

¶ The act of the first day.

On Thursday, the xx. of July, in y<sup>e</sup> yeare of the Lord aforesaid: we in the parish church of North Loobery aforesaid, about 6. of the clocke, sitting in iudgement, after that it was reported vnto vs how the foresayd william was personally taken and lawfully cited: caused the sayd william then and there openly in iudgement to be called out, to do, heare and receiue such thinges, wherto he was afoze cited, & to do otherwile that which iustice should perswade. And the sayd william appeared neither by himselfe, nor by procor: but onely by a seruaunt ( whose name we know not) he sent a certayn schedule of paper, made like an indenture vnto vs to excuse him. After which schedule sent, read and with ripe deliberatio wayed, and in any wise notwithstanding we adiudged the sayd william, after he was ofte called, & long cuncto to the due hour taried for, & by no meanes appering: worthely for his obstinacy, & for his stubbornnes assigned vnto him the 29. day of July in the Church of Hontley, to appeare before vs with the foresayd sauegard, to answer more fully to suche articles, and otherwile to heare, receiue, and do as before is noted.

¶ The second dayes act.

Upon Saturday being the 29. of July, and in the yeare of the Lord aforesaid, we John by Gods permission y<sup>e</sup> fore remembered Bishop in the Church of Hontesbury, of our Dioces, at fixe of the clock, or there about, sitting in iudgement: made the sayd william of Swinderby to be openly called, that (as was to him appointed and assigned) he should appere before vs, to answer to the foresayd articles more fully and to declare the sayd articles as the darknes of his answers did worthely require. And that the sayd william being called, & long for a due time looked for, did make no meanes to appere: and so we pronounced him to be obstinate, and for his obstinacies (to ouercome his malice, & of our exceeding fauor) thought good to appoint and byd appoint the 8. of August, the next following, at Cleobury Montemere of the same our dioces, vnto the sayd william for the same thing.

¶ The third dayes act.

Upon Tuesday, the 8. of August, the yeare aforesaid, I John by Gods permission Bishop of Hereford aforesaid, in the Church of Cleobury Montemere, about 6. of the clocke, sitting in iudgement, caused the foresayd william Swinderby, to be called many times openly to do and receiue about the premises, according to the appointment of the same day that iustice should aduise, which william did not appeare at all. wherupon, we after that the sayd william was called, and often proclaimed, and long looked for but not appering at all, did iudge him worthely (as of right appertained) obstinate: and for his obstinacies, assigned him the 16. day of the same moneth of August next following, in the parish Church of Wythorne of the same our dioces, to bring forth, or to see brought forth, all lawes, muniments, and other kinds of proofes, & to see also witnesses brought forth, admitted and sworn, by whom and which thinges we intend to proue the foresayd articles, or at least wyle some of the same.

¶ The fourth dayes act.

Upo wednesday the 16. day of the moneth of August the yeare aforesaid we John y<sup>e</sup> bishop in the parish Church of Wythorn aforesaid of our dioces, sitting in iudgement, caused the sayd william Swinderby often times to be called, who (as is aforesaid) appeared not at all: whom after that hee was so called, proclaimed & long looked for, & yet by no means appering, we pronounced to be obstinate. we receiued also by certayne faithfull Christians, and zealous men for the catholike fayth of our dioces a certayne proces made and had at an other time agaynst the same william, before y<sup>e</sup> reuerend father in God and Lord, Lord John by the grace of God, Bishop of Lincoln confirmed by the hanging on of the scale of the same reuerend father, y<sup>e</sup> Lord Bishop of Lincoln. The tenor wherof word for word is contayned before. And these saythfull Christians moreouer agaynst the obstinacies of the sayd william Swinderby brought forth discreet mē, M. William Leuier, parson of the parish Church of Huncilly, and also Edmund Waterdon parish Chaplaine of the Chappell of St. & Roger Newton, and Hugh Sheppert, lay men of the dioces of Lincoln, asking instantly that they might be receiued for witnesses, to proue some of the foresayd articles wha

agaynst the obstinacies of the sayd william Swinderby we thought good to receiue and did receiue, and their othes to the holy Gospels of God being layd handes on copiously in our hand. And did diligently examine them in proper person severally in forme of law: whose sayings & depositions are afterward brought in, & at the instance of the same saythfull Christians, we assigned the second day of September the next following, to the sayd william Swinderby, to say and alledge agaynst the sayd proces: witnesses, and their sayings, in the sayd Church of Wythorne: decreeing, that a copy should be made for him of their thinges that were brought forth, and of the depositions of the witnesses.

