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AN
ECCLESIASTICAL HISTORY
OF
GREAT BRITAIN.

BOOK VI.

AFTER the death of king Edward I. the crown, by hereditary right, fell to his son Edward, of Carnarvon. This prince, who was now three-and-twenty years of age, made an unfortunate step in the beginning of his government; for he recalled Pierce Gaveston, a person generally disliked by the nobility, and lately banished the kingdom. But Gaveston being bred with this prince from his childhood, and afterwards complying with his humour, and flattering his pleasures, gained his affection so far that the king would by no means live without him. It was most probably upon the score of this favourite that he imprisoned Walter Langton, bishop of Chester. This prelate was then lord treasurer, and one of the executors to the late king's will; but these advantages of trust and station were no security against the young king's displeasure. It seems he had formerly been checked in the sallies of his youth, and reprimanded for his prodigality, by the bishop. This freedom he could by no means digest; and therefore, before his father's funeral was over, he ordered the bishop to be confined, seized his temporalities, and brought him to an account for his management of the treasury. But here the bishop, justifying himself from point to point, making a full defence, and being supported by the pope's mediation, gained the king's favour to a tolerable degree, and had his estate restored to him.

EDWARD
II.
505.

The king disoblige at the beginning of his reign.

A. D. 1307.

Walsingham, Hist. Angl. p. 95.

WIN-
CHELSEY
Abp. Cant.

The king, soon after his accession to the throne, recalled the archbishop of Canterbury from his exile, designing to be crowned by him; but the archbishop, being too infirm to reach England at the time appointed for the coronation, sent a commission under seal to the bishops of Winchester, Salisbury, and Chichester, empowering any one of them to execute that office in his stead: the king, who was to make the choice, pitched upon Woodlock, bishop of Winchester.

Antiquit.
Britan.

The archbishop upon his return stood very well at court, till he weakened his interest by refusing to dispense with the canons. To throw some light into this matter, we are to observe, that Pecham, the late archbishop of Canterbury, had declared against pluralities and non-residency in his constitutions. The canons made in the synod where he presided decreed that the first living should be void upon the taking of a second; and if the incumbent was not in priest's orders at his induction, the benefice should be void; and if those who were non-residents did not reform upon admonition, they were liable to the same forfeiture. Though these canons did nothing more than enforce the customary discipline of the Church, and repeat what had been done by several councils, yet the king was desirous to have a singularity of privilege, and carry his prerogative through these restraints. This inclination made him press for an exemption for the court chaplains, that such clerks who either officiated in his chapel, or served him in secular employments, might have institution given them without being tied to residence, to any set number of benefices, or obliged to be in priest's orders. And, at this rate, they must have broke through the canons of the church, received the profits of the cure without performing the office, or so much as being qualified to do it; but the archbishop thought it more eligible to venture the loss of the king's favour, than comply to such a latitude.

506.

Id. p. 209.

And as the king bore somewhat too hard upon the Church, the pope on the other hand made no difficulty to encroach upon the crown. The case was this: the king had given the archdeaconry of Richmond to one John Sandal, a court clerk; the pope pretends to question the right of the disposition, and cites this Sandal to Rome to make good his title; the king complains of this citation in a letter to the pope, and tells him, "that should the summons have its effect, it would plainly tend to the disinherison of his crown, and diminution of his

royal dignity; especially if the cause should be tried in any place out of the realm. To prevent which inconvenience, he had precluded the said Sandal from appearing either in person or by proxy in any foreign court. He desires the pope therefore not to interpose his authority, nor issue out any process against the said John Sandal, giving his holiness to understand, that in case any contest happened, he should be obliged to defend his prerogative, and maintain the archdeacon in his preferment. And supposing he should be willing to pass over the matter, and yield to his holiness, the great men of the realm, who were sworn to support the crown, would by no means concur with him to his own disadvantage.

EDWARD
II.

The king prohibits citations to Rome.
A. D. 1309.

Not long after, the king wrote another letter to the pope against citing his subjects to Rome in the case of the master of the hospital at Dover.

Conventio-
nes, Literæ,
&c. tom. 3.
p. 185.

On the other hand, the pope makes a long remonstrance to the king, that the privileges of holy Church were violated. Amongst other things, which I shall pass over, his holiness complains, "that the king's sheriffs and officers seized the profits and revenues of the prelates and clergy at discretion; that his highness's officers, and others of the nobility, upon pretence that the churches and monasteries were founded by their ancestors, frequently quartered upon those houses, put them under contribution, and forcibly carried off sometimes a fourth part, and sometimes half of their goods and chattels.

Conventio-
nes, Literæ,
&c. tom. 3.
p. 216.

"And if any such injured person happened to be so hardy as not to submit to all this rapine and ill usage, he was presently thrown out of the king's protection, and all his effects seized.

"And where the custody of bishoprics, monasteries, or other ecclesiastical benefices fall into the hands of the king, or the nobility, upon the score of patronage and vacancy, their timber is cut down, their warrens, parks, and ponds unfurnished, and, in short, their estates, in all circumstances, miserably harassed and destroyed; insomuch, that it is a long time before they can be brought to any tolerable condition."

Id. p. 117.
et deinceps.

This letter was written to the bishop of Worcester, lord chancellor, with directions to communicate it to the king, and admonish him upon the contents.

To this year, or the next, we may assign the death of the famous school divine, John Duns Scotus. The country of his

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birth is controverted; some affirm him born at Dinstan, or Dyns, three miles from Alnwick, in Northumberland; others will have him born at Down, in Ireland, and that Duns was only a contraction of Dunensis; and archbishop Spotswood proves him a Scotchman, from the inscription upon his tomb.

*Scotia me genuit, Anglia suscepit,
Gallia edocuit, Germania tenet.*

According to this learned historian, he was born at Duns, in the Merse. He had his university education at Merton College, at Oxford, where after he had continued some time, he went to Newcastle, and took the habit of a Franciscan. Some time after he returned to Oxford, and prosecuted his studies with great application. Here he commenced doctor in divinity, was made professor in that faculty, and read upon the Master of the Sentences. From Oxford he travelled to Paris, where he had likewise the honour of the divinity chair. At last he settled in the same function at Cologne, where he performed to a great degree of reputation. He had the distinction of the Subtile Doctor; for, as Pits represents him, he had the faculty of penetrating the most abstruse subjects, and disentangling the most difficult questions; insomuch, that there was scarce any thing too hard for his understanding. He was a great champion for the "immaculate conception," and by the advantage of his public disputations upon this argument, he prevailed with the audience to desert Albertus Magnus, and come over to his sentiment. He died of an apoplexy at Cologne, and left a great many tracts behind him, viz.: Commentaries upon some of the Books of the Old and New Testament; Commentaries upon the Master of the Sentences; Discourses upon Logic, Physies, and Metaphysics. They are all mentioned by Pits, to whom I refer the reader.

Spotswood,
Hist.
Church of
Scotland,
l. 2. p. 54.
Pits de
Illust. Angl.
Script.
507.

About this time, the Knights Templars were charged with horrible misbehaviour and impieties. Clement V. gave so much credit to this information, that he wrote circular letters upon this subject; one of which was sent to the English prelates, to hold a provincial synod, and make a thorough inquiry into the behaviour of the Templars in this kingdom, setting forth in the same bull, what hideous articles had been proved against them in other countries.

Spelman.
Concil.
vol. 2.
p. 458. et
deine.

The acts of this council are probably lost, not being mentioned in sir Henry Spelman's collection; but, by what Walsingham relates, it is plain the Templars were found guilty by the synod: for this historian informs us they were seized about this time, all England over, and committed to prison. But this is not all, as we shall see by and by.

To proceed: this order was suppressed soon after, at the council of Vienne, in the year 1311. Walsingham gives this account of the matter. "Philip the Fair, king of France," says he, "having a design to make one of his sons king of Jerusalem, endeavoured to get the revenues of the Templars settled to support that dignity. Upon this view, he had those of this order, in his own dominions, prosecuted. The grand master and several others were burnt; and, at last, he prevailed with the pope for the condemnation of the whole fraternity, at the council of Vienne. However, he fell short of his expectations, for the pope granted the revenues to the Knights Hospitallers."

As to the Templars, horrible blasphemy and sodomy is said to be proved upon them; and that there was a provincial council held upon this occasion at London. The historian, without question, must mean the council above mentioned, which, he tells us, sat about a month. The Templars, being brought before this synod, stood all upon their innocence, at first, excepting two, as to the blackest part of the accusation. However, at last, confessing themselves guilty in a great measure, they were sentenced by the synod to perpetual penance; and, being dispersed in several monasteries for this purpose, they are said to have behaved themselves well under the discipline. It was debated in the council of Vienne, whether, since all the Templars were neither convicted nor summoned, it was defensible to put down the whole order for the faults of some of the members. This question was resolved in the negative; and therefore pope Clement's condemnatory bull has this clause in it: "Quanquam de jure non possimus, tamen ad plenitudinem potestatis dictum ordinem reprobamus:" that is, though he had no authority to condemn the order by the common methods of justice and the canons of the Church, yet this defect was supplied by the plenitude of his apostolic character.

Spondanus, setting aside the grossest part of the charge,—

EDWARD
II.

A. D. 1309.
*The order of
Knights
Templars
suppressed.*
Walsing-
ham, Hist.
Angl. p. 96.
Conventio-
nes, Literæ,
&c. tom. 3.
p. 34. 43.

*The crimes
they were
charged
with.*

Walsing-
ham, Hist.
Angl. p. 99.

WIN-
CHELSEY
Abp. Cant.

Vide supra.

The degeneracy of their manners, and other occasions of their ruin.

Bibere Templariorum more.
A. D. 1311.

Spondan. Annal. Eccles. Contin. an. 1307. See above ad an. 1118.

Conventiones, Literæ, &c. tom. 3. p. 234, 235.

for which some of them are reported to have suffered wrongfully,—setting aside this, I say, he does not scruple to affirm there was reason enough for the putting down their order: for, not to repeat their revolt from their patriarch at Jerusalem, their refusing to pay tithes, and other encroachments upon the Church,—not to repeat this, they are reported to have been so scandalously covetous as to correspond with the Infidels, and obstruct the progress of the Christian arms in the Holy Land. For instance, when St. Lewis the Godly made an expedition into Palestine, the master of the Templars entered upon a treaty with the soldan of Egypt. These knights are likewise represented to have been very troublesome to the kings of Jerusalem and Cyprus, and to other Christian princes and generals who undertook the service of the holy war. They are likewise said to have misbehaved themselves towards the noble and inoffensive order of the Knights Hospitallers, and to have begun many unreasonable quarrels with them; and to have mismanaged themselves in several other things so far, as to draw a general odium upon their order. They were complained of by pope Alexander III., at the Lateran council, for abusing the privileges granted by the apostolic see, and disregarding the authority of their ordinaries. And yet, after all, it must be owned they performed bravely upon several occasions, and had been signally serviceable to the interest of Christendom. In fine, it may be safely affirmed their excessive wealth was the occasion of their ruin. Their spirits were emasculated by their prosperity; thus they ran out into luxury and riot, and were remarkable to a proverb for their intemperance. Besides, it is possible their great fortunes might make them envied by the generality, and give princes the prospect of a booty in their ruin. This last conjecture is not altogether unlikely, since it is certain no small part of their estates was seized by the government in several countries. As to the institution and design of their order, it has been mentioned already, in the reign of king Henry I., and thither I refer the reader. And before I take leave of this matter I must observe, that the English synod, convened about the business of the Templars, seems to have been held about the time of the council at Vienne, and not till the year 1311, which is two years later than the time assigned by sir Henry Spelman.

To proceed: this year Anthony Beak, bishop of Durlham,

departed this life. He was consecrated in the year 1283, by EDWARD II. William Wicwane, archbishop of York. This prelate had The death of Beuk, bishop of Durham. an estate of five thousand marks per annum, besides his bishopric, and made a great figure upon the score of his wealth. The pope gave him the title of "patriarch of Jerusalem," and he had a grant from the crown of the Isle of Man. There happened a contest between him and his monks at Durham. The bishop complained of the prior to the pope, that he was a person wholly unqualified to govern the convent. The pope, giving credit to the information, enlarged the bishop's authority, and gave him a commission to manage the revenue and jurisdiction of the convent; but the monks refused to admit the bishop's officers, and were excommunicated by them. The king, displeased with these proceedings, fined the officers, and ordered the bishop to appear in his courts, and answer what he had done. The bishop, without consulting the king, or moving for his leave, takes a journey to Rome; upon which his temporalities were seized, and the profits estreated into the exchequer. Afterwards he recovered the king's favour, His benefactions. and spent a great part of his revenues in building. He fortified the bishop's seat at Auckland, and turned it into a castle. The castles of Bernard, Alnwick, Gainsworth, Cunliff, Summerton, and Eltham, were either built or much enlarged by him. He founded the priory of Alvingham, in the county of Lincoln, which was valued at a hundred and forty-one pounds per annum, at the dissolution. He likewise founded a collegiate church, for a dean and seven prebendaries, at Chester-upon-the-Street, in the bishopric of Durham. He died at Eltham, March 3rd, and was buried in his cathedral. His being buried in the Church was contrary to the custom of his predecessors, who, out of respect to St. Cuthbert's corpse, were not allowed to be interred there.

About this time there happened a dispute between the prior and convent of Lewis, and the bishop of Norwich. The occasion of it was this: The prior and convent presented one Reginald Bedalin to the parish church of Jewrel: the bishop, looking on this person as unqualified, refused him institution; upon which he was sued in an action of "quare impedit." The bishop pleaded that the clerk was defective in point of qualification; upon which the king's judges applied to the archbishop for his opinion; who, approving what the bishop of Norwich had done,

Godwin in
Episc.
Dunelmens.
Angl. Sacr.
part 1. p. 47.
et deinc.
The arch-
bishop of
Canterbury
occasions the
making the
statute called
the "Articuli
Cleri."

WIN-
CHELSEY
Abp. Cant.

wrote back to the judges, that the clerk was by no means qualified: upon which the court gave judgment for the defendant. And that the judges of Westminster-hall might not encroach upon the jurisdiction of ecclesiastical courts, by serving them with prohibitions, the archbishop, in the first place, procured an order from the king, that the reasons upon which the prohibitions were grounded should be examined by some clergyman sworn for that purpose, and that the party which assigned false and unjustifiable suggestions should be fined and imprisoned.

