

The which mighty question of M. Lope, I answer agayn howe can sir Roger Acton, Browne and their fellows be then fautors of the Lord Cobham, for whome the King durst not hold his parliament at London, when as the sayd Roger Acton, Browne, and the rest were put to death, a whole yeare almost before the Parliament at Leicester began?

And now as I haue hitherto briefly, and truely answered your askings (M. Lope) let me be so bolde to you agayne, to propounde to you likewise an other question, For so much as you haue put me to the searching of statutes in this matter, wherewith before I was not much acquainted: now out of the same statutes riseth a doubtfull scruple or questiō, w<sup>ch</sup> ought to be solued, The cause is this, for almost as so many good martyrs and Saints of God heretofore in this realme of England, haue bene burned fro the time of King Henry 4. Hen. 5. Hen. 6. Hen. 8. to the time and in the time of Queene Mary, my question is that you w<sup>ch</sup> all your learned counsell about you wil tel me, by what law or statute of the realme were these men bzēt? I know the auncient custome hath bene, that hereticks conuicted by a prouinciall counsell were wont to be left to the secular power. But how wil ye proue me, these hereticks were either conuict by such prouinciall counsell, or that these secular men ought to be your butchers in burning them, whō ye haue committed to them? If ye alledge the vi. Articles made in the reigne of King Henry the 8. those articles neither did serue before the time of King Henry the viii. neither yet were they reuind after his time. If ye alledge to the statute made. an. 5. Richar. 2. cap. 5. In that statute (I aunderscore) is contened no matter of burning, but onely of arrest to be done at the certifications of the prelates, w<sup>ch</sup> any further punishment there mentioned. To conclude, if ye alledge the statute made. an. 2. Henr. 4. chap. 15. and reuind in the reigne of Queene Mary, mentioned before pag. 523 To that statute I answer, that although the pretended statute appeareth in foyme of wordes in the printed booke to gene vnto the temporall officers authoritie to bring them to the stake, and to burne them, whom the Bishop delineth: Yet is it not to be proued, either by you, or any other, that statute to be law or warrant sufficient to burne anye person or persons committed to the secular power by the Clergy. And that I proue thus, for although the same statute of King Henry the fourth in the bookes printed, appeare to haue law and authority sufficient, by the full assent both of the king, of the Lordes, and of the commons: yet being occasioned by M. Lope to search further in the statutes, I haue found that in the Rolles and first originals of that Parliament, there is no such mention either of any petition or els of any assent of the commons annexed or contained in that statute, according as in the printed bookes vsual in the Lawyers handes to craftely and falsly slysted in, as by the playne wordes thereof may well appeare.

For where the said statute. an. 2. Henr. 4. chap. 15. being thus intituled in the Rolles: Peticio cleri contra hereticos, and assented vnto in this foyme: hath these wordes,

\* Statut. an. 2. Henri. 4. cap. 15. Intituled in the Rolle thus: Peticio Cleri contra hereticos, and assented vnto in this forme.

QUas quidem petitiones prelatorum & cleri superius expressatas do. noster Rex, de consensu magnatum & aliorum procerum regni sui, in presenti Parlamento existentium concessit, & in omnibus & singulis iuxta formam & effectum eorundem ordinavit. & statuit de caetero firmiter obseruari, and so forth according to the petition: and moe wordes, are there not in the statute Rolle, wherfore wher as the statute booke printed hath thus: Super quibus quidem nouitatibus & excessibus superius recitatis (videlicet in the petition of the Prelates & clergy) prelati & clerici supradicti ac etiam communitates dicti Regni in eodem Parlamento existen. dicto Domino Regi supplicarunt. &c. Qui quidem Dominus Rex. &c. ex assensu magnatum & aliorum procerum eiusdem Regni. &c. concessit ordinavit. &c. These wordes Ac etiam communitates dicti Regni. &c. are put in further then the Rolle doth warrant, and seemeth to be the practise of the clergy, to make that as an Acte of Parliament, and to seme to haue the force of a law, which was neuer assented vnto by the commons.

And thus you see howe this foresayd statute, printed both in English and in Latine among the prouinciall counsells of Oxford (by the vertue wherof so many good men haue bene burned so long in England) doth utterly overthrow it selfe, for that it toucheth from the recorde bothe in foyme and in matter, and lacketh the assent of the commons which doubt I thought at this present to propound vnto

you (mayster Lope) for that you haue so bigged me to the searching out of the statutes, by your declayning agaynst the Lord Cobham.

