

For where as the p[re]face of the statute standeth onely upon matter of treason, conceived by false suggestion and wrong information. The body of the sayd statute whiche should follow v[er]y the same, runneth onely v[er]y matter of heresie, pertaining to the Ordinaries, as by euery br[an]che thereof may appeare.

(F) The body of the statute an. 2. Reg Hen. 5. cap. 7. examined.

(F) For first where he sayth, at the instance & request of the ordinaries or their commissaries, &c. Whereby it appeareth, this to be no cause of treason, nor felony. For that euery man of duety is bound, and by the lawes of the Realme may arrest & apprehend a traitour, or a felo, if he ca: where otherwise by this statute an officer is not bound to arrest him which offendeth in case of this statute, without request made by the ordinaries or their commissaries, and therefore this offence seemeth neither to be treason, nor felony.

(G)

(G) Secondly, where it foloweth that the same ordinaries and commissaries doe pay for their costes, &c. This allowance of the officers charges in this sort, proueth this offence neither treason nor felony.

(H)

(H) Thirdly, where the statute willet the king to bee answered of the year, day, & wall, &c. By this also is proued the offence not to be treason. Wh[er]e in cases of treason, the whole inheritance (I trow, maister Cope, speaking as no great skilfull lawyer) is forfait to the prince.

(I)

(I) The fourth argument I take out of these words of the statute, where as such lands and tenements which be holden of the ordinaries, are willed wholly to remaine to the king as forfait, &c. Wherby it is manifest, that the Prelates (for their matter of Lollardie onely) were the occasioners and procurers of this statute: and therefore were barred of the benefite of anye forfeitring therby, as good reason was, they should. And thus it is notorious, that the p[re]face running specially and principally vpon treason, and the statute running altogether vpon points of heresie, do not well cohere nor ioine together.

(K)

(K) Fifthly, In that such persons indicted, shall be delincred vnto the Ordinaries of the places, &c. It can not bee denied, but that this offence concerneth no maner of treason. For so much as Ordinaries can not be iudges in cases of treason, or felony, by the lawes of our Realme, Bracton, in fine. 1. Libri.

(L)

(L) Surely, by the inditements prouided not to be taken in euidence, but onely for information, before the Judges spirituall, &c. it is likewise to be noted: to what end these inditements were taken, to wit, only to informe the ordinaries, which can not be in cases of treason.

(M)

(M) Lastly, where it foloweth toward the end of the statute, touching escape or breaking of prison, &c. by this it may lightly be smelt, whereto all purpose of this statute dyeth, that is, to the speciall escape of the L. Cobham out of the Tower, to this end to haue his lands & possessions forfait vnto the King. And yet the same escape of the Lord Cobham in this statute considered, is taken by Maister Justice Stanford in Lib. primo of the p[re]ces of the crowne cap 33. to be an escape of one arrested for heresie, wherby he speaketh of the case of the Lord Cobham.

Justice Stanford of the p[re]ces of the crowne, lib. 1. cap. 33.

Moreover as touching the partes of this foresaid statute, how will you ioine these two br[an]ches together, where as in the former part is said, that the lands of such persons conuict, shall be forfait to the king, not before they be dead: And afterward it foloweth, that their goodes and possessions shall be forfait at the day of their arrest, to that king. But herein standeth no such great doubt nor matter to be wicied. This is without all doubt, and notoriously, evidently, and most manifestly may appeare, by all the arguments and whole purport of the statute: that as well the p[re]amble and p[re]face thereof, as the whole body of the said statute was made, framed, & procured onely by and through the instigation, information, and excitation of the Prelates, & the Bishop of Excester, not so much for any treason committed against the king: but only for feare and hatred of Lollardy, tending against their law, which they more detested & abhorred, then euer any treason against the Prince. And then to let the king & all the states against them, whereby the more readily to worke their dispatch, they thought it best and none so compendious a policie, as p[re]tely to ioine treason together with their Lollardy. wherein the poore men being once intangled, coulde no wayes escape destruction. Pape concilium callidum.

The first procurers of this statute.

Practise of prelates to couple treason with heresie.

This Maister Cope, haue I said, and say againe, not as one absolutely determining vpon the matter. At the doying wherof as I was not present my selfe, so with your owne Hulle, I may and do leaue it at large, but as one leading the reader by all coniectures and arguments of probabilitye and of due circumstances, to consider with themselves, what is further to be thought in these old accustomed practices and proceedings of these prelates, protesting more-

ouer (Maister Cope) in this matter to you, that those Lollardiers which you so much ground vpon, I take them in this matter, neither as witnesses sufficient, nor as Judges competent. Who as they were not themselves present at the deed done, no more then I, but onely following vnder raine rumours, and words of courie and office, bringing with them no certaine triall of that which they do affirme, may therein both be deceiued themselves, and also deceiue you, and other which depend vpon them.

