. And now againe to the Roy of our Oxford Diuinitie, and of the Archbishop to whom the king wrieth his letters patents first to the Archbishop then to the Vicechaucellour of Oxford in forme as followeth.

*\* The kinges letters patentcs to the Archbishop.*

Richard by the grace of God king of England and Lord of Ireland: To all those to whom these present letters shall come, greeting. By the petition of the reuerend father in God, William Archb. of Caunterbury, Primate of England exhibited vnto vs, we right well vnderstand: That diuers and sondry conclusions very contrary to wholesome doctrine and redounding both to the subuersion of the Catholike sayth, the holy Church, and his prouince of Cant. in diuers and sundry places of the same of his prouince haue bene openly and publicly preached, although damnablely preached. Of the which conclusions, some as heresies, other some as errors haue bene condemned: but not before good and mature deliberation first therein had and vsed, and by common counsaile of the said Archbishop, his suffragans and many doctors in diuinitie and other clerkes and learned men in the holy Scriptures, were sententially and holesomely declared. Whereupon the sayd Archbishop hath made his supplication vnto vs: that both for the coercion and due castigation of such as shall henceforth of an obstinate minde preach or mayntaine the foresaid conclusions that we would vouchsafe to put to the arme and helping hand of our kingly power. We therefore moued by the zeale of the catholike faith, whereof we be and will be defendours, and vawilling that any such heresies or errors shoulde spring vp within the lymites of our dominion: Geue and graunt special licence and authority by the tenour of these presentes, vnto the foresayd Archbishop, and to his Suffragans, to arrest and imprison either in their owne prisons or any other, all and euery such person and persons as shall either priuely or apertly preach and mayntayne the foresayd conclusions so condemned, and the same persons so imprisoned there at their pleasures to detayne, till such time as they shall repent them and amend them of suche hereticall prauities, or els shall be of suche arrestes by vs and our counsaile otherwise determined and prouided. Further charging and commaunding all and singuler our liegemen ministers, and subiectes, of what state and condition so euer they be, vpon their fidelitie & allegiance when they stand bound to vs: that by no meanes they eyther fauour, counsaile, or helpe the preachers or els mayntayners of the sayde conclusions so condemned or their fauourers, vpon payn and forfeiture of all that euer they haue: But that they obey and humbly attend vpon the said Archbishop, his Suffragans, and ministers in the execution of these presentes, so that due and manifest publication agaynst the foresaid conclusions and their mayntayners,

The petition of the commons for the repealing the foresayd statute.

The statute repealed.

The Ratification the repeale.

The kings letter against the fauourers of Wick-liffe.

The 16. day of Iune. m. 1302.

The first law to be found practised by the clergy for burning the professors of religion. An. 5. R. secundi.

Note that this statute was repealed afterwards at the instance of the commons.

No vsuall wordes of warrant affixed to this commission.