Wherouer vnto this statute aforesayd, ioyned also with all an other Memorandum of like practise done. an. 5. Rich. 2. In the which yeare, where as a statute was concluded by parliament. an. 5. Rich. 2. chap. 5. agaynst certayne preachers specified in the same statute, which going about in certayne habitues from place to place, did drawe the people to sermons. And commissions were made and directed in the sayd parliament to the shyrces, to arrest all such preachers and to imprison the same, at the certifications of the prelates. Here is then to be noted, that the same statute an. 5. Rich. 2. cap. 5. was reuoked by the king in the parliament. an. 6. Rich. 2. vpon the wordes of the commons being these videl. Forasmuch as the same statute was neuer assented, ne graunted by the commons, but that which therein was done, was done without their assent, and now ought to be vndone, for that it was neuer their meaning to be iustified and to bind themselves and their successors to the prelates no more, then their auncetours had done before them. Ex Rotul. And yet thys foresayd reuocation notwithstanding in Queene Maryes tyme, they inquired vpon that statute.

Vid Stat. an. 5. Ric. 2. cap. 5

Ex Rotul. Parliam.

In searching of these statutes, as you haue occasioned me to find out these scruples: so being found out, I thought here not to dissemble them, for so muche as I see and heare many now a dayes so boldly to beare themselves vpon this statute, and thinking so to excuse themselves do say, they haue done nothing but the law the law: to the intent that these men seeing now how inexorable they be both before God and man hauing no law to beare them out, may forer repent their bloody and vnlawfull tyranny, exercised so long agaynst Gods true seruantes, yet in tyme before that the iust law of God shall finde out their vniust dealings, which partly he begeth already to do, and moze no doubt will doe hereafter.

The persecutors in burning Gods people haue done against the lawe.

In the meane tyme this my petition I put vp to the Commons, and to all other which shall hereafter put vp a ny petition to the Parliament: that they being admonished by this abuse, wil shew themselves beare after moze wise & circumspect: both what they agree vnto in Parliaments, & also what cometh out in their name. And as these good Commons in this tyme of King Henry 4. would not consent nor agree to this bloody statute, nor to anye other like for so we read that the Commons in that bloudy tyme of King Henry 4. when an other like cruell byll was put by the Prelates in an. 8. Hen. 4. against the Lollards, they neither consented to this, and also overthrow the other: so in like maner it is to be wished, that the commons in this our tyme, or such other that shall haue to do in parliaments hereafter following the steps of these former times, will take vigilant heede to such cruell billes of the Popes prelacy, being put vp, that neither their consent do passe rashly: nor that their names in any condition be so abused, considering with themselves that a thing once being passed in the parliament, cannot afterward be called back: And a little inconuenience once admitted, may grow afterward to mischiefs that cannot be stopped. And sometime it may so happen that through rash consent of voices, the ende of things being not well aduised, such a thing being graunted in one day, that afterward many dayes may cause the whole realme to rue. But I trust men are bitten enough with suche blacke parliaments to beware of afterclaps. The Lord Iesus onely protector of his church, stop al crafty deuises of subtile enemies, and with his wisdom direct our Parliaments, as may be meet for the aduantage of his word, and comfort of hys people. Amen. Amen.

A necessary admonition to the Commons of England.

And thus much hauing sayd for the defence of the Lord Cobham, of s<sup>r</sup> Roger Acton knight, maister John Browne Esquier, John Huertly preacher, and of other their fellows agaynst Alanus Copus Anglus, here I make an ende with this present Interim, till further lecture serue me here after (Christ willing) to pay him the whole Interest which I owe vnto him. Adding this in the meane time, and by the way: that if mayster Lope had bene a Monist anye thing reasonable, he had no great cause so to wrangle with me in this matter, who as I did commend the Lord Cobham & that worthily, for hys valiant standing by the truth, of his doctrine before Thomas Arundell the Archbishop so touching the matter of this conspiracy, I did not assent or define any thing therof in my former billoze to precisely that he could well take any vantage, of agaynst me, who in writing of this conspiracy layd agaynst s<sup>r</sup> Roger Acton, And by John Dycalle, do but diffidently & doubtfully speake thereof, not concluding certainly this conspiracie eyther to be true or not true, but only prauing the same not

Propositio diffiducia

Statute of the 6. articles in the time of K. Henry 8. Statut. an. 5. Ric. 2. cap. 5. Statut. de comburendo. an. 2. Hen. 4. ca. 15. Vide supra pag. 507. Statut. an. 2. Henr. 4. de comburendo. proued not sufficient, to burne any man.

The printed statute an. 2. Henr. 4. cap. 15. falsely corrupted.

Ex constitutionibus prouincialibus oxonia celebratis. Ioan. Anibo.