

of what religion soever he be of, privately to give letters for the benefice of his order, neither doth suche benefice graunted, profite them to the saluation of their soule, to whom they be graunted.

16. Item, that the same William vnmindful of his own saluation, hath many and oftentimes come into a certayn desert wood, called Dernalwood of your diocesse, & there in a certain chappell not hallowed, or rather in a prophane cottage: hath in contempt of the keyes, presumed of hys own rashnes to celebrate, nay rather to prophane.

17. Item, the same William hath also presumed to doe such thinges in a certayne prophane Chappell being situate in the park of Newton nigh to the town of Leincwarbin of the same your diocess.

Vpon Friday being the last of the month of Iune, in the yeare abouesayd, about 6 of the clocke, in the sayd parishe Church of Bodenhone, hath the sayd William Swin Derby personally appeared before vs. And he willing to satisfie the terme to him assigned as before specified, hath read out, word by word before all the multitude of saythfull christian people, many answers made and placed by the same William (in a certayne paper booke of the sheete folded into foure partes) to the sayd Articles, and the same answers for sufficient hath he really to vs exhibited, aduouching them to be agreeable to the lawe of Christ. Whiche thing being done the same William (without any moe with him) dyd departe from our presence, because that we, at the instance of certayne noble personages, had promised to the same William free access, that is to wit, on that day for the exhibiting of those answers, and also free departing without prefixing of anye terme, or without citation, or els anye other offence or harme in bodye or in goodes.

As for the tenour of the same answers, exhibited vnto the by the same William, as is before specified: we haue here vnder annexed word for word, and in the same olde language, vied at that tyme, when it was exhibited. And followeth in these wordes.

* The protestation of William Swin Derby with hys answers to the articles by the promotors, layd agaynst him to the bishop of Herford, taken out of the Registers in the same olde Englishe wherein he wrote it.

The protestation of W. Swin Derby with his answers.

In the name of God amen. I William Swin Derby priest vnto the by, couenting and purposing wholly with all my hart to be a true christian man, with open confessio knowing mine owne defaultes and vniwise dedes: making openly this protestation, cleping god to record here before our worshipfull Bishop Iohn, thogh the iustification of God Bishp, of Herford, with witnesse of all this people: y it is not mine intent any thing to say or affirme, to mayntain or to defend that is, contrary to holy writte, agaynst the heliefe of holy church, or that should offend the holy determination of Christes Church, or the true sentences of holy doctors. And if I haue here before through mine vncouning, bene vnderstanded, or by euill counsaile bene deceived, or any thing sayd, preached, holden, mayntayned or taught contrary to the law of God: wholly and fully for that tyme to now and euer with full will I reuoke it and withdraw it, as euerych christen man should: draying and beseeching eche christen man, to whom this writing shal come to, that gif I ought erre (as God forbid that I do) or euer erred in any poynt, contrary to holy writ, that it be had and holden of them, as for thing nought sayd. And all the trothes that I haue sayd according with the law of God, that they mayntayne them, and stand by them for life or death to Gods worship, as a true Christen man shoulde. Submitting me meekely to the correction of our Bishop that here is, or of any other christen man, after Christes lawes and holy writ: in will euer ready to be amended, and with this protestation I say and answer to these conclusions and articles that here followen after, the which bene put to me to answer to.

The first is this: that I William of Swin Derby pretending (he sayth) my selfe a priest, was iudicially conuenced of certain articles, & conclusions of error, false schilmaticks & heresie, by me in diuers places & tymes preached (he sayth) before multitudes of y true christen men: & the same articles and conclusions by need of law reuoked & forsworn some as heresies, and some as errorres and false: & suche I affirmed and belened them to be. And that none of them from that tyme forth I should preach, teach, or affirme, openly or priuily, ne that I should make no sermon to the people, ne praeche but by lawfull leaue asked and gotten. And if I would presume in doing or affirming the contra-

ry then to the sentence of the lawe, I should be burdon, as by nede of the law I swore.

To this I say, vnto the Lord that is in heauen, to my wit and vnderstanding, that I neuer preached, helde, ne taught these conclusions and articles, the which falsly of Fryers were put vpon me, and of lecherous priestes to the Bishop of Lincoln. For I was ordained by proccle per sayd, of theyr law, by the byshop and his counsaillayes, to as I graunted them to bring my purgation of 12. priestes of good fame. And so I did, with a letter, & 12. scales therby, from the Mayor of Lyncester, and from true Burgeses and 30. men to witnes with me, as the Duke of Lancaster knew and heard, the Erie of Darby, and other many great men that were that tyme in the towne, that I neuer sayd them, taught them, ne preached them. But when I should haue made my purgation, there stoden forth five friers or moe, that some of them neuer sawe me before, ne heard me, and thier lecherous priestes openly knowen, some liuing in thier lechery 11. yeare (men layden) or moe as by their childer was openly knowen. Some of these they clepden, denunciations, and some weren cleped conprobations, that weren there falsly forsworne, they liuing busily and crying with many an other Fryer, with great instance to geue the dome, vpd me, to burne me & bough ten dyd wood before, as men tolden us that towne: & thier sleighes, and swearing, and morny geuing, as men laden, to rauoz of the bishop (by what law I wor not, but sothly not by Gods law) they sayden they held me as conuicted, and might not haue forth my purgatiō. So as I fully forsooke them, and neuer graunted that I sayd them. Dur this they made me swear neuer to hold them, teach them, ne preach them, priuily ne apertly: and that I would go to certayne Churches to reuoke the conclusions that I neuer sayd, in sleaunder of my selfe, by great instance of the Fryers. And so for drede of death and for fleshy counsell that I had, I assented, and so I did. And also they maden me to swear, that I should not preach (by instance of y Fryers) within that diocesse, withouten licence asked & graunted, and neuer sithen I did. And now the same conclusions bene rehearsed to me agayne: whether by Fryers counsell I will not deme, God wot, but in sleaunder of me it is: and therefore I will answer now (with Gods helpe) to the conclusions. Of the which the first is this.

That men mowen asken theyr debtes by charitic, but in no maner for debt to imprison any man: and that he lo emprisoning, is accursed.

So I sayd not: but thus I haue sayd, and yet say with protestation put before: that who so pursues his brother with malice, prisoneth him cruelly for debt without mercy that sayne would pay it if he might: he sinneth agaynst Christes teaching, estote misericordes, sicut pater vester misericors est.

The second conclusion, that false Fryers and lecherous priestes putten vpon me was this: that if the parochiens knowe her Curate to bene a lechour, incontinent, and an euill man: they owen to withdraw from him tithe, and eis they bene fauours of his sinnes.

Thus I sayd not but on this wise, and yet I say with protestation put before: that if it be knowen openly to the people, that persons or Curates come to her benefice by simonie, and liuen in notoz fornicatiō, and done not their office & her duties to her parochiens by good ensample of holy life, in true preaching, liuing & residence, wending away fro his cure, occupied in secular office: he owes nought to haue of the parochiens, tithes, ne offerings, ne hemowes not to hold him for her Curate, ny hemowes not to geuen him tithes, lest they bene gyltie to God of consent and mayntayning of her open sinne. Nemo militans deo, implicat se negotijs secularibus. 1. q. 1. ca. quilibet per pecuniā, & dist. 80. ca. Si quis.

The thirde conclusion was this, that friers and priestes putten vpon me, that tithes purely bene almshouses: And in case that curates bene euill men, they mowen lechfully be geuen to othermen, by temporal Lords, and other temporalities bene done away from men of the Church, actually and openly trespassing.

This I sayd not in these termes, but thus I saye with protestation made before: that it were medefull and lesful to secular Lordes by way of charitic, and power geuen to him of God, in default of opyclates that amend not by gods law, curles curates that openly misusen the goods of holy church, that ben pore mēs goods and customably agaynst the law of God: the which pore men, Lordes ben holden to maintaine and defend, to take away & withdrawe from such curates, pore mens goods, the which they wrongfully holden in helpe of the pore, and their owne wilful offences, and thier bodely almshouses dedes, and geue them to such

*Yer sayd, that is, before sayd. Witnesles with W. Swin Derby. 13. priests, & 30. other with the mayor of Leicester, and Burgeses with 12. scales.

The chastitie of Votaries to be noted.

1. Conclusion.

Answers. How debt is to be pursued.

2. Conclusion.

Answers.

3. Conclusion.

Answers.

1. Obicctio.