In the second place, he obtained the king's leave that all prelates of jurisdiction, in a court Christian, might draw up a list of all unwarrantable prohibitions issued out of the secular courts, and lay them before the king and peers at the next parliament. This scheme, thus far advanced, gave occasion, in all likelihood, to the passing the act called "Articuli cleri," made in the ninth year of this reign, that is, about three years after the death of the archbishop.

Further: this prelate, to give him his due, had many admirable qualities. For instance: he seems to have had no small share of courage and disinterestedness, by his not sparing persons of the first rank, when they deserved censure. Thus, he obliged John Warren, earl of Surrey, to forbear the company of an infamous woman, publicly kept by him, and took an oath of him for his better behaviour; and, upon the earl's relapsing into libertinism, he cited him to his synod, where he was declared guilty of perjury and adultery, and barred the conversation of that strumpet. And, to finish the archbishop's character, he was very firm and faithful to king Edward; represented his miscarriages to him with decent freedom, remonstrated against the recalling of Gaveston, and got the Spencers and other court-flatterers banished by order of parliament.

A. D. 1313.

The largeness of his mind and his charities were extraordinary: for, besides his supporting young scholars at the university, he used to relieve three or four thousand people twice a-week at his house; and, as for those that were not able to come, he sent them assistance: and where persons of better condition had fallen to decay by any extraordinary accident, and wanted the assurance to ask, he used to relieve their wants and their modesty by sending them clothes and money. At

table he was affable and inoffensively pleasant; but would never endure any thing of flattery, detraction, or buffooning. He bestowed his preferments always upon men of learning; and, if a divine had no merit but the recommendation of a great man, he was sure not to speed. He sat nineteen years, and died upon the eleventh of May, in the year of our Lord 1313, and was buried in the cathedral of Canterbury. But his tomb was pulled down, because the people used to frequent it in great numbers, and paid him the regard of a saint.

The see of Canterbury, after a vacancy of nine months, was filled with Walter Reynolds, who was translated thither from Worcester. And here the monks' election was overruled by the pope, at the king's instance. Their election, I say, was overruled: for the convent had unanimously concurred in the choice of Thomas Cobham, dean of Salisbury; a person of eminent learning, and so remarkably regular and devout that he was commonly called "the good clergyman."

Archbishop Reynolds, foreseeing how much his jurisdiction might be embarrassed by appeals to Rome, is said to have made an interest in the conclave, and fenced against that inconvenience with his money. It is certain he was a more than ordinary favourite with pope Clement V., as appears by the grant of eight bulls of considerable privilege. By the first bull he was empowered to make a provincial visitation for three years next ensuing, the jurisdiction of his suffragans being suspended during that term; the second bull gave him an authority to visit all exempted places; by the third he was enabled to restore two hundred irregular persons; by virtue of the fourth he might dispense with a hundred clerks who were under age to hold benefices; the fifth bull authorised him to absolve a hundred men who had laid violent hands upon any clerks, and who, without this privilege, could only have been absolved by the pope; the sixth bull gave him leave to dispense with the canons against pluralities, and give forty clergymen a faculty to hold more than one benefice with cure of souls; by the seventh he had the liberty of reserving for his own disposal any single ecclesiastical preferment, belonging to any cathedral or collegiate church visited by him; by the eighth he had the privilege of giving an indulgence for all crimes committed within a hundred days last past, to any persons that should show themselves penitent, and confess to him in his visitation. Being thus for-

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II.

*Winchelsey's
death and
character.*

Angl. Sacr.
pars 1. p. 11.
et deinc. ad
17. Anti-
quit. Britan.
in Winchel-
sey, p. 210,
211.

*Reynolds
translated to
the see of
Canterbury
by the pope.*

Godwin in
Archiepisc.
Cant. Angl.
Sacr. pars 1.
p. 117.

509.

A. D. 1314.
*His bulls of
privilege.*

REY-
NOLDS,
Abp. Cant.

Antiquit.
Britan. in
Reynolds,
p. 213.
*Several
heterodox
opinions cen-
sured by the
University
of Oxford.*

tified, he set forward and visited the diocese of Lincoln in person ; but, being recalled to court by the public disturbances, he was obliged to make proxies for the rest of the province.

This year some of the students in Oxford ran riot in their disputations, and maintained heterodox opinions publicly in the schools. To put a stop to this licence, the University met, and censured the conclusions following.

First, "That God the Father could have produced a creature prior to the Word both in nature and time."

Secondly, "That it was possible for the Father to have made the whole creation without the concurrence of the Son. This proposition was maintained with respect to the Father's absolute, but not to his ordinary power."

Thirdly, "That although the Son neither should nor could have created any thing, this would be no abatement of his omnipotence ; because he hath the same force and power with the Father : and thus the Holy Ghost is omnipotent, notwithstanding he could not produce the Son : for this difference does not hinder the third person from having the same force with the first."

Fourthly, "That if any creature had been made before the Word, it must have been said to have been produced by the first person of the Deity, before he assumed the name of Father."

Fifthly, "That the operations of the Trinity with respect to the causes of things, are actually, but not necessarily distinct : and it was possible for the redemption of mankind to have been effected by other means than by the incarnation and death of our Saviour."

Sixthly, "That if it is possible for the Father to produce the Word (who is greater than any creature) without the concurrence of any other principle, it may then be inferred by the same or by greater strength of consequence, that it is possible for the Father to produce a creature which is less, without any concurrent principle, that is, without the operation of the Son."

Seventhly, "That the philosophers, who had so clear and distinct a conception of things, did not suppose a second person in the divine nature : and though they affirmed the whole creation proceeded from a single personality in the Deity, they did not perceive any formal contradiction in this assertion ; by parity of reason therefore, it may be affirmed

without any formal contradiction, that God the Father might have produced beings before the Word."

Eighthly, "That the possibility of a creature's being produced before the Word, does not infer a formal inconsistency in terms, neither with respect to the Father producing, nor yet with regard to the creature so produced."

This year the famous battle of Bannocksburn, near Stirling, was fought; where, after a long and sharp dispute, the English were routed: the Scots were commanded by king Robert Bruce, and the English by king Edward. Gilbert, earl of Gloucester, who behaved himself with all imaginable bravery, fell in this battle. The lords Clifford and Tiptoft, the lord Marshall, the lord Giles de Argenton, the lord Edmund de Maule, about seven hundred knights and gentlemen, and ten thousand yeomen were likewise slain; not to mention several persons of quality taken prisoners.

To return to the Church; where the next thing remarkable is the death of William Greensfeild, archbishop of York. This prelate was lord chancellor in the reign of king Edward I. He was a person of address and elocution, and well qualified for the council board. He was elected by the prebendaries of his cathedral, and consecrated at Lyons by pope Clement V. in the year 1305. The pope joined this archbishop in commission with Baldock, bishop of London, to examine the information against the Templars. And here, as Stubs reports, the Templars made so colourable a defence, that they could not find sufficient grounds to suppress the order: and when the fraternity was afterwards dissolved at the council of Vienne, at which the archbishop of York was present; when this was done, I say, and their estates granted away to the Knights Hospitallers, archbishop Greensfeild compassionated their case, was a friend to those of that order in his diocese, and took care to furnish them with conveniences. He sat nine years, and died in December, 1315.

The next year, the famous statute called *Articuli Cleri* was passed at a parliament at London. And since this act was made to relieve the jurisdiction of the Church; to put a stop to unjustifiable prohibitions, and prevent the encroachments of the temporal courts, I shall insert it for the reader. But because, as sir Edward Coke observes, the reporting the articles exhibited by archbishop Bancroft in the name of the

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II.

Wood,
Antiquit.
Univ. Oxon. l. 1.
p. 153.

*The battle of
Bannocks-
burn.*

Walsing-
ham, Hist.
Ang. p. 105.
Daniel, Hist.
p. 176.

*The death of
archbishop
Greensfeild.*

A. D. 1315.

510.

Stubs, Actus
Pontif.
Eborac.
apud 10
Script. Col.
1730.

*The statute
called "Arti-
culi Cleri."*
A. D. 1316.

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NOLDS,
Abp. Cant.

whole clergy, to the king and privy council, against the judges, may contribute very much to the understanding of this act, I shall govern myself by the opinion of this learned lawyer, and transcribe the record. The remonstrance was exhibited An. 3. Jac. 1, in Michaelmas term: the title is, "Certain Articles of Abuses which are desired to be reformed in granting of Prohibitions." To this charge, in Easter term following, all the judges of England, and the barons of the Exchequer, delivered in their answer to the lords of the council. I shall insert the arguments of both parties as they stand in sir Edward Coke¹.

Coke's
Institut.
part 2.
fol. 601, et
deinc.
Objection.

1. *His Majesty has power to reform abuses in Prohibitions.*

"The clergy well hoped that they had taken a good course in seeking some redress at his majesty's hands concerning sundry abuses offered to his ecclesiastical jurisdiction, by the over frequent and undue granting of prohibitions; for both they and we supposed (all jurisdiction, both ecclesiastical and temporal, being annexed to the imperial crown of this realm) that his highness had been held to have had sufficient authority in himself, with the assistance of his council, to judge what is amiss in either of his said jurisdictions, and to have reformed the same accordingly; otherwise a wrong course is taken by us, if nothing may be reformed that is now complained of, but what the temporal judges shall of themselves willingly yield unto. This is therefore the first point, which upon occasion lately offered before your lordships by some of the judges, we desire may be cleared, because we are strongly persuaded, as touching the validity of his majesty's said authority, and do hope we shall be able to justify the same, notwithstanding any thing that the judges or any other can allege to the contrary.

*Answer of
the judges.*

"No man makes any question, but that both the jurisdictions are lawfully and justly in his majesty, and that if any abuses be, they ought to be reformed; but what the law doth warrant in cases of prohibitions to keep every jurisdiction in his true limits, is not to be said an abuse, nor can be altered but by parliament.

¹ Collier ought merely to have referred, in this place, to these verbose and somewhat conceited adjudications: by introducing them here, instead of under the reign of James I. he has violated the historical order, and perplexed the simplicity of earlier times with the intricacies of later ones. These extracts from lord Coke, the most pragmatcal of lawyers, would have appeared with propriety in connexion with the notices of Baneroft, whose biography demands illustration.

2. *The forms of Prohibitions prejudicial to his Majesty's authority in Causes Ecclesiastical.*

“Concerning the form of prohibitions, forasmuch as both *Objection.* the ecclesiastical and temporal jurisdictions be now united in his majesty, which were heretofore ‘de facto,’ though not ‘de jure,’ derived from several heads, we desire to be satisfied by the judges, whether, as the case now standeth, the former manner of prohibitions heretofore used importing an ecclesiastical court to be ‘aliud forum a foro regio,’ and the ecclesiastical law not to be ‘legem terræ,’ and the proceedings in those courts to be ‘contra coronam et dignitatem regiam,’ may now without offence and derogation to the king’s ecclesiastical prerogative be continued, as though either the said jurisdictions remained now so distinguished and severed as they were before, or that the laws ecclesiastical, which we put in execution, were not the king’s and the realm’s ecclesiastical laws, as well as the temporal laws.

“It is true, that both the jurisdictions were ever ‘de jure’ *Answer.* in the crown, though the one sometimes usurped by the see of Rome¹; but neither in the one time, nor in the other hath ever the form of prohibitions been altered, nor can be but by parliament. And it is ‘contra coronam et dignitatem regiam’ for any to attempt to deal in that which they have not lawful warrant from the crown to deal in, or to take from the temporal jurisdiction that which belongeth to it. The prohibitions do not import that the ecclesiastical courts are ‘aliud’ than the king’s, or not the king’s courts, but do import, that the cause is drawn into ‘aliud examen’ than it ought to be: and therefore it is always said in the prohibitions (be the court temporal, or ecclesiastical, to which it is awarded) if they deal in any case which they have not power to hold plea of, that the cause is drawn ‘ad aliud examen’ than it ought to be; and therefore ‘contra coronam et dignitatem regiam.’”

A fit time to be assigned for the Defendant, if he will seek a Prohibition.

“As touching the time when prohibitions are granted, it *Objection.* seemeth strange to us, that they are not only granted at the

¹ This is the grand secret of the British constitution.

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suit of the defendant in the ecclesiastical court after his answer (whereby he affirmeth the jurisdiction of the said court, and submits himself unto the same;) but also after all allegations and proofs made on both sides, when the cause is fully instructed and furnished for sentence; yea, after sentence, yea after two or three sentences given, and after execution of the said sentence or sentences, and when the party for his long continued disobedience is laid in prison upon the writ of “excommunicato capiendo,” which courses, forasmuch as they are against the rules of the common law in like cases (as we take it), and do tend so greatly to the delay of justice, vexation, and charge of the subject, and the disgrace and discredit of his majesty’s jurisdiction ecclesiastical, the judges, (as we suppose), notwithstanding their great learning in the laws, will be hardly able in defence of them to satisfy your lordships.

Answer.

“Prohibitions by law are to be granted at any time to restrain a court to intermeddle with, or execute any thing, which by law they ought not to hold plea of, and they are much mistaken that maintain the contrary. And it is the folly of such as will proceed in the ecclesiastical court for that, whereof that court hath not jurisdiction; or in that, whereof the king’s temporal courts should have the jurisdiction. And so themselves (by their extraordinary dealing) are the cause of such extraordinary charges, and not the law; for their proceedings in such case are ‘coram non iudice.’ And the king’s courts that may award prohibitions, being informed either by the parties themselves, or by any stranger, that any court, temporal or ecclesiastical, doth hold plea of that (whereof they have not jurisdiction) may lawfully prohibit the same, as well after judgment and execution, as before.”

4. *Prohibitions unduly awarded heretofore in all Causes almost of Ecclesiastical Cognizance.*

Objection.

