

ry, I wil first lay open all the whole statute made y^e second year of this fore sayd Henry the first, after the death of the fore sayd Sir Roger Arton and his fellows, at the Parliament holden at Lyncester. an. 1415. That done, I will note vpon the wordes therof, so as by the circumstances of the same may appear what is to be concluded, either for the defence of theyr innocency, or for the accusation of this abductary. The tenour and purpoise of the statute here under enforceth.

¶ The wordes and contentes of the statute made an. 2. Henric. 5. cap. 7.

The p^reface or p^ramble of the statute.

- (A)
- (B)
- (C)
- (D)
- (E)

Forasmuch as great (A) rumors, congregations, and insurrections here in England by divers of y^e king his maiesties leige people haue bene made here of late, as well by those which were of the sect of heresy called Lolardey, as by others of their cōfederatōs, excitatōs, & abetmēt: to y^e intent (B) to aduulne & subuert y^e christian sayth & the law of God within the same Realme, as also to (C) destroy our soueraigne Lord the king himselfe and (D) all maner of estates of the same his Realme, as well spirituall as temporall (E) and also all maner pollicy, & the lawes of the land, finally the same our Lord the king, to the honoz of God, in conseruation and fortification of the Christian sayth, & also in saluation of his royall estate, & of the estate of all his realme, willing to prouide a more open & more due punishment agaynst the malice of such heretickes & Lolardey, then hath bene had or vsed in that case heretofore, so that for the feare of the same lawes, and punishment, such heresyces and Lolardey may the rather cause in time to come:

Here it appeareth at whole sute and supplication this statute was set forward as also the cause why.

Asiterūt reges & p^rbasar.

- (F)
- (G)

By the aduulne and assēt aforesayd, & at the prayer of the sayd commons hath ordeined & established: that especially the Chauncelloz, the Tresaurer, the Justices of the one bench and of the other, Justices of Assise, Justices of peace, Shyreffes, Mayors, and Bailiffes of Cities and Townes, and all other officers hauing the gouernement of people either now present or which for the time shalbe, do make an othe in taking of their charge and offices, to extend their whole payne and diligence to put out, to do to put out, cease & destroy, all maner of heresyces and errors commonly called Lolardey within the places in which they exercise their charges and offices, from time to time, with all their power and that they assist, fauoz, and maintaine the ordinaries and their commissaries so often as they or any of them shal be therunto required by the said ordinaries or their commissaries: So that the sayd officers and ministers, when they trauell or ride to arrest any Lolardey or to make any assise at the (F) instance and request of the ordinaries or their commissaries, by vertue of this statute: that y^e same ordinaries & commissaries do (G) pay for their costs reasonably. And that the seruices of the king (vnto whō the officers be first sworn) be preferred before al other statutes for the liberty of holy Church & the ministers of the same: And especially for the correction and punishment of heretickes & Lolardey, made before these dayes & not repealed, but being in theyr force. And also that all persons convict of heresy of whatsoeuer estate, condition or degree they be, by the sayd ordinaries or their commissaries left vnto the secular power according to the lawes of holy Church, shall leese & forsaye all theyr lands and tenements, which they haue in fee simple in maner and forme as followeth: That is to say, that the king shall haue all the landes & tenementes, which the sayd conuictes haue in fee simple & which be immediatly holden of him, as forsayd: And that the other Lordes of whom the landes & tenementes of such conuictes be holden immediatly, after that the king is therof leised & answered of the (H) yeare, day, & waft: shall haue lycure therof out of the hands of the king of the landes & tenementes aforesayd so of them holden, as hath bene vsed in case of attaynder of felonies, except the landes and tenementes, which be holden of the ordinaries or their commissaries, before whom anye such impeached of heresy be conuict, (I) which landes and tenementes shall wholly remaine to the king as forseit: And moreover, that all the goodes and cattels of such conuict, be forsayd to our right soueraigne Lord the king, so that no person conuict of heresy & left vnto the secular power (according to the lawes of holy Church) do forseit his landes before that he be dead. And if any such person so conuict be entosed, whether it be by fine, or by deede, or without deed, in landes and tenementes, rentes, or seruices, in fee or other wise in whatsoeuer maner, or haue any other possessions or cattels by gift or graunt of any person or persons, to the vse of any other then only to the vse of such conuict: That the same landes, tenementes, rentes, nor seruices, nor other such possessions nor cattelles shall not be forseit vnto our soueraigne Lord the king in no maner wise.