And hether to concerning this statute enough. Out of which statute you see (Maister Cope) that neither your Lollardiers, nor you can take any great advantage, to proue any treason in the Lord Cobham or in his felowes, as hath bene hether to abundantly declared in the p[re]misses.

It remaineth further, that for asmuch as you in your first Dialogue with your author Edward Halle, do alleadge the records Et publica iudicij Acta, to disfiame these men for traytours (although what records they be, you bring forth neuer a word) I therefore in their defence do answer for them, whiche can not now answer for themselves. And because you, to accuse them do mention a certaine record, and yet do not shew vs what record it is, and peradventure can not, if ye would: I haue taken the paines therfore, for the loue of them whom you to hate, to search out such Records, wherby any occasion can be raised against them. And first will declare the commission granted, then the inditement commensed against them.

Alanus Copus, pag. 833. lin. 4.

The which commission, and inditement, albeit in countenance of words will seeme to minister much suspicion against them, to the simple Reader, before he be better acquainted with these subtle dealings and practises of Prelates: yet trusting vpon the goodnesse of the cause, which I see here so falsely and sleighly to be handled, I nothing feare nor doubt, to produce the same out of the Records in Latine as they stand: to the intent that when the craftie handling of the aduersaries shall be disclosed, the true simplicitie of the innocent, to the true hated Reader, shall the more better appeare. The words first of the Commission, here folow vnder witten: which when thou shalt heare, let the not trouble thy minde, gentle reader, I beseech thee, before thou vnderstand further, what packing and subtle coueypance lieth couered and hid vnder the same.

In Rotulo patent. de anno primo Henrici quinti.

R. dilectis & fidelibus suis Willielmo Roos de Hamrak, Henrico le Scrop, Willielmo Croiomere maiori Ciuitatis suae London. Hugoni Huls, Johanni Preston, & Ioanni Mertin salutem. Sciatis quod cum nos plenius (A) informemur, ac notorie & manifeste dinoscatur, quod quam plures subditi nostri Lollardi vulgarie nuncupati, ac alij mortem nostram contra ligeantiae suae debitum proditorie imaginauerunt, ac quam plura alia, tam in fidei catholice, quam status dominorum & magnatum regni nostri Angl. tam spiritualium quam temporalium destructionem proposuerunt, ac diuersas congregationes, & alia conuenticula illicita pro nephando proposito suo in hac parte per implend. fecerunt in nostri exheredationem ac Regni nostri destructionem manifestam: Nos huiusmodi Lollardos ac alios praedictos, iuxta eorum demerita in hac parte castigari & puniri volentes, ac de fidelitate & circumspectione vestris plenius confidentes: assignauimus vos quinqve, quatuor, & tres vestrum, quorum vos praefati maior & Hugo, duos esse volumus Iustice, nostros, ad inquirend. per sacrum proborum & legal. hominum de ciuitate praedicta & suburbij eiusdem, ac de Com. Midd. tam infr. libertates, quam extr. per quos rei veritas melius sciri poterit de omnibus & singulis proditoribus & infurrectionibus per huiusmodi Lollardos in ciuitate, suburbij, & com. praedictis factis & perpetratis, nec non de omnimodo proditoribus infurrectionibus, rebellionibus, & felonij in ciuitate, suburbij, & com. praedictis, per quoscuqve, & qualitercuqve factis siue perpetratis, & ad easdem proditoribus infurrectionibus, rebellionibus, & felonias audiend. & terminand. secundum legem & consuetudinem Regni nostri Angl. Et ideo vobis mandamus, quod ad certos, &c. quos, &c. quorum, &c. ad hoc prouideritis diligentes super praemissis fac. inquisitiones & praemissa omnia & singula audiat & terminetis in forma praedicta facturi, &c. Saluis, &c. Mandauimus enim vicecomitibus nostris Lond. & Midd. quod ad certos, &c. quos, &c. quorum, &c. eius scire fac. venire facietis coram vobis, &c. quorum, &c. tor &c. de Balliua sua, tam infr. libertates, quam extra per quos &c. & inquire. In cuius &c. T. R. apud Westm. (B) x. die Ianuarij. Per ipsum Regem.

The wordes of Commission against the Lord Cobham. (A)

(B)

By these high and tragicall wordes in this commission sent downe against the Lord Cobham, Sir Roger Acton, and their felowes: It may peradventure seeme to the ignorant and simple reader, some hatious crime of treason