“Whereas it will be confessed, that causes concerning testaments, matrimony, benefices, churches and Divine service, with many offences against the 1st, 2nd, 3rd, 4th, 5th, 7th, 9th, and 10th commandments, are by the laws of this realm of ecclesiastical cognizance, yet there are a few of them, wherein sundry prohibitions have not been granted, and that more

ordinarily of latter times, than ever heretofore, not because we that are ecclesiastical judges do give greater cause of such granting of them, than before have been given, but for that the humour of the time is grown to be too eager against all ecclesiastical jurisdiction. For (whereas, for example's sake) during the reign of the late queen of worthy memory, there have been 488 prohibitions, and since his majesty's time 82, sent into the court of the Arches; we humbly desire your lordships, that the judges may be urged to bring forth one prohibition of ten, nay the twentieth prohibition of all the said 488, and but two of the said 82, which upon due comparison with the libels in the ecclesiastical court, they shall be able to justify to have been rightly awarded: we suppose they cannot; our predecessors, and we ourselves have ever been so careful not to exceed the compass and limits of the ecclesiastical jurisdiction: which, if they shall refuse to attempt, or shall not be able to perform, then we refer ourselves to your lordships' wisdoms, whether we have not just cause to complain, and crave restraint of this over-lavish granting of prohibitions in every cause without respect. That which we have said of the prohibitions in the court of the Arches, we verily persuade ourselves may be truly affirmed of all the ecclesiastical courts in England, which doth so much the more aggravate this abuse.

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II.

“ It had been fit they should have set down some particular cases, in which they find the ecclesiastical courts injured by the temporal (as their lordships did order), unto which we would have given a particular answer; but upon these generalities nothing but clamour can be concluded. And where they speak of multitudes of prohibitions; for all granted to, or in respect of any ecclesiastical court, we have heretofore caused diligent search to be made in the King's Bench, and Common Pleas, from the beginning of his majesty's reign, unto the end of Hilary term, in the third year of his reign; in which time we find that there were granted unto all the ecclesiastical courts in England, out of the King's Bench but 251, whereof 149 were ‘de modo decimandi,’ upon unity of possession, for trees of twenty years growth and upwards, and for barren and heath ground; and all out of the Common Pleas, but 62; whereof 31 were such as before, and the rest grounded upon the bounds of parishes, or such other causes as they

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ought to be granted for ; but for that which was done in the late queen's time, it would be too long a search for us to make, to deliver any certainty thereof. And for his majesty's time, they requiring to have but two to be lawfully warranted upon the libel in the ecclesiastical court, we have six to shew to be lawfully warranted upon the libel there, and so are all the rest of like kind, by which it will appear, that this suggestion is not only untrue, but also that the extraordinary charges growing unto poor men, are of necessity, by means of the undue practices of ecclesiastical courts."

5. *The multiplying of Prohibitions in one and the same Cause, the Libel being not altered.*

Objection.

“ Although it has been anciently ordained by a statute, that when a consultation is once duly granted upon a prohibition made to the judge of holy Church, the same judge may proceed in the cause, by virtue of that consultation, notwithstanding any other prohibition to him delivered, provided that the matter in the libel of the same cause be not engrossed, enlarged, or otherwise changed ; yet, notwithstanding prohibitions and consultations in one and the same cause, the libel being no ways altered according to the said statute, are lately so multiplied, as that in some one cause, as aforesaid two, in some three, in some other six prohibitions, and so many consultations have been awarded, yea divers are so granted out of one court. As for example : when after long suit a consultation is obtained, it is thought a sufficient cause to send out another prohibition in revocation of the said consultation, upon suggestion therein contained, that the said consultation ‘ minus commodè emanavit.’ By which pretty device, the judges of those courts which grant prohibitions, may notwithstanding the said statute, upon one libel not altered, grant as many prohibitions as they list, commanding the ecclesiastical judges in his majesty's name, not to proceed in any cause that is so many times by them prohibited, whereby the poor plaintiffs do not know when their consultations (procured with great charge) will hold, and so finding such, and so many difficulties, are driven to go home in great grief, and to leave the causes in Westminster-hall, the ecclesiastical judges not daring to hold any plea of them. Now, may it please your lordships,

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the premises being true, we humbly desire to hear what the judges are able to produce for the justifying of these their proceedings. EDWARD
II.

“ It were fit they should set down particular causes, whereupon this grievance is grounded, and then we doubt not but to answer it sufficiently, without using any pretty device, such as is set down in this article.” Answer.

The multiplying of Prohibitions in divers Causes, but of the same nature, after Consultations formerly awarded.

“ We suppose, that as well his majesty’s ecclesiastical jurisdiction, as also very many of his poor but dutiful subjects, are greatly prejudiced by the granting of diverse and several prohibitions and consultations in causes of one and the same nature and condition, and upon the self-same suggestions: for example, in case of beating a clerk, the prohibition being granted upon this suggestion, that all pleas ‘ de vi et armis ’ belong to the crown, &c., notwithstanding a consultation doth thereupon ensue, yet the very next day after, if the like suggestion be made upon the beating of another clerk, even in the same court another prohibition is awarded. As also, where 570 prohibitions have been granted since the late queen’s time, into the court of Arches (as before is mentioned), and but 113 consultations afterwards upon so many of them obtained; yet it is evident by the said consultations, that in effect, all the rest of the said prohibitions ought not to have been awarded, as being grounded upon the same suggestions whereupon consultations have been formerly granted: and so it followeth, that the causes why consultations were not awarded upon the rest of the said prohibitions, were for that either the plaintiffs in the court ecclesiastical were driven, for saving of further charge, to compound, to their loss, with their adversaries, or were not able to sue for them; or being able, yet through strength of opposition against them, were constrained to desist; which is an argument to us, that the temporal judges do wittingly and willingly grant prohibitions, whereupon they know beforehand, that consultations are due: and if we mistake anything in the premises, we desire your lordships, that the judges, for the justification of their courses, may better inform us. Objection.

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Answer.

“It shall be good, the ecclesiastical judges do better inform themselves, and that they put some one or two particular cases to prove their suggestions, and thereupon they will find their own error; for the case may be so, that two several ministers suing in the ecclesiastical court for beating of them, in one and the self-same form, that the one may and ought to have a consultation, and the other not. And so it is, in cases of prohibitions, ‘de modo decimandi;’ and hereof groweth the oversight in making this objection. We assure ourselves, that they shall not find 570 prohibitions granted into the Arches since her late majesty’s death; for we find (if our clerks affirm truly upon their search) that out of the King’s Bench have been granted to all the ecclesiastical courts in England, but 251 prohibitions (as before is mentioned) from the beginning of his majesty’s reign, unto the end of Hilary term last; and out of the Common Pleas not 63. And therefore it cannot be true, that so many have passed to the Arches in that time, as is set down in the article; and this article in that point doth exceed that which is set down in the fourth article, by almost 500; and therefore, whosoever set this down, was much forgetful of that which was before set down in the fourth article, and might well have forborne to lay so great a scandal upon the judges, as to affirm it to be a witting and willing error in them, as is set down in this article.”

7. *New forms of Consultations not expressing the cause of the granting of them.*

Objection.

“Whereas, upon the granting of consultations, the judges in time past, did therein express and acknowledge the causes so remitted, to be of ecclesiastical cognizance, which were precedents and judgments for the better assurance of ecclesiastical judges, that they might afterwards hold plea in such cases and the like; and were also some bar, as well to the temporal judges themselves, as also to many troublesome and contentious persons, from either granting, or seeking prohibitions in such cases, when so it did appear unto them upon record, that consultations had been formerly granted in them; they the same temporal judges have now altered that course, and do only tell us, that they grant their consultations ‘certis de causis ipsos apud Westm. moventibus,’ not expressing the

same particularly, according to their ancient precedents. By EDWARD II. means whereof, the temporal judges leave themselves at liberty without prejudice, though they deny a consultation; at another time upon the same matter contentious persons are animated, finding no cause expressed, why they may not at another time seek for a prohibition in the same cause; and the ecclesiastical judges are left at large to think what they list; being no way instructed of the nature of the cause which procured the consultation; the reason of which alteration in such consultations, we humbly entreat your lordships, that the judges, for our better instruction, may be required to express.

“ If we find the declaration, upon the surmise upon which the prohibition is granted, not to warrant the surmise, then we forthwith grant a consultation in that form which is mentioned, and that matter being mentioned in the consultation would be very long and cumbersome, and give the ecclesiastical court little information to direct them in anything thereafter, and therefore in such cases, for brevity sake, it is usual: but when the matter is to be determined by demurrer in law, or trial, the consultation is in another form. And it is their ignorance in the Arches, that will not understand this, and we may not supply their defects by changing our forms of proceedings, wherein, if they would take the advice of any learned in the laws, they might soon receive satisfaction.” *Answer.*

8. *That Consultations may be obtained at less charge and difficulty.*

“ The great expenses and manifold difficulties in obtaining of consultations are become very burdensome to those that seek for them; for now-a-days, through the malice of the plaintiffs in the temporal courts, and the covetous humours of the clerks, prohibitions are so extended and enlarged, without any necessity of the matter, (some one prohibition containing more words and lines than forty prohibitions in ancient times,) as by means thereof, the party in the ecclesiastical court against whom the prohibition is granted, becomes either unwilling or unable to sue for a consultation, it being now usual and ordinary, that in the consultations must be recited ‘in eadem verba’ the whole tenour of the prohibition, be it never so long; for the which, (to omit divers other fees, which are very great,) *Objection.*

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he must pay for a draught of it in paper, eight pence the sheet, and for the entry of it, twelve pence the sheet. Furthermore, the prohibition is quick and speedy, for it is ordinarily granted out of court by any one of the judges in his chamber; whereas the consultation is very slowly and hardly obtained, not without (oftentimes) costly motions in open court, pleadings, demurrers, and sundry judicial hearings of both parties, and long attendance for the space of two or three, nay sometimes of eight or nine years, before it be obtained. The inconvenience of which proceedings is so intolerable, that we trust such as are to grant consultations will, by your lordships' means, not only do it expeditiously, and moderate the said fees; but also reform the length of the said consultations, according to the forms of consultations in the register.

Answer.

“It were fit the particular cause were set down, whereupon the general grievance, that is mentioned in this article, is grounded; and that done, it may have a full answer: for a prohibition is grounded upon the libel, and the consultation must agree therewith also; and therefore we doubt not, but the ground of this grievance, when it is well looked into, will grow from their own interlacing of much nugatory and unnecessary matter in their libels: and for the fees taken, we assure ourselves, none are taken, but such as are anciently due and accustomed; and it will appear, that we have abridged the fees and length of pleadings, and use no delays, but such as are of necessity; and we wish they will do the like, and upon examination it will appear on which side it grows, that the fees or delays are so intolerable. And where in ancient time, such as sued for tithes, would not sue but for things questionable, and never sought at their parishioners' hands their tithes in other kinds than anciently they had been used to have been paid; now, many turbulent ministers do infinitely vex their parishioners for such kinds of tithes as they never had, whereby many parishes have been much impoverished; and for example, we shall show one record, wherein the minister did demand seventeen several kinds of tithes, whereupon, the party suing a prohibition, had eight or nine of them adjudged against the minister upon demurrer in law, and others passed against him by trial, and this must of necessity grow to a matter of great charge; but where is the fault, but in the minister that gave occasion? And we will show one other record, wherein the

party confessed to some of us, that he was to sue his parishioner, but for a calf and a goose; and that his proctor nevertheless, put in the libel or demand of tithes, of seven or eight things more than he had cause to sue for: this enlarged the prohibition, and gave occasion of more expense than needed; and where is the fault of this, but in the ecclesiastical courts? And as in these, so can we prove in many others; and therefore we must retort the cause and ground of this grievance upon themselves, as more particularly may appear by the several precedents to be showed in this behalf.”

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9. *Prohibitions not to be granted upon frivolous suggestions.*

“ It is a prejudice and derision to both his majesty’s ecclesiastical and temporal jurisdictions, that many prohibitions are granted upon trifling and frivolous suggestions, altogether unworthy to proceed from the one, or to give any hindrance or interruption to the other: as upon a suit of tithes brought by a minister against his parishioner, a prohibition flieth out upon suggestion, that in regard of a special receipt, called a cup of buttered beer, made by the great skill of the said parishioner, to cure a grievous disease, called a cold, which sorely troubled the said minister, all his tithes were discharged. And likewise a woman being convented for adultery committed with one that suspiciously resorted to her house in the night-time, the suggestion of a prohibition in this case, was, that ‘omnia placita de nocturnis ambulationibus’ belong to the king, &c. Also where a legatary sued for his legacy given in a will, the prohibition was, ‘quia omnia placita de donis et concessionibus spectant ad forum regium, et non ad forum ecclesiasticum, dummodo non sint de testamento et matrimonio;’ as if a legacy were not ‘donatio de’ or ‘in testamento,’ with many other of like sort. The reformation of all which frivolous proceedings, so chargeable notwithstanding to many poor men, and the great hindrance of justice, we humbly refer to your lordships’ consideration.

Objection.

“ We grant none upon frivolous suggestions, but for the case put, it is ridiculous in the minister to make such a contract (if any such were); but that makes not the contract void, but discovereth the unworthiness of the party that made the same, and yet no fault in granting the prohibition; but when it shall

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appear unto us, such a matter is suggested by fraud of any clerk or counsellor at law, we will not remit such offences, but will exclude such attorney from the court, and such counsellors from their practice at the bar. And if they will suggest adultery to one, against whom they prove but night-walking, and do adjudge him for it, we are in such a case to prohibit their proceedings: for that is a matter merely pertinent to the temporal court; so if it appear he hath entered the house as a thief, or a burglar, and so in many other cases also. And if any surmise a legacy from the dead, where it was but a promise of payment in his life-time, in that case such a suit is to be prohibited: but if in these cases the parties were named, then we might see the record, and thereupon be directed to show upon what consideration these prohibitions were granted, otherwise, we shall think that these are cases newly invented.

10. *No Prohibition to be granted at his suit, who is plaintiff in the Spiritual Court.*

Objection.

“ We suppose it to be no warrantable nor reasonable course, that prohibitions are granted at the suit of the plaintiff in the ecclesiastical court, who having made choice thereof, and brought his adversary there into trial, doth by all intendment of law and reason, and by the usage of all other judicial places conclude himself in that behalf; and although he cannot be presumed to hope for help in any other court by way of prohibition, yet it is very usual for every such person, so proceeding only of mere malice for vexation of the party, and to the great delay and hindrance of justice, to find favour for the obtaining of prohibitions, sometimes after two or three sentences, thereby taking advantage (as he must plead) of his own wrong, and receiving aid from that court, which, by his own confession, he before did contemn; touching the equity whereof, we will expect the answer of the judges.