And moreover, that the Justices of the kinges bench, the Justices of peace, & Justices of Assise, haue full power to inquire of all such, which hold any errors or heretickes, as Lolardey and who be their mayntayners, receiuers, fauozers, and susteiners, common writers of such bookes, as well of their sermons as scholes, conuenticles, congregations and confederacies, & that this claue be put in the commissions of the Justices of peace. And if any persons be indicted of any of the points aboue said, that the sayd Justices haue power to award agaynst them a Capias, and that the Shyffe be bound to arrest y^e person or persons so indicted as soone as he can finde them, either by himselfe or by his officers. And for so much as the cognizance of heretickes, errors, or Lolardey, appertain to the Judges of holy church, and not vnto the secular Judges, that such persons indicted (K) be deliuered vnto the Ordinaries of the places, or to theyr Commissaries by Indentures betwene them to be made, within x. dayes after they arrest, or sooner if it may be done, to be therof acquitted or conuict by the lawes of holy church in case such persons be not indicted of any other thing, the cognizance wherof appertayneth to the Judges & secular officers, in which case after they shalbe acquitted or deliuered before y^e secular iudges of such thinges as appertaineth to y^e secular Judges, they shalbe sent in safe custody vnto y^e said Ordinaries or their commissaries, & to the to be deliuered by Indentures as is aforesayd, to be acquitted or conuict of the same heresyces, errors and Lolardey, as is aforesaid, according to the lawes of holy church, & that within the terms abouesayd. Provided, that the same indgements be not taken in euidence (L) but only for information before the Judges spirituall, agaynst such persons indighted: but that y^e Ordinaries begin their p^roces agaynst such persons indicted, in the same maner, as though no such iudgement were, hauing no regard to such indgements. And if any be indicted of heresy, error, or Lolardey, and take by y^e Shyffe or any other officer of the king, he may be let to maynprize within the sayde x. dayes, by good surety for whō the said Shyffes or other officers wil answer, so that the person so indighted be ready to be deliuered vnto the sayd Ordinaries, or to their Commissaries, before the end of the tenth day aboue recited, if he may be any meane for sickness. And that euery Ordinary haue sufficient Commissaries or Commissary, abiding in euery Countrey in place notable, so that if any such person indicted be taken, that the sayd Commissaries or Commissary may be warned in the notable place of his abiding, by the Shyffe or any of hys officers to come vnto the Kinges Bayle within the sayd Countrey, there to receiue the same person so indighted by Indenture as is aforesayd: And that in the Inquestes in this case take, the Shyffes and other officers vnto whom it appertaineth, do impanell good and sufficient persons not suspected nor procured, that is to say, suche as haue at the least euery one of the that shal be so impanelled in such inquestes, within the Realme, a hundred shyllings by the yere of lands, tenementes, or of rent, vpon payne to leese to the kings vse xx. poid. And that those which shalbe impanelled vpon such inquestes at lessions and gayles, haue euery one of them to the value of xl. shyllings by the yere. And if any such person arrested, whether it be by the Ordinaries or the officers of the king, (M) either escape or break prison before he be therof acquit before the Ordinary: that then all his goodes and cattelles, which he had at the day of such arrest, shall be forseit to the king: And his landes and tenementes which he had the same day, be seled also into the kings handes, and that the king haue the profittes therof from the same day vntill he tender himselfe to the sayde prison from whence he escaped. And that the aforesaid Justices haue full power to enquire of all suche escapes and breaking of prisons, and also of the landes tenementes goods and cattels of such persons indighted. Provided, that if any such person indighted, doe not returne vnto the sayde prison, and dyeth (not being conuict) that then it shall bee lawfull for his heyres, to enter into the landes and tenementes of his or their aūceter without any other sute made vnto the king for this cause. And that all those which haue liberties or franchises royall in England, as the county of Chester, the county and liberty of Durham and other like: And also al the Lordes which haue iurisdiction and franchises royall in Wales where the kings writs do not run, haue like power to execute and put in execution in al pointes, these articles by them or by their officers in like maner as doe the Justices and other the kinges officers aboue declared.

(K)

(L)

(M)

¶ Notes touchng the statute prefixed.

Thus hauing recited the wordes of the statute, nowe let