\*Here we fayle in our copy, till the Register come to our handes agayne.

by the doze, but weudeth vpon an other halfe, he is a night theete and a day theete. And there he tellect how he that fliteth from theyr flock, is not the sheheard but an hired mā, and it pertaineth not to him of the sheepe.

¶ To the second conclusion that he saien is error or hereby, that toucheth taking away of the temporalties and of Lordships of priests that bene euill liuers.

I say me seemeth that the conclusion is true, & is this: that it were medefull and lefull to secular Lords by way of charity, and by power geuen to them of God, in default of Prelates that amend naught by Gods law: cursed Curates that openly mislike the goodes of the holye Church, that ben poze mens goodes: and customably auens the law of God, (the which poze men, Lords ben holden to mayntayne and defend) to take away and to draw from such curates, poze mens goodes in helpe of the poze, and theyr owne willfull offeringes, and theyr bodely almost dedes of worldly goodes, and geue them to such as duely seruen God in the Church: and bene ready in vpbearing of the charge that prelatz shoulde do and done it not. And as a nences taking away of temporalties: I say thus, that it is lefull to Kinges, to Princes, to Dukes, and to Lords of the world to take away from Popes, from Cardinals, fro Bishops, Prelates, and possessioners in the Church, theyr temporalties, and theyr almes that they haue geue the vpon conditio, that they shoulde serue God the better: whē they verely leen that theyr geuing & taking bene contrary to the law of God, contrary to Christs liuing, and his Apostles, and namely in that that they take vpon the, that they shoulde be next followers of Christ & his apostles, in pozenes and meeknes, to be secular Lords agaynst the teaching of Christ and of S. Peter. Truly me seemeth that all Christen men, and namely Prelates shoulde take keepe, that their doing were according with the law of god, either the old law either the new. The Prelates of the olde law were forbidden, to haue Lordships among theyr brethren, for God sayd, that he would be theyr part and theyr heritage. And Christ that was the highest Priest of the new Testament forsoke worldly Lordship, and was here in foure of a seruaunt, and forbad his Prelates such Lordships, and sayd, Reges gentium dominantur eorum. &c. vos autem non sic. That is. The kinges of the heathen, beare dominion and rule. &c. But you shall not do so. And as Saynt Peter sayeth. Neque dominantes in clero. &c. Not bearing rule and dominion ouer the Clergy. &c. So it seemeth me: that it is agaynst both lawes of God, that they haue such Lordships, and that theyr title to such lordships is not ful good: And so it seemeth me, that if they bene thereto of euill liuing, it is no great perill to take away from them, suche Lordships but rather medefull, if the taking away were in charity, and not for singular couetousnesse ne wyath. And I suppose that if frices, that be bounden to theyr soliders, to liue in pouerty, would break theyr rule and take worldly Lordships: might not men lawfully take from the suche Lordships, and make them to liue in pouerty as theyr rule would? And forsoth it seemeth me, that Prelates oughten also well to keepe Christs rule, as frices owne to keepe the rule of theyr founder. Herein witnesseth, how God commanded Rachabs children, for they would not break theyr faders bidding in drinking of wine. And yet Herein profered the wine to drinke. And so I trow, that God would commend his Prelates, if they would forsake worldly Lordships, and holden them fast a payd with helof, and with clothing: and buy them fast about theyr heritage of heaue.

And God sayth, Numeri. 18. In terra eorum nihil possidebitis, nec tenebitis partē inter eos: Ego pars & hereditas vestra in medio filiorum Israel. &c. Et Deut. 18. Non habebitis sacerdotes & Leuitā & omnes qui de eadem tribu estis, partem & hereditatem cum reliquo Israel, quia Sacrificia Domini & oblationes eius comedent, & nihil accipient de possessione fratrum suorum. Dominus enim ipse hereditas ipsorum, sicut locutus est illis. Et Lucā 14. Sic ergo omnis ex vobis, qui non renunciauerit omnibus

2. Conclusion.

Declaration.

Every gift giue vpon condition is frustrate vpon the breach of euery such condition.

If the pope may take from the Friars to cause them keepe S. Frances rule, may not the Emperour take from the pope to cause hym keepe Christs rule?

The first sitting agaynst W. Swinderby. Anno. 1391.

The 2. sitting agaynst W. Swinderby.

The 3. sitting agaynst W. Swinderby.

The 4. sitting agaynst W. Swinderby.

Of this proceffe mention is made before pag. 465.