Answer.

“ None may pursue in the ecclesiastical court, for that which the king's courts ought to hold plea of, but upon information thereof given to the king's courts, either by the plaintiff, or by any mere stranger, they are to be prohibited, because they deal in that which appertaineth not to their jurisdiction, where if they would be careful not to hold plea of that which appertains not to them, this needed not: and if they will proceed in

the king's courts against such as pursue in the ecclesiastical courts for matters temporal, that is to be inflicted upon them, which the quality of their offence requireth; and how many sentences soever are given, yet prohibitions thereupon are not of favour, but of justice to be granted.

EDWARD
II.

11. *No Prohibition to be granted, but upon due consideration of the Libel.*

“ It is (we are persuaded) a great abuse, and one of the chief grounds of the most of the former abuses, and many other, that prohibitions are granted without sight of the libel in the ecclesiastical court; yea, sometimes before the libel be there exhibited, whereas by the laws and statutes of this realm, (as we think) the libel (being a brief declaration of the matter in debate between the plaintiff and defendant,) is appointed as the only rule and direction for the due granting of a prohibition, the reason whereof is evident, viz. upon diligent consideration of the libel, it will easily appear, whether the cause belong to the temporal or ecclesiastical cognizance, as on the other side, without sight of the libel, the prohibition must needs range and rove with strange and foreign suggestions at the will and pleasure of the deviser, nothing pertinent to the matter in demand: whereupon it comes to pass that when the judge ecclesiastical is handling a matter of simony, a prohibition is grounded upon a suggestion, that the court trieth ‘*placita de advocacionibus ecclesiarum et de jure patronatus.*’ And when the libel contains nothing but the demand of tithe wool, and lamb, the prohibition surmiseth a custom of paying of tithe pigeons; so that if it may be made a matter of conscience to grant prohibitions only, where they do rightly lie, or to preserve the jurisdiction ecclesiastical united to his majesty's crown, it cannot (we hope) but seem necessary to your lordships, that due consideration be first had of the libel in the ecclesiastical court, before any prohibition be granted.

Objection.

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“ Who has an advowson granted to him for money, being sued for simony, shall have a prohibition; and it is manifest, that though in the libel there appear no matter to grant a prohibition, yet, upon a collateral surmise, the prohibition is to be granted; as where one is sued in a spiritual court for tithes of ‘*silva cædua,*’ the party may suggest that they were

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gross or great trees, and have a prohibition, yet no such matter appears in the libel. So if one be sued there for violent hands laid on a minister by an officer, as a constable, he being sued there, may suggest that the plaintiff made an affray upon another, and he to preserve the peace, laid hands on him, and so have a prohibition. And so in very many other like cases, and yet upon the libel no matter appeareth why a prohibition should be granted; and they can never show that a custom to pay pigeons was allowed to discharge the payment of wool, lamb, or such like."

12. *No Prohibition to be granted, under pretence that one witness cannot be received in the Ecclesiastical Court, to ground a judgment upon.*

Objection.

"There is a new devised suggestion in the temporal courts commonly received and allowed, whereby they may, at their will and pleasure, draw any cause whatsoever from the ecclesiastical court: for example, many prohibitions have lately come forth upon this suggestion, that the laws ecclesiastical do require two witnesses, where the common law accepteth of one; and therefore it is 'contra legem terræ,' for the ecclesiastical judge to insist upon two witnesses to prove his cause; upon which suggestion, although many consultations have been granted (the same being no way as yet able to warrant and maintain a prohibition); yet because we are not sure, but that either by reason of the use of it, or of some future construction, it may have given to it more strength than is convenient, the same tending to the utter overthrow of all ecclesiastical jurisdiction, we most humbly desire, that by your lordships' good means, the same may be ordered to be no more used.

Answer.

"If the question be upon payment, or setting out of tithes, or upon the proof of a legacy, or marriage, or such like incidence, we are to leave it to the trial of their law, though the party have but one witness; but where the matter is not determinable in the ecclesiastical court, there lieth a prohibition either upon or without such a surmise."

13. *No good suggestion for a Prohibition that the Cause is neither testamentary nor matrimonial.*

“As the former device last mentioned endeavoureth to strike away at one blow the whole of the ecclesiastical jurisdiction, so there is another as usual, or rather more frequent, than the former, which is content to spare us two kinds of causes to deal in, viz., testamentary and matrimonial: and this device insulteth mightily in many prohibitions, commanding the ecclesiastical judge, that be the cause never so apparently of ecclesiastical cognizance, yet he shall surcease; for that is neither a cause testamentary nor matrimonial: which suggestion, as it grew at the first upon mistaking and omitting the words, ‘de bonis et catallis,’ &c. as may appear by divers ancient prohibitions in the register: so it will not be denied but that, besides those two, divers and sundry other causes are notoriously known to be of ecclesiastical cognizance, and that consultations are as usually awarded (if suit in that behalf be prosecuted), notwithstanding the said suggestion, as their prohibitions are easily granted; which, as an injury marching with the rest to wound poor men, protract suits, and prejudice the courts ecclesiastical, we desire that the judges will be pleased to redress.

“If they observe well the answer to the former objections, they may be thereby satisfied that we prohibit not so generally as they pretend, nor do in any wise deal further than we ought to do, to the prejudice of that which appertaineth to that jurisdiction; but when they will deal with matters of temporal contracts, coloured with pretended ecclesiastical matter, we ought to prohibit them with that form of prohibitions, mentioning, that it concerneth not matter of marriage, nor testamentary: and they shall not find that we have granted any, but by form warranted, both by the register and by law: and when suggestions, carrying matter sufficient, appear to us judicially to be untrue, and insufficient, we are as ready to grant consultations as prohibitions: and we may not alter the form of our prohibitions upon the conceits of ecclesiastical judges, and prohibitions granted in the form set down in the article, are of that form which by law they ought to be, and cannot be altered but by parliament.”

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14. *No Prohibition upon surmise only to be granted, either out of the King's Bench or Common Pless, but out of the Chancery only.*

Objection.

“ Amongst the causes whereby the ecclesiastical jurisdiction is oppressed, with multitude of prohibitions upon surmises only, this hath a chief place; in that through encroachment (as we suppose) there are so many several courts, and judges in them, that take upon them to grant the same, as in the King's Bench five, and in the Common Pleas as many, the one court oftentimes crossing the proceedings of the other, whereas we are persuaded, that all such kinds of prohibitions, being original writs, ought only to issue out of the Chancery, and neither out of the King's Bench nor Common Pleas. And that this hath been the ancient practice in that behalf, appeareth by some statutes of the realm, and sundry judgments of the common law; the renewing of which practice carrieth with it an apparent show of great benefit and conveniency, both to the Church and to the subject: for if the prohibitions were to issue only out of one court, and from one man of such integrity, judgment, sincerity and wisdom, as we are to imagine the lord chancellor of England to be endued with, it is not likely that he would ever be induced to prejudice and pester the ecclesiastical courts with so many needless prohibitions; or, after a consultation, to send out in one cause, and upon one and the same libel not altered, prohibition upon prohibition, his own act remaining upon record before him to the contrary. The further consideration whereof, when, upon the judges' answer thereunto, it shall be more thoroughly debated, we must refer to your lordships' honourable direction and wisdom.

Answer.

“ A strange presumption in the ecclesiastical judges, to require that the king's courts should not do that which by law they ought to do, and always have done, and which by oath they are bound to do! And if this shall be holden inconvenient, and they can in discharge of us obtain some act of parliament to take it from all other courts than the Chancery, they shall do unto us a great ease: but the law of the realm cannot be changed, but by parliament; and what relief or ease such an act may work to the subjects, wise men will soon

find out and discern: but by these articles thus dispersed abroad, there is a general unbecoming aspersion of that upon the judges, which ought to have been forborne.”

EDWARD
II.

15. *No Prohibition to be awarded under a false pretence, that the Ecclesiastical Judges would hold no plea for customs for Tithes.*

“ Amongst many devices, whereby the cognizance of causes of tithes is drawn from ecclesiastical judges, this is one of the chiefest, viz., concerning the trial of customs in payment of tithes, that it must be made in a temporal court; for upon a quirk and false suggestion in Edward IV.’s time, made by some sergeants, a conceit hath risen (which hath lately taken greater strength than before) that ecclesiastical judges will allow no plea of custom or prescription either ‘in non decimando,’ or ‘in modo decimandi;’ and thereupon, when contentious persons are sued in the ecclesiastical court for tithes, and do perceive, that upon good proof judgment will be given against them, even in their own pleas, sometimes for customs, do presently (knowing their own strength with jurors in the country) fly unto Westminster Hall, and there suggesting that they pleaded custom for themselves in the ecclesiastical courts, but could not be heard, do procure thence very readily a prohibition; and albeit the said suggestion be notoriously false, yet the party prohibited may not be permitted to traverse the same in the temporal court (directly contrary to a statute made in that behalf): neither may the judge prohibited proceed without danger of an attachment, though himself do certainly know, either that no such custom was ever alleged before him, or being alleged, that he did receive the same, and all manner of proofs offered thereupon: which course seemeth more strange unto us, because the ground thereof, laid in Edward IV.’s time, as aforesaid, was altogether untrue, and cannot with any sound reason be maintained: divers statutes and judgments at the common law do allow the ecclesiastical courts to hold plea of such customs; all our books and general learning do therewith concur, and the ecclesiastical courts, both then and ever since, even until this day, have, and still do admit the same, as both by our ancient and recent records it doth and may to any most manifestly appear. And, besides,

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there are some consultations to be shown in this very point, wherein the said surmise and suggestion, that the ecclesiastical judges will hear no plea of customs, is affirmed to be insufficient in law to maintain any such prohibition : and therefore we hope, that if we shall be able, notwithstanding anything the judges shall answer thereunto, to justify the premises, your lordships will be a means, that the abuses herein complained of, having so false a ground, may be amended.

Answer.

“The temporal courts have always granted prohibitions as well in cases ‘de modo decimandi,’ as in cases upon real compositions, either in discharge of tithes, or the manner of tithing ; for that ‘modus decimandi,’ had its original ground upon some composition in that kind made, and all prescriptions and compositions in those cases are to be tried at the common law, and the ecclesiastical courts ought to be prohibited, if in these cases they had plea of tithes in kind. But if they will sue in the ecclesiastical court ‘de modo decimandi,’ or according to composition, then we prohibit them not. And the cause why the ecclesiastical judges find fault herewith is, because many ministers have grown of late more troublesome to their parishioners than in times past, and thereby work unto these courts more commodity ; whereas, in former ages they were well contented to accept that which was used to be paid, and not to contend against any prescription or composition ; but now they grow so troublesome to their neighbours, as, were it not for the prohibition, (as may appear by the precedents before remembered) they would soon overthrow all prescriptions and compositions that are for tithes, which doth and would breed such a general garboil amongst the people, as were to be pitied, and not to be permitted. And where they say there be many statutes that take away these proceedings from the temporal courts, they are much deceived ; and if they look well unto it, they shall find even the same statutes (they pretend) to give way unto it. And it is strange they will affirm so great an untruth, as to say they are not permitted to traverse the suggestion in the temporal court ; for both the law and daily practice doth allow it.”

16. *The customs for Tithes are only to be tried in the Ecclesiastical Courts, and ought not to be drawn thence by Prohibitions.*

“ Although some indiscreet ecclesiastical judges, either in the time of king Edward IV., or Edward VI., might, against law, have refused in some one cause to admit a plea of custom of tithes, to the prejudice of some person whom he favoured, and might thereby peradventure have given occasion of some one prohibition, (but whether they did so or no, the suggestion of a lawyer for his fee is no good proof,) yet forasmuch as by three statutes made since that time, wherein it is ordained, viz., both that tithes should be truly paid, according to the custom, and the trial of such payments, according to custom upon any default or opposition, should be tried in the king’s ecclesiastical courts, and by the king’s ecclesiastical laws, and not otherwise, or before any other judges than ecclesiastical. We most humbly desire your lordships, that if according to the said laws we be most ready to hear any plea of customs, your lordships would be pleased that the judges may not be permitted hereafter to grant any prohibitions upon such false surmises, or if they shall answer, that we mistake the said statutes, that then the said three statutes may be thoroughly debated before your lordships, lest under pretence of a right, which they challenge to expound those kind of statutes, the truth may be overborne, and poor ministers still left unto country trials, there to justify the right of their tithe before unconscionable jurors in these cases. *Objection.*”

“ The answer to the former article may serve for this; and where the objection seemeth to impeach the trial at the common law by jurors, we hold, and shall be able to prove it to be a far better course for matter of fact upon the testimony of witnesses, sworn ‘viva voce,’ than upon the conscience of any one particular man, being guided by paper proofs, and we never heard it excepted unto heretofore, that any statute should be expounded by any other than the judges of the land; neither was there ever any so much mistaken, as to oppose himself against the practice of all ages touching that question, or to lay any such unjust imputation upon the judges of the realm.” *Answer.*

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Objection.

17. *No Prohibition to be granted because the treble value of Tithes is sued for in the Ecclesiastical Court.*

“Whereas it appears plainly by the tenor of the statute of Edward VI. cap. 13, that judges ecclesiastical, and none other, are to hear and determine all suits of tithes, and other duties for the same, which are given by the said act, and that nothing else is added to former laws by that statute, but only certain penalties; for example, one of treble value; forasmuch as the said penalty, being only devised as a means to work the better payment of tithes, and because there are no words used in the said statute to give jurisdiction to any temporal court, we hold it most apparent, that the said penalty of treble value, being a duty given in the said statute for non-payment of tithes, cannot be demanded in the temporal court, but only before the ecclesiastical judges, according to the express words of the said statute: and the rather, we are so persuaded, because it is most agreeable to all laws and reason, that where the principal cause is to be decided, there all things incident and accessory are to be determined. Besides, it was the practice of all ecclesiastical courts in this realm, immediately after the making of the said statute, and hath continued so ever since, to award treble damages (when there hath been cause) without any opposition, until about ten years past, when, or about which time, notwithstanding the premises, the temporal judges began to hold pleas of treble value, and do now account it so proper and peculiar to their jurisdictions, as by colour thereof they admit suits originally for the said penalty, and do make thereby (very absurdly) the penalty of treble value to be principal, which is indeed but the accessory; and the cognizance of tithes to be but the accessory, which in all due construction is most evident to be the principal, thereby wholly perverting the true drift and meaning of that statute, whereupon if in the spiritual court the treble value be now demanded by the libel as a duty, according to that statute, or that sentence be awarded directly and sincerely upon the said libel, presently, as contentious persons are disposed, a prohibition is granted, and some sharp words are farther used, as if the ecclesiastical judges were in some farther danger for holding of these kind of pleas: and therefore we most humbly desire, that if the

judges shall insist in their answers upon such their straining of the said statute, your lordships will be pleased to hear the same farther debated by us with them. EDWARD
II.

“ If they observe well the statute, they shall find, that the ecclesiastical court is, by that statute, to hold plea of no more than that which is specially thereby limited for them to hold plea of; and the temporal court not restrained thereby, to hold plea of that which is not limited unto the ecclesiastical court by that act, and of that they had jurisdiction of before: and the forfeiture of double value is expressly limited to be recovered before the ecclesiastical judges; but where a forfeiture is given by an act generally not limiting where to be recovered, it is to be recovered in the king’s temporal courts, and the cause why it is so divided seemeth to be for that, where, by that act, temporal men were to sue for their tithes in the ecclesiastical court, where it was then presumed they were to have no great favour: therefore the party grieved might (if he would) pursue for the forfeiture of the treble value in the temporal court, where he was to recover no tithes; but if he would sue where he might also recover the tithes, then he would pursue for the double value: for that is specially appointed to be recovered in the ecclesiastical court. but not the treble value. And although they allege that they sometimes used to maintain suit for the treble value, yet as soon as that was complained of to the king’s courts, they gave remedy unto it as appertained.” Answer.

18. *No Prohibition to be awarded, where the person is stopped from carrying away of his Tithes by him that sets them forth.*

“ As the said statute of Edward VI. last mentioned, assigneth a penalty of treble value, if a man, upon pretence of custom, which cannot be justified, shall take away his corn before he hath set out his tithes; so also in the statute it is provided, that if any man having set out his tithes, shall not afterwards suffer the parson to carry them away, &c. he shall pay the double value thereof so carried away, the same to be recovered in the ecclesiastical court. Howbeit the clearness of the statute in this point is evident, notwithstanding means are found to draw this cause also from the ecclesiastical court; for such as of hatred towards their ministers are disposed to vex them Objection.

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with suits at the common law (where they find more favour to maintain their wrangling, than they can hope for in the ecclesiastical court) will not fail to set out their tithes before witnesses, but not with any meaning or intent that the parson shall ever carry them away; for presently thereupon they will cause their own servants to load them away to their own barns, and leave the parson as he can to seek his remedy; which if he do attempt in the ecclesiastical court, out comes a prohibition, suggesting, that upon severance and setting forth of the tenth part from the nine, the same tenths were presently by law in the parson's possession, and being thereupon become a lay-chattel, must be recovered by an action of trespass at the common law, whereas the whole pretence is grounded upon a mere perverting of the statute, which doth both ordain, that all tithes shall be set forth truly and justly without fraud or guile; and that also the parson shall not be stopped or hindered from carrying them away, neither of which conditions are observed when the farmer doth set them forth, meaning to carry them away himself (for that is the fraudulent setting of them out); and, also, when accordingly he taketh them away to his own use; for thereby he stoppeth the parson from carrying them away; and, consequently, the penalty of this offence is to be recovered in the said ecclesiastical courts, according to the words of the said statute, and not in any court temporal: wherefore we most humbly desire your lordships, that either the judges may make it apparent to your lordships, that we mistake this statute in this point, or that our ecclesiastical courts may ever hereafter be freed from such kinds of prohibitions.

Answer.

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“For the matter of this article it is answered before, and where the truth of the case is, that he that ought to pay predial tithes, doth not divide out his tithes, or doth in any wise interrupt the parson or his deputy, to see the dividing or setting of them out; that appearing unto us judicially, we maintain no prohibition upon any suit there for the double value, but if after the tithes severed, the parson will sell the tithes to the party that divided them, upon the surmise thereof, we do, and ought to grant a prohibition: but if that surmise do prove untrue, we do as readily grant a consultation, and the party seeking the same is, according to the statute, to have his double costs and damages.”

19. *No Prohibition to be granted upon any incident plea in an Ecclesiastical Cause.*

“ We conceive it to be a great injury to his majesty’s ecclesiastical jurisdiction, that prohibitions are awarded to his ecclesiastical courts upon every argument, incident plea, or matter alleged there in bar, or by way of exception, the principal cause being undoubtedly of ecclesiastical cognizance: for example, in suit for tithes in kind, if the limits of the parish, agreements, compositions, and arbitrations, as also whether the minister that sueth as parson, be indeed parson or vicar, do come in debate by way of bar, although the same particulars were of temporal cognizance (as some of them, we may boldly say, are not) yet they were in this case examinable in the ecclesiastical court, because they are matters incident, which come not in that case finally to be sentenced and determined, but are used as a means and furtherance for the decision of the main matter in question. And so the case stands in other such incident pleas by way of bar: for otherwise either party in every cause might at his pleasure, by pleading some matter temporal by way of exception, make any cause ecclesiastical whatsoever, subject to a prohibition, which is contrary to the reason of the common law, and sundry judgments thereupon given, as we hope the judges themselves will acknowledge, and thereupon yield to have such prohibitions hereafter restrained. *Objection*”

“ Matters incident that fall out to be merely temporal, are to be dealt withal in the temporal, and not in the ecclesiastical court, as is before particularly set down in the eleventh article.” *Answer.*

20. *That no temporal Judges, under colour of authority to interpret Statutes, ought, in favour of their Prohibitions, to make Causes Ecclesiastical to be of Temporal Cognizance.*

“ Although of late days it hath been strongly held by some that the interpretation of all statutes whatsoever doth belong to the judges temporal, yet we suppose, by certain evil effects, that this opinion is to be bounded within certain limits; for the strong conceit of it hath already brought forth this fruit, that even those very statutes which do concern matters merely *Objection.*”

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ecclesiastical, and were made on purpose with great caution, to preserve, enlarge, and strengthen the jurisdiction ecclesiastical, have been by colour thereof turned to the restraining, weakening, and utter overthrow of the same, contrary to the true intent and meaning of the said statutes: as for example (besides the strange interpretation of the statutes before mentioned, for the payment of tithes) when parties have been sued in the ecclesiastical courts, in case of an incestuous marriage, a prohibition has been awarded, suggesting, under pretence of a statute in the time of king Henry VIII., that it appertaineth to the temporal courts, and not to the ecclesiastical, to determine what marriages are lawful, and what are incestuous, by the Word of God. As also a minister, being upon point of deprivation for his insufficiency in the ecclesiastical court, a prohibition was granted, upon suggestion; that pleas of the fitness, learning, and sufficiency of ministers belong only unto the king's temporal courts, relying, as we suppose, upon the statute or 13 Eliz.: by which kind of interpretation of statutes, if the naming, disposing, or ordering of causes ecclesiastical in a statute shall make the same to be of temporal cognizance, and so abolish the jurisdiction of the ecclesiastical court, without any further circumstances, or express words to warrant the same, it followeth, that forasmuch as the common book and articles of religion are established and confirmed by several acts of parliament, the temporal judges may challenge to themselves an authority to end and determine all causes of faith and religion, and to send out their prohibitions, if any ecclesiastical judge shall deal or proceed in any of them: which conceit, how absurd it is, needeth no proof, and teacheth us, that when matters merely ecclesiastical are comprised in any statute, it doth not therefore follow, that the interpretation of the said matters doth belong to the temporal judges, who by their profession, and as they are judges, are not acquainted with that kind of learning: hereunto, when we shall receive the answer of the judges, we shall be ready to justify every part of this article.

Answer.

“ If any such have slipped, as is set down in this article, without other circumstances to maintain it, we make no doubt, but when that appeared to the king's temporal court, it hath been presently remitted; and yet there be cases, that we may deal both with marriages, and matters of deprivation, as where

they will call the marriage in question after the death of any of the parties, the marriage may not then be called in question, because it is to bastardise and disinherit the issues, who cannot so well defend the marriage, as the parties both living themselves might have done; and so is it, if they will deprive a minister not for matter appertaining to the ecclesiastical cognizance, but for that which doth merely belong to the cognizance of the king's temporal courts. And for the judges expounding of statutes that concern the ecclesiastical government or proceedings, it belongeth unto the temporal judges; and we think they have been expounded as much to their advantage, as either the letter or intention of laws would or could allow of. And when they have been expounded to their liking, then they could approve of it; but if the exposition be not for their purpose, then will they say, as now they do, that it appertaineth not unto us to determine of them.”

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II.

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21. *That Persons imprisoned upon the Writ of “de Excommunicato Capiendo” are unduly delivered, and Prohibitions unduly awarded for their greater security.*

“ Forasmuch as imprisonment upon the writ of ‘ excommunicato capiendo ’ is the chiefest temporal strength of ecclesiastical jurisdiction, and that by the laws of the realm none so committed for their contempt in matters of ecclesiastical cognizance, ought to be delivered until the ecclesiastical courts were satisfied, or caution given in that behalf, we would gladly be resolved by what authority the temporal judges do cause the sheriffs to bring the said parties into their courts, and by their own discretions set them at liberty, without notice thereof first given to the ecclesiastical judges, or any satisfaction made either to the parties at whose suit he was imprisoned, or the ecclesiastical court, where certain lawful fees are due: and after all this, why do they likewise send out their prohibitions to the said court, commanding, that all censures against the said parties shall be remitted, and that they be no more proceeded with for the same causes in those courts. Of this our desire, we hope your lordships do see sufficient cause, and will therefore procure us from the judges some reasonable answer.

“ We affirm, if the party excommunicate be imprisoned, we

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ought upon complaint to send the king's writ for the body and the cause, and if in the return, no cause, or no sufficient cause appear, then we do (as we ought) set him at liberty; otherwise, if upon removing the body, the matter appear to be of ecclesiastical cognizance, then we remit him again; and this we ought to do in both cases; for the temporal courts must always have an eye, that the ecclesiastical jurisdiction usurp not upon the temporal."

22. *The King's authority in Ecclesiastical Causes is greatly impugned by Prohibitions.*

Objection.

"We are not a little perplexed touching the authority of his majesty in causes ecclesiastical, in that we find the same to be so impeached by prohibitions, that it is in effect thereby almost extinguished; for it seemeth, that the innovating humour is grown so rank, and that some of the temporal judges are come to be of opinion, that the commissioners appointed by his majesty for his causes ecclesiastical (having committed unto them the execution of all ecclesiastical jurisdiction annexed to his majesty's imperial crown, by virtue of an act of parliament made in that behalf, and according to the tenour and effect of his majesty's letters patents, wherein they are authorised to imprison, and impose fines, as they shall see cause), cannot otherwise proceed, the said act and letters patents notwithstanding, than by ecclesiastical censures only: and thereupon of latter days, whereas certain lewd persons (two for example's sake) one for notorious adultery and other intolerable contempts, and another for abusing of a bishop of this kingdom with threatening speeches, and sundry railing terms (no way to be endured), were thereupon fined and imprisoned by the said commissioners, till they should enter into bonds to perform further orders of the said court; the one was delivered by an habeas corpus out of the King's Bench, and the other by a like writ out of the Common Pleas: and sundry other prohibitions have been likewise awarded to his majesty's said commissioners upon these suggestions, viz. that they had no authority either to fine or imprison any man; which innovating conceit being added to this that followeth, that the writ of 'de excommunicato capiendo' cannot lawfully be awarded upon any certificate or significavit made by the said commissioners, we find his

majesty's said supreme authority in causes ecclesiastical (so EDWARD II. largely amplified in sundry statutes) to be altogether destitute in effect of any means to uphold it, if the said proceedings by temporal judges shall be by them maintained and justified; and therefore we most humbly desire your lordships, that they may declare themselves herein, and be restrained hereafter (if there be cause found) from using the king's name in their prohibitions, to so great prejudice of his majesty's said authority, as in debating the same before your lordships will hereafter more fully appear.

"We do not, neither will we in any wise impugn the ecclesiastical authority in any thing that appertaineth unto it; but if any by the ecclesiastical authority commit any man to prison, upon complaint unto us that he is imprisoned without just cause, we are to send to have the body, and to be certified of the cause; and if they will not certify unto us the particular cause, but generally, without expressing any particular cause, whereby it may appear unto us to be a matter of the ecclesiastical cognizance, and his imprisonment be just, then we do and ought to deliver him: and this is their fault, and not ours. And although some of us have dealt with them to make some such particular certificate to us, whereby we may be able to judge upon it, as by law they ought to do, yet they will by no means do it; and therefore their error is the cause of this, and no fault in us; for if we see not a just cause of the party's imprisonment by them, then we ought, and are bound by oath to deliver him."

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23. *No Prohibition to be granted under pretence to reform the manner of proceedings by the Ecclesiastical Laws, in Causes confessed to be of Ecclesiastical Cognizance.*

"Notwithstanding that the ecclesiastical jurisdiction hath Objection. been much impeached heretofore through the multitude of prohibitions, yet the suggestions in them had some colour of justice, as pretending that the judges ecclesiastical dealt with temporal causes; but now, as it seemeth, they are subject to the same controlments, whether the cause they deal in be either ecclesiastical or temporal, in that prohibitions of late are wrested out of their own proper course, in the nature of a writ of error, or of an appeal. For, whereas the true and only use

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of a prohibition is to restrain the judges ecclesiastical from dealing in a matter of temporal cognizance, now prohibitions are awarded upon these surmises: viz. that the libel, the articles, the sentence, and the ecclesiastical court, according to the ecclesiastical laws, are grievous and insufficient, though the matter there dealt withal be merely ecclesiastical. And by colour of such prohibitions, the temporal judges do alter and change the decrees and sentences of the judges ecclesiastical, and do moderate the expenses taxed in the ecclesiastical courts, and do award consultations upon conditions: as, for example, that the plaintiff in the ecclesiastical court shall accept of the one half of the costs awarded, and that the register shall lose his fees; and that the said plaintiff shall be contented with the payment of his legacy, which was the principal sued for, and adjudged due unto him at such a day as they the said temporal judges shall appoint, or else the prohibition must stand. And also, where his majesty's commissioners, for causes ecclesiastical, have not been accustomed to give a copy of the articles to any party before he has answered them, and that the statute of Henry V., touching the delivering of the libel, was not only publicly adjudged in the King's Bench not to extend to the deliverance of articles where the party is proceeded by 'ex officio,' but likewise imparted to his majesty and afterwards divulged in the Star-chamber as a full resolution of the judges, yet, within four or five months after, a prohibition was awarded to the said commissioners out of the King's Bench, upon suggestion that the party ought to have a copy of the articles, being called in question 'ex officio' before he should answer them; and, notwithstanding that a motion was made in full court shortly after for a consultation, yet an order was entered that the prohibition should stand until the said party had a copy of the said articles given him: which novel and extraordinary courses do seem very strange unto us, and are contrary not only to the whole course of his majesty's laws ecclesiastical, but also to the very maxims and judgment of the common law and sundry statutes of this realm, as we shall be ready to justify before your lordships, if the judges shall endeavour to maintain these their proceedings.

Answer. "To this we say, that though, where parties are proceeded withal 'ex officio,' there needeth no libel, yet ought they to have the cause made known unto them, for which they are

called 'ex officio' before they be examined, to the end it may appear unto them, before their examination, whether the cause be of ecclesiastical cognizance, otherwise they ought not to examine them upon oath. And touching the rest of this article, they do utterly mistake it." EDWARD
II.

24. *That Temporal Judges are sworn to defend the Ecclesiastical Jurisdiction.*

"We may not omit to signify unto your lordships, that (as we take it) the temporal judges are not only bound by their ancient oath that they shall do nothing to the disherison of the crown, but also by a latter oath unto the king's supremacy,—wherein they do swear that to their power they will assist and defend all jurisdictions, privileges, pre-eminences, and authorities, united and annexed to the imperial crown of this realm, in which words the ecclesiastical jurisdiction is specially aimed at; so that whereas they do oftentimes insist upon their oath for doing of justice in temporal causes, and do seldom make mention of the second oath taken by them for the defence of the ecclesiastical jurisdiction, with the rights and immunities belonging to the Church; we think that they ought to weigh their said oaths better together, and not so far to extend the one as that it should in any sort prejudice the other: the due consideration whereof (which we most instantly desire) would put them in mind (any suggestion to the contrary notwithstanding) to be as careful not to do anything that may prejudice the lawful proceedings of the ecclesiastical judges in ecclesiastical causes, as they are circumspect not to suffer any impeachment or blemish of their own jurisdictions and proceedings in causes temporal." Objection.

"We are assured that none can justly charge any of us with violating our oaths; and it is a strange part to tax judges in this manner, and to lay so great an imputation upon us. And what scandal it will be to the justice of the realm to have so great levity and so foul an imputation laid upon the judges as is done in this is too manifest; and, we are assured, it cannot be shown that the like hath been done in any former age: and for less scandals than this, of the justice of the realm, divers have been severely punished." Answer.

REY-
NOLDS,
Abp. Cant.

25. *That Excommunication is as lawful as Prohibition, for the mutual preservation of both his Majesty's Supreme Jurisdictions.*

Objection.

“To conclude: whereas, for the better preserving of his majesty's two supreme jurisdictions before mentioned,—viz. the ecclesiastical and the temporal,—that the one might not usurp upon the other, two means heretofore have of ancient time been ordained,—that is to say, the censure of excommunication, and the writ of prohibition: the one to restrain the encroachment of the temporal jurisdiction upon the ecclesiastical; the other of the ecclesiastical upon the temporal: we most humbly desire your lordships, that by your means the judges may be induced to resolve us, why excommunications may not as freely be put in use for the preservation of the jurisdiction ecclesiastical, as prohibitions are under pretence to defend the temporal; especially against such contentious persons as do wittingly and willingly, upon false and frivolous suggestions, to the delay of justice, vexation of the subjects, and great scandal of ecclesiastical jurisdictions, daily procure, without fear either of God or men, such undue prohibitions as we have heretofore mentioned.

Answer.

“The excommunication cannot be gainsaid, neither may the prohibition be denied, upon the surmise made, that the matter pursued in the ecclesiastical court is of temporal cognizance; but as soon as that shall appear unto us judicially to be false, we grant the consultation.

“For the better satisfaction of his majesty and your lordships, touching the objections delivered against prohibitions, we have thought good to set down (as may be perceived by that which hath been said) the ordinary proceeding in his majesty's courts therein; whereby it may appear both what the judges do, and ought to do, in those causes: and the ecclesiastical judges may do well to consider what issue the course they herein hold can have in the end. And they shall find it can be no other but to cast a scandal upon the justice of the realm: for the judges doing but what they ought—and, by their oaths, are bound—to do, it is not to be called in question; and if it so fall out that they err in judgment, it cannot otherwise be reformed, but judicially in a superior court, or by parliament.”

Thus I have represented the pleadings on both sides, and shall leave them with the reader. As for sir Edward Coke's inference, I take it to be somewhat mysterious. He seems to lay the stress and decision of the case upon the unanimous resolution of the judges, and affirms it the highest authority in law next to the court of parliament. The opinion of the reverend judges is, without doubt, of great authority, where they are authorised to pronounce, and the matter comes regularly before them; but this seems, by no means, the case in hand. Here is a contest between the ecclesiastical and temporal judges, between two inferior courts, about privilege and jurisdiction: I say two inferior courts, for that there was a court superior the judges themselves acknowledge in their answer. They mean, without question, the House of Lords, which is the supreme court for determining property. Now, jurisdiction falls under the notion of 'meum' and 'tuum,' and is a branch of property. To proceed: it is granted a supreme court must be judge of its own privilege, because there is no higher authority to appeal to; but, in subordinate courts, it is both against the methods of law and the principles of justice, to make a man judge in his own cause: 'Nemo debet esse judex in propria causa,' is a maxim in our law. The constitution supposes the judges liable to the common temptations incident to mankind; and that it is possible for them to be swayed by the motives of self-love, interest, and partiality. It is upon this view a justice of peace is not permitted to punish an offence against himself; and for this reason a judge is barred from holding an assize in the county where he dwells or was born. Thus, all judges or other ministers of justice are disabled from having an estate conveyed to them during the time any suit concerning the premises shall be depending in the king's courts. And does not this reasoning affect the case? and are not these provisions perfectly applicable to the business in hand? Does not the archbishop address the privy council, in order to prepare the matter for the cognizance of a superior court? Is not here a complaint of encroachment against the temporal courts? Are they not charged with overstraining their authority to the prejudice of the court Christian? So that, in the case before us, the reverend judges are, as it were, taken from the bench and set to plead at the bar. They are not called so much to deliver their opinion, as to maintain their practice. As to this instance, they seem

EDWARD
II.Id. fo l. 618.
Ibid.Manley's
Interpreter,
in the word
judge.8 Rich. 2.
2. 33 H. 8.
24.West. 1.
c. 29. Coke's
Institut.
part 2.
fol. 217.

REY-
NOLDS,
Abp. Cant.

523.

sunk to the circumstances of a defendant, and are no more than parties in the dispute: their business is only to answer the charge and justify their conduct. As for the decision of the point, that is supposed, by the case, to be referred to a higher authority.

From whence it will follow, that the resolution of the reverend judges can have no more weight than the force of their reasonings will amount to: the strength of their character must be set aside at present; and in a word, it is proof, and not authority, from either party which must rule the point, and we are only to be governed by the intrinsic merit of the argument.

The statute called "Articuli Cleri."

Having now, by sir Edward Coke's direction, mentioned the articles exhibited by archbishop Bancroft, I shall proceed to the recital of the statute. And here, in regard the first four chapters are much the same with what had been formerly enacted in the statute of "circumspecte agatis," I shall pass them over.

No prohibition where tithes is granted for a new mill.

The fifth chapter stands thus: "If any do erect in his ground a new mill, and after the parson of the same place demands tithes for the same, the king's prohibition doth issue in this form; 'Quia de tali molendino hactenus decimæ non fuerunt solutæ, prohibemus, &c. Et sententiam excommunicationis, siquam hac occasione promulgaveritis, revocetis omnino.'"

The Answer. "In such case, the king's prohibition was never granted by the king's assent, nor never shall, it being decreed that it shall not hereafter lie in such cases."

By the way, this bill was drawn up in the form of a petition by the clergy: and that which is called the answer in every chapter, is the king's answer to their petition, and shews how far their bill was granted. Having remarked this, I shall proceed to the sixth chapter.

CHAPTER VI.

Where a suit may be commenced both in a spiritual and temporal court.

"Also, if any cause or matter, the knowledge whereof belongs to a court spiritual, and shall be definitely determined before a spiritual judge, and doth pass into a judgment, and

shall not be suspended by an appeal; and after, if upon the same thing, a question is moved before a temporal judge between the same parties, and it be proved by witness or instruments: such an exception is not to be admitted in a temporal court.”

EDWARD
II.

The Answer. “When any one case is debated before judges spiritual or temporal, as above appeareth (upon the case of laying violent hands on a clerk); it is thought, that notwithstanding the spiritual judgment, the king’s courts shall discuss the same matter as the party shall think expedient for himself.”

CHAPTER VII.

“Also the king’s letter directed unto ordinaries, that have wrapt those that be in subjection unto them in the sentence of excommunication, that they should assoil them by a certain day, or else that they do appear, and shew wherefore they have excommunicated them.”

In what only case the king’s letter shall be sent to discharge an excommunicate.

The Answer. “The king decreeth, that hereafter no such letters shall be suffered to go forth, but in case where it is found that the king’s liberty is prejudiced by the excommunication.”

CHAPTER VIII.

“Also barons of the king’s exchequer, claiming by their privilege, that they ought to make answer to no complainant out of the same place; extend the same privilege unto clerks abiding there, called to orders, or unto residence, and inhibit ordinaries that by no means or for any cause (so long as they be in the exchequer, or in the king’s service), they shall not call them to judgment.”

Clerks in the king’s service shall be discharged of their residence, but shall be corrected by the ordinary.

The Answer. “It pleaseth our lord the king, that such clerks as attend in his service, if they offend, shall be corrected by their ordinaries, like as other; but so long as they are occupied about the exchequer, they shall not be bound to keep residence in their churches. This is added anew by the king’s council. The king and his ancestors, since time out of mind, have used that clerks which are employed in his service, during such time as they are in service, shall not be compelled to keep residence at their benefices. And such things as

REY-
NOLDS,
Abp. Cant.

be thought necessary for the king and the commonwealth, ought not to be said to be prejudicial to the liberty of the church."

By the king's council in this chapter, sir Edward Coke observes, we are to understand the "commune concilium regni," or the parliament.

Coke's In-
stit. part 2.
fol. 624.

CHAPTER IX.

Distresses shall not be taken in the highways, nor in the ancient fees of the church.

"Also the king's officers, as sheriffs and other, do enter into the fees of the church to take distresses; and sometimes they take the parson's beasts in the king's highway, where they have nothing but the land belonging to the church."

The Answer. "The king's pleasure is, that from henceforth, such distresses shall neither be taken in the king's highway, nor in the fees wherewith churches in times past have been endowed; nevertheless he willet distresses to be taken in possessions of the church newly purchased by ecclesiastical persons."

524.

CHAPTER X.

They that abjure the realm shall be in peace so long as they be in the church or highway.

"Also, where some flying unto the church, abjure the realm, according to the custom of the realm, and laymen or their enemies do pursue them, and pluck them from the king's highway, and they are hanged or beheaded, and whilst they be in the church, are kept in the churchyard with armed men; and sometime in the church so straightly, that they cannot depart from the hallowed ground to empty their belly, and cannot be suffered to have necessaries brought unto them for their living."

The Answer. "They that abjure the realm, so long as they be in the common way, shall be in the king's peace, nor ought to be disturbed of any man; and when they be in the church, their keepers ought not to abide in the churchyard, except necessity or peril of escape do require so. And so long as they be in the church, they shall not be compelled to flee away, but they shall have necessaries for their living, and may go forth to empty their belly. And the king's pleasure is, that thieves or appellors (whensoever they will), may confess their offences unto priests, but let the confessors beware that they do not erroneously inform such appellors."

21 Jac. 1.
cap. 23.

Since the privilege of sanctuary was taken away by an act of parliament, made in the twenty-first of king James I., this chapter concerning abjuration is repealed by consequence.

EDWARD
II.

Coke's In-
stit. part 2.
fol. 629.

To go on with the statute : the eleventh chapter of which, relating only to religious houses or monasteries, I shall wave the recital.

CHAPTER XII.

“Also if any of the king’s tenure be called before their ordinaries where they continue ; if they be excommunicate for their manifest contumacy, and after forty days a writ goes out to take them, and they pretend their privilege that they ought not to be cited out of the town and parish where their dwelling is ; and so the king’s writ that went out for to take them is denied.”

A clerk ex-communicate may be taken out of the parish where he dwells.

The Answer. “It was never yet denied, nor shall be hereafter.”

CHAPTER XIII.

“Also it is desired, that spiritual persons, whom our lord the king doth present unto benefices of the church, (if the bishop will not admit them for lack of learning, or for other cause reasonable), may not be under the examination of laypersons in the cases aforesaid, as it is now attempted, contrary to the decrees canonical, but that they may sue unto a spiritual judge for remedy as right shall require.”

The examination of a parson presented to a benefice belongs to a spiritual judge.

The Answer. “Of the ability of a parson presented unto a benefice of the church, the examination belongeth to a spiritual judge ; and so it hath been used heretofore, and shall be hereafter.”

CHAPTER XIV.

“Also if any dignity be vacant, where election is to be made, it is moved that the electors may freely make their election, without fear of any power temporal, and that all prayers and oppressions shall in this behalf cease.”

There shall be free election of dignities of the Church.

The Answer. “They shall be made free according to the form of statutes and ordinances.”

This chapter enacted for securing the free elections into

REY-
NOLDS,
Abp. Cant.
W. 1. cap. 5.
Coke's In-
stit. part 2.
fol. 169. 632.

bishoprics and other church dignities is, as sir Edward Coke observes, only declaratory of former laws, and particularly an explanation of Westminster I., he calls it "an excellent law, and worthy to be put in execution." But, if he had pleased to have told us how the execution of this law is practicable, without incurring a premunire upon a later statute, (25 H. 8. cap. 20.) it would have been a remarkable discovery.

To proceed; the fifteenth chapter gives a clerk, taking sanctuary for felony, the privilege of not being compelled to abjure; but abjuration and sanctuary falling together, there is no need for transcribing this chapter.

CHAPTER XVI.

The privilege of the church being demanded by the ordinary, shall not be denied to a clerk that hath confessed felony.

"Also, notwithstanding that a confession made before him that is not lawful judge thereof, is not sufficient that process may be awarded, or sentence given; yet some temporal judges (though they have been instantly desired thereto), do not deliver to their ordinaries according to the premises, such clerks as confess before them their heinous offences, as theft, robbery, and murder; but admit their accusation which commonly they call an appeal, albeit to this respect they be not of their court, nor can be judged or condemned before them upon their own confession, without breaking of the church's privilege."

The Answer. "The privilege of the church being demanded in due form by the ordinary, shall not be denied unto the appealor as to a clerk: we, desiring to provide for the state of holy Church of England, and for the tranquillity and quiet of the prelates and clergy aforesaid, (as far forth as we may lawfully do) to the honour of God, and emendation of the Church, the clergy and prelates of the same, ratifying, confirming, and approving all and every of the articles aforesaid, with all and every of the answers made and contained in the same, do grant and command them to be kept firmly, and observed for ever, willing and granting for us and our heirs, that the foresaid prelates and clergy and their successors shall use, execute, and practise for ever the jurisdiction of the church in the premises, after the tenour of the answers aforesaid, without quarrel, inquieting, or vexation of our heirs, or any of our officers, whatsoever they be. T. R." &c.

525.
The Statute
Book,
Coke's In-
stit. part 2.
fol. 637.

To proceed; upon the vacancy of the see of Durham, by the death of Richard Kellow, the monks elected Henry Stamford, prior of Finchal, for their bishop, who set forward towards Avignon for his consecration. But before he reached that city, the pope, at the instance of the kings of England and France, bestowed the bishopric upon Lewis Beaumont, extracted from the house of France, and nearly related to Isabel, queen of England. The court of Rome, according to their customary encroachments, pretended to convey the temporal, as well as the spiritual jurisdiction. But the bishop was obliged to renounce this clause at his doing homage, and own his receiving the temporalities from the crown.

About this time the pope sent out an excommunication against Robert Bruce and his brother, for breaking their oath of homage to the king of England. The bull, directed to the archbishops of Dublin and Cashel, was probably not put in execution; for not long after, he proposed a truce between England and Scotland, and sent his nuncio to king Robert Bruce; but that prince declined treating with the nuncio, because his holiness did not salute him in the royal style. It seems the king of Scots was willing to take the advantage of the juncture, and rather come to extremities with the court of Rome, than prejudice his title, or lose an opportunity of success. For in another bull of the pope's, directed to his nuncios in Great Britain, he charges king Robert with surprising Berwick during the time of the cessation of arms, tearing the pope's letters, and plundering his nuncios: and for these outrages he orders him to be excommunicated forthwith.

This year, or the last, pope John XXII. published the seventh book of the decretals, and instituted the festival of Corpus Christi, first recommended by Urban IV.

Upon the death of Sandale, bishop of Winchester, the king recommended one Henry Burghash to the pope's favour: but his holiness preferred his legate Reginald de Asser to that see. The archbishop of Canterbury refusing to consecrate this elect, the bishop of London was so hardy as to perform that ceremony. However, this Reginald, or Rigand, was forced to renounce the clause in the pope's bull relating to the temporalities.

EDWARD
II.

A. D. 1317.

Conventio-
nes, Literæ,
&c. tom. 3.
p. 637.
*King Robert
Bruce ex-
communicated by the
pope.*

Id. p. 635.
662.

A. D. 1318.

Id. p. 707.
711.

Walsing-
ham, Hist.
Angl.

Antiq. Bri-
tan. p. 214.
Godwin in
Episc. Win-
ton.
Conventio-
nes, Literæ,
tom. 3.
p. 828.

REY-
NOLDS,
Abp. Cant.

A. D. 1320.

Brady's
Complete
Hist. of
Eng. in
Ed. 2. p. 128.
132.
*The state
embroided by
the barons'
disgust
against the
Spencers.*

*A provincial
synod at
London.*

Id. p. 134.
Sir Thomas
de la Moor,
in Vit. Ed. 2.
n. 50.
p. 595.

*The barons
defeated by
the king, and
the earl of
Lancaster
beheaded.*

Id. p. 596.

A. D. 1321.

Conventio-
nes, Literæ,
&c. tom. 3.
p. 909.

Godwin in
Episc.
Lincoln.

About this time, the barons were so displeased with the ministry of the Spencers, that they had recourse to illegal methods, and entered into an association. Hugh Spencer, the father, was earl of Winchester; and Hugh, the son, earl of Gloucester. The general charge against these two favourites was, that they would not suffer the king to do right to the great men; that by usurping undue power they overruled the law, and governed the king, his council, and his prelates, at their pleasure.

The barons, who came armed to Westminster, being too strong to be refused in their demands, there was an order of parliament for banishing the Spencers, and forfeiting their estates. But the next year, when the king was somewhat disentangled, Hugh Spencer the younger addressed his highness for the revocation of his banishment: the king ordered the earl to be committed, and sent his petition to the archbishop of Canterbury, and his provincial synod, to send him their opinion upon the case. The bishops declared the judgment of banishment and forfeiture awarded against the Spencers to be illegal, as being the effect of force, and given without the consent of the spiritual lords, and therefore they prayed it might be revoked; which, by the king's letters patent, was done accordingly.

The king was now persuaded by the Spencers to march against the barons, who had taken the field, and committed hostilities. They moved towards Scotland, in hopes of a reinforcement from that kingdom: but their measures were broken by some of the king's forces in the north; and being obliged to counter-march their troops, they were charged by the king at Borough-bridge, in Yorkshire. And here they lost the battle, and the earl of Lancaster, their general, was taken prisoner, and soon after executed for high treason.

Burghash, lately promoted to the see of Lincoln, was engaged in the barons' faction, and for this reason, as it is most probable, the king wrote to the pope, to deprive him; which not being done, the king resolved to give himself some satisfaction, and seized the revenues of the bishopric. But two or three years after he recovered the king's favour, and had his temporalities restored.

The prior and monks of Pontefract, who were in the interest of the mal-contents, pretended that miracles were wrought at the grave of the late earl of Lancaster, buried in their church. This report gained so much belief, that a great many people came to offer and pray at his tomb. The king, apprehending the ill-effects this story might have, ordered the church of the priory to be shut up. This delusion, it seems, spread notwithstanding: for at St. Paul's, in London, the earl of Lancaster's picture was hung up, and he was treated with the respect of a saint. The king, being informed of this dangerous superstition, wrote to the bishop and chapter, letting them know, he took it ill, they should misplace their regard in so scandalous a manner, and worship the memory of a rebel. That such misapplications of religious honour were a discredit to the Christian religion, had a plain tendency to poison the people, and might prove of pernicious consequence; that he was extremely troubled they should connive at so scandalous a practice. He commands them, therefore, upon their allegiance, not to suffer the people to come to the picture, nor to pray, offer, or show any other marks of religious worship before it.

EDWARD
II.
False reports spread concerning miracles wrought by the earl of Lancaster.
Brady's Complete Hist. from an old English chronicle in Corpus Christi College in Cambridge.
526.

The next year, about the quindenies of Easter, the king held a parliament at York. And here the process and award of banishment and confiscation against the Spencers was reversed in form. One reason assigned for the reversal was, that none of the bishops assented to the award, but entered their protestations in writing against it.

Claus. 16.
Ed. 2. M. 2.
Dors.
A. D. 1322.

To proceed: king Robert of Scotland, notwithstanding his rugged usage of the legates, was not willing to continue under the censure of the court of Rome. He therefore dispatched the bishop of Glasgow, and Randolph, earl of Murray, to Avignon, to prevail with the pope to take off the interdict and excommunication: but the English ambassador setting forth the injustice of the Scots, persuaded the pope to continue the censure till they had made satisfaction.

Claus. 15.
Ed. 2. M. 14.
Dors.

The pope refuses to take off the censure against the Scots till the English had satisfaction.

The next year, in Lent, the king summoned the lords and commons to London, to consult what answer was to be made to the king of France's demand of homage for Gascony. In this parliament, Adam de Orleton, bishop of Hereford, was prosecuted for high treason, before the king and the House of Lords. The articles charged upon him were, that he had held

Walsingham. Hist. Angl.
p. 117.

REY-
NOLDS,
Abp. Cant.

A. D. 1324.
*The bishop
of Hereford
impeached
for high
treason in
the House of
Lords,
refuses to be
tried there.*

correspondence with the king's enemies; appeared with the barons in the field, and given countenance and assistance to the rebellion. When the articles were read, the bishop had a great deal of hard language given him for his disloyalty, of which he seemed to take no notice: at last, addressing himself to the king, he made this defence. "Sir," says he, "with all due regard to your highness, I am an humble minister of the Church of God, and a consecrated bishop, though unworthy of that station: my character being thus, I neither can nor ought to answer to an impeachment of this high nature, without leave from my metropolitan, the lord archbishop of Canterbury, who, next to the pope, is my immediate judge. The connivance or express consent of the rest of my brethren, the bishops, is likewise requisite in this case."

Upon this answer, the archbishops, and all the bishops that were present, rising up, entreated the king's favour for the bishop of Hereford, and begged him to admit his excuse: and when they perceived the king too angry to be thus pacified, they insisted upon the bishop's being a clerk, and claimed the privilege of the Church. The king giving way to their importunity, delivered him to the custody of the archbishop of Canterbury, with a design, however, to call him to an account upon the articles above mentioned. In short, some few days after, the bishop was brought to his trial at the King's Bench bar. These proceedings being looked upon as a violation of the liberties of the Church, the archbishops of Canterbury, York, and Dublin came immediately, with their crosses erected, into the court, and carried off the bishop without giving him time to answer to the indictment.

Notwithstanding this rescue, the king, who was surprised at the hardness of the clergy, commanded the jury to bring in their verdict; who, either overawed by his highness, or out of disaffection to the bishop, or being satisfied with the evidence against him, found him guilty in every article of the charge. The king, making use of this advantage, seized his estate. As for himself, he was suffered to remain in the custody of the archbishop of Canterbury, who afterwards made his peace with the king. This Adam Orleton, as the author of *Antiquitates Britannicæ* observes, was the first bishop in England who was brought to a trial of this kind in the

Id. p. 119.

*He is afterwards
brought to
the King's
Bench, and
rescued by
the bishops.*

Id. p. 120.

temporal courts : but the bishop, as we have seen, refusing to take his trial in the House of Lords, the king was resolved to bring him under the cognizance of a common jury.

EDWARD
II.

Antiquit.
Brit. in
Walter
Reynolds,
p. 215.

This year the king wrote to the pope to procure his consent for the dissolving some of the lesser bishoprics in Ireland, and incorporating them into the metropolitanical sees, or at least to such as were better endowed, and fixed in more populous cities. And here, all those bishoprics which were not endowed with more than sixty pounds per annum, were to be sunk. This regulation was set on foot as a serviceable expedient for the Church and State of that kingdom. For by making the sees more considerable, and filling them with none but English prelates, which was part of the provision, it was thought, the occasion of disturbances would be taken off in a great measure, and the native Irish kept better in order. However, it does not certainly appear the pope closed with the proposal. But it seems there was something done either then or soon after ; for about six years afterwards, in the reign of king Edward III. the king, in a letter to the pope, takes notice, it was reported his holiness had annexed the see of Enagdun, and two other small bishoprics, to the archbishopric of Tuam ; and complains, that under pretence of this union, that metropolitan had usurped upon the prerogative royal, and the rights of the chapter of Enagdun, and therefore entreats his holiness to provide a remedy. The ground of the complaint was, the archbishop of Tuam's seizing the spiritual jurisdiction and temporalities, without taking any notice either of the king or the chapter of Enagdun.

Conventio-
nes, Literæ,
&c. tom. 4.
p. 54.

527.

This year last mentioned, the king wrote again to the pope, for a confirmation of pope Honorius IV.'s bull, by virtue of which the conventual church of Westminster was exempt from episcopal jurisdiction, and subjected immediately to the see of Rome. This privilege the king desired may be farther confirmed, in regard it was the chapel royal, and the usual place for the solemnities of the coronation.

Conventio-
nes, Literæ,
&c. tom. 4.
p. 418.

Id. p. 419.

About this time the crowns of England and France were not upon good terms. Charles the Fair, who was lately come to the government, sent his envoys to summon king Edward to come and do homage for the dukedom of Aquitaine and the earldom of Ponthieu. The king sent an embassy to excuse his absence, with which the king of France was not satisfied. The

*The queen
and prince
sent into
France
about a
treaty.*

REY-
NOLDS,
Abp. Cant.

king, not willing to come to a rupture, designed to take a voyage into France; but the earls of Winchester and Gloucester dissuaded him from that resolution. At last the king was prevailed on to resign his duchy of Guienne to the prince of Wales, and send him over with the queen to perform the homage, and give the king of France satisfaction. The queen, who thought herself ill used by the king and mortally hated by the Spencers, was glad of this employment: for, it seems, the bishops of Hereford and Lincoln had persuaded her to press the voyage, and given her a scheme to work her revenge. She was attended to France by Walter, bishop of Exeter, and several others of the nobility.

Sir Thomas
de la Moor,
Ed. 2. p. 597.

A. D. 1325.

When king Edward understood the queen had settled the public business, he sent her an order to return, not being easy that the prince should continue any longer in the French court. Besides, he was informed the queen countenanced the English mal-contents, then under banishment, and held no reputable correspondence with Roger Mortimer. This management dissatisfied the bishop of Exeter so far that he privately left the queen and came over into England. As for this princess, she resolved to take no notice of the king's summons, but, travelling into Flanders, agreed upon a marriage between the prince, her son, and Philippa, daughter to the earl of Hainault.

Id. p. 598.

A. D. 1326.
*The queen
lands with
an army.*

This earl furnished her with troops to execute her design in England; where she landed at Orwell, in Suffolk, upon the twenty-eighth of September. At her debarking she was joined by the earl marshal, the earl of Leicester, and several other barons and gentlemen. The bishops of Lincoln, Hereford, Dublin, and Ely, came over to her; the archbishop of Canterbury likewise, though he pretended to stand firm to the king, is said to have furnished her with money. And now, being reinforced to a considerable strength, she marched from St. Edmundsbury towards London. The king, being refused assistance by the Londoners, retired to Gloucester, having first proclaimed the queen's adherents traitors, and set a price upon the head of Mortimer. The queen, on the other side, put forth a declaration, promising protection to all persons excepting the two Spencers, Robert Baldock, the lord chancellor, and those who abetted their interest.

Walsing-
ham. Hist.
Angl.
p. 123.

Id. p. 124.

To proceed: the queen, informed of the king's retiring to Gloucester, marched after him. When her army lay at Oxford,

the bishop of Hereford, preaching before her and the prince, took his text out of 2 Kings iv. 19; "Doleo caput,"—"My head, my head!" From these words he raised a treasonable doctrine, and endeavoured to persuade the audience, that, since the head of the government was seized with an incurable distemper,—since proper applications had proved unserviceable,—the body ought not to be governed any longer by it. One thing, amongst others, which did the king great disservice and occasioned his ruin, was a false report, industriously spread, that the pope had absolved all the English from their allegiance, and threatened to excommunicate all those that should appear in arms against the queen. It was likewise given out, that the king of France would assist his sister with a formidable army.

EDWARD
II.

*The bishop
of Here-
ford's trea-
sonable
sermon.*

De la Moor,
p. 599.

Id. p. 598.

The queen's affairs being thus prosperous, the Londoners, who had a pique at the bishop of Exeter, went down in a tumultuous manner to his palace, and, not finding him at home, plundered the house. The bishop, who was governor of the city for the king, had ordered the mayor to shut the gates, and stand upon their defence, against the queen's forces. This order, it is likely, was unacceptable to the burghers; but, besides this, they had an old quarrel to the bishop: they were informed, that, when he was lord treasurer, he had advised the king to bring a "quo warranto" against the city, and seize their charter; and, though the proceedings were altogether legal, and they suffered for nothing but their own misbehaviour, they were resolved to have their revenge. The bishop, though forewarned of his danger, being a person of great courage, rode down into Cheapside, in hopes to disperse the mob; but rebellion and the old grudge, having too much the ascendant, they immediately assaulted him, and cut off his head: his brother sir Richard Stapleton, and several of his attendants, being murdered at the same time. This bishop was extracted from a noble family, and was a person of great learning and capacity. He was likewise a good minister of state, very remarkable for his loyalty and courage, and died a martyr to the constitution. He was a great benefactor to the university of Oxford, founded and endowed Exeter-college, and built Hart-hall. He likewise contributed considerably to the hospital of St. John's, at Exeter.

*The loyal
bishop of
Exeter mur-
dered.*

528.

*His bene-
factions.
Walsing-
ham, Hist.
Angl. p.124.
Godwin in
Episc. Exon.*

REY-
NOLDS,
Abp. Cant.

*The king is
deserted, and
retires into
Glamorgan-
shire.
Both the
Spencers
executed.*

To proceed : the king, being generally deserted, retired into Glamorganshire, and endeavoured to lie concealed in the abbey of Neath. And now, the queen, marching through the country without opposition, took Bristol by surrender, and executed Hugh Spencer, the father, without bringing him to his trial ; and, not long after, the son suffered, in the same arbitrary manner, at Hereford, where he was hanged upon a gibbet fifty feet high. Robert de Baldoek, the lord chancellor, a clergyman, after a great many indignities, was put into the hands of the bishop of Hereford, who confined him in the prison of his diocese, where he continued till the beginning of February. After which time the bishop brought him to his palace in London ; but the citizens immediately hauled him out of the bishop's custody, and carried him to Newgate, where they laid him in irons, and treated him with that barbarity that he died about three months after.

Walsing-
ham. Hist.
Angl.
p. 125.

While the queen was at Hereford, the great men declared the prince, regent, and took an oath of fidelity to him under that character. From this step they went on to change the ministry, and constitute new officers of state. And here, the bishop of Norwich was made lord chancellor, and the bishop of Winchester lord treasurer. Not long after, the king, being discovered and taken, was delivered into the custody of the earl of Lancaster, who conveyed him to his castle at Kenilworth.

A. D. 1327.
*The deposing
project con-
certed.*

The queen, who had now got over the difficulties of the enterprise, countermarched her forces, kept her Christmas at Wallingford, and came to London with the prince about the sixth of January. The burghers received her with great solemnity and signs of welcome. And now there was a pretended parliament summoned, where it was unanimously resolved to depose the king for mal-administration, and set up his eldest son prince Edward. This resolution was published in Westminster-hall, where the people seemed generally pleased with it. The archbishop of Canterbury and the rest of the prelates were likewise so far dipped in the rebellion, or overborne by the torrent, as to consent to the election. And that the revolt might want nothing of form or flourish, the archbishop made a sort of preaching speech to the people, taking these words, "Vox populi, vox Dei," for his subject.

And, in his discourse, he exhorted the audience to pray to God for his blessing upon the new prince. EDWARD
II.

When news was brought to the queen that her son was elected and her husband set aside, she seemed wonderfully surprised, and was almost disturbed to distraction; but whether this disorder was tenderness, conscience, or counterfeiting, is not easy to determine. The young prince, who was about fourteen years of age, was so affected with his mother's grief, that he swore he would never accept the crown against his father's inclination. To remove this rub, the convention despatched commissioners to the king, to persuade him to quit the government. Their proxies upon this occasion were the bishops of Winchester, Hereford, and Lincoln, two earls, two abbots, four barons, two knights for every county, and one burgess for each city and great town.

*Three
bishops sent
to the king
to persuade
him to re-
sign.*

The bishops, being likely to be most prevalent with the king, were ordered to set forward before the rest, to work upon his temper, and ripen the negotiation. These instructions were pursued; and the bishops of Winchester and Lincoln, and the earl of Lancaster (or Leicester, as sir Thomas de la Moor calls him), waiting privately upon the king, began to persuade him to give way to the public measures, and resign the crown to his eldest son; promising him, that the parting with the royal character would be no real disadvantage, nor make him be treated with any abatement of regard. They added, that the sacrificing his own grandeur to the repose and interest of the kingdom, would be looked on as a meritorious compliance by God Almighty; and that this was the only expedient to secure the public peace. On the other hand, they gave him to understand, that, unless he gave up the crown, the people would renounce their allegiance, and set aside his family.

This mixture of menacing and promise of good usage made an impression upon the king, and prevailed with him to be governed by the bishops' advice. In short, when the committee of the convention came up, the king owned himself sorry for his mismanagement, thanked the lords and commons for making choice of his son, and resigned the government in form. To give a colour to these proceedings, there were several articles of mal-administration publicly read; which, in regard they

*De la Moor
p. 600.*

Id. p. 601.

REY-
NOLDS,
Abp. Cant.

Apologia
Adæ Orlton
inter decem
Scriptor.
Col. 2765.
*Articles of
mal-admi-
nistration
drawn up
against him.*

529.

are said to have been drawn up by Stratford, bishop of Winchester, I shall just mention them.

“ In the first article they charge him with insufficiency for the administration; that he had abandoned himself to ill counsel, to the dishonour of his character, and the destruction of Church and State.

“ 2. In the second article he is charged with misspending his time in improper diversions, and neglecting the business of the government.

3. “ Thirdly, that for want of good management, he lost the kingdom of Scotland; and other territories and dominions, in Gascony and Ireland.

4. “ That by his pride and arbitrary humour he had destroyed holy Church, distressed several clergymen by imprisonment, and other instances of hard usage; and that he had imprisoned, banished, and executed several great men of the realm.

5. “ That he had broken his coronation oath, and took no care to do justice to his subjects.

6. “ That he had, as much as in him lay, endeavoured to ruin the kingdom, that he was altogether incorrigible, and that all these things were so notorious that they could not be denied.”

The sceptre being thus wrested out of the king's hands, his son prince Edward was proclaimed, and crowned at Westminster, by the archbishop of Canterbury, in the beginning of February.

About this time, the burghers of St. Edmundsbury concerted a riot against the abbot, and coming down in a body in the day-time, broke open the gates of the monastery, maltreated the monks, seized their evidences and charters, carried off their jewels and church furniture, and were so hardy as to keep them till the abbot and convent were forced to grant them their own terms.

This year, the Scots breaking the truce, made an irruption into England, and committed hostilities as far as the bishopric of Durham. The young king marched down against them, with an army much superior to theirs. But there happening a quarrel between the English and the Hainaulters, their auxiliaries; and the king's measures being betrayed to the enemy,

Ibid. et Col.
2766.

Walsing-
ham. Hist.
Angl.
p. 127.
*A riot of the
burghers at
St. Ed-
mundsbury.*

Ibid.

*The expedi-
tion against
the Scots
betrayed.*

Ibid.

the expedition was baffled, and the Scots recovered their country without loss.

EDWARD
III.

The English, before their marching off, had surrounded the Scotch army, and besieged them, as it were, in their camp at Stanhope Park. And here, the king was near being surprised; for James Douglas, with some few other Scottish officers, found an opportunity in the night to get undiscovered to the king's tent. But the king's chaplain being awake, drew his sword, defended his prince, made the attempt miscarry, and had the honour to lose his life in that service. As for Douglas, he was glad to retire, and make his way back, which was done not without difficulty.

Walsing-
ham. Hypo-
digm. Neu-
stræ, p. 509.

There being a design, as it was thought, to enlarge and restore the old king, he was taken out of the custody of the earl of Lancaster, and removed to Berkley Castle; and here his queen Isabel, the bishop of Hereford, and some others of the principal conspirators, not thinking themselves safe while the king was living, sent reprimanding letters to his keepers, blaming them for guarding him too negligently, and letting him live at such a rate of figure and expense. It was likewise pretty broadly hinted, that the making away with him would be no unacceptable service: to this villany, they were the more encouraged by a remarkable sentence in the bishop of Hereford's letter, "*Edvardum occidere nolite timere bonum est.*" This period, written with the ambiguity of an oracle, and inspired by the Delphian spirit, might, according to the different pointings, be construed as a warrant to assassinate the king, or as a dissuasive from so barbarous a practice. Gurney, and Maltravers, two gentlemen who had the king in custody, interpreting the bishop's letter to the worst and more natural sense, murdered the king in a most execrable manner, running a hot spit up his body, to prevent suspicions of violence.

The bishop
of Here-
ford's wicked
letter.

The old king
murdered.

These assassins being afterwards questioned for the murder, pleaded the order of queen Isabel and the bishop of Hereford. The bishop owned the letter, but pretended his meaning was horribly mistaken. And to give a better colour of innocence, the queen and the bishop got these men outlawed and banished. Gurney was afterwards seized at Marseilles, put aboard an English vessel, and beheaded at sea for fear of discovering those great men that set him at work. And as for Maltravers,

REY-
NOLDS,
Abp. Cant.
De la Moor,
p. 602, 603.

he put himself under discipline and penance, and lay concealed in Germany a long time.

Thus the unfortunate king Edward II. ended his life, in the three-and-fortieth year of his age, having reigned nineteen years and odd months. Oriel College, in Oxford, was founded by this prince.

This year, king Robert Bruce died, and was succeeded by his son David, a prince about eight years old. The marriage between king Edward III. and Philippa, daughter of the earl of Hainault, was solemnised this year.

*The king re-
signs his
claim to the
sovereignty
of Scotland.*
Walsing-
ham. Hist.
Angl.
p. 128.

At the parliament held at Northampton, there was a dishonourable peace made with the Scots. At this treaty, managed by the direction of the queen-mother, and Roger Mortimer, king David was contracted to Joan, king Edward's sister, both of them being children: king Edward was likewise prevailed with to abandon his claim of sovereignty to the kingdom of Scotland, to restore the Scots several instruments of their former homage, together with the famous record called Ragman's roll. This parliament, though placed by Walsingham to the year 1327, was held the next year, as appears by the

Id. Daniel,
p. 186.

Rot. Claus.
2. Ed. 3.
M. 31. Dors.

Tower records.

530.

*The death
and charac-
ter of arch-
bishop
Reynolds.*

Towards the latter end of this year, James Berkley was elected bishop of Exeter, and consecrated by the archbishop of Canterbury, upon the queen-mother's order. The pope, who had reserved this see to his own disposal, was highly displeased with the archbishop for his compliance. He wrote him a letter immediately upon this occasion, in which Reynolds was treated with such contempt, reproached, and threatened with so much satire and authority, that he sunk under the reprimand, and died soon after, having sat almost fourteen years. This prelate, though no great scholar, was valued for the obligingness of his behaviour, and his experience in business: and if the times had been undisturbed, he might have left a fair character behind him. But when he was put to the test, his irresolution was soon discovered. He seems to have had an inclination for honesty and honour, but wanted courage to maintain his conscience. This weakness frightened him out of his loyalty, and dragged him through all the lengths of the revolution. Thus virtue without fortitude is utterly impracticable, and it is impossible for a coward to be an honest man.

Antiquit.
Britan.
p. 216.

During the vacancy of the see of Canterbury, the jurisdiction devolved upon the prior and convent, who put it into the hands of Geoffrey Eton, a monk of their house. This disposition was, at first, contested by the bishop of London: for, by an ancient agreement between the convent and the bishops of the province, the monks of Christ's Church were to pitch upon two persons, and present them to the bishop of London, as dean of the province of Canterbury. One of these two being chosen by the bishop, the convent was obliged to make him their deputy: however, as it happened, Stephen, bishop of London, approved Eton above-mentioned. The jurisdiction of the convent, upon a vacancy, had been neglected for some time, but now the prior and this Eton, being active and knowing men, they retrieved it to the height of their former pretensions. To mention the branches of their authority; the person commissioned by them made inquiry into the sufficiency of clerks admitted to benefices, examined the rights of patronage, confirmed elections, granted letters of administration, received appeals, took care about the registering of wills, took an account of executors and administrators, and especially of those who were executors and administrators to bishops. Farther, the person thus commissioned by the prior and convent, undertook to visit, received procurations, held synods, and summoned the clergy to parliament upon the king's writ; exercised the discipline of the Church against contumacy; collated to the benefices belonging to vacant sees; demanded copes for the quire, and other perquisites, and instances of homage, from the bishops of the province. In short, he appointed guardians of the spiritualities in vacant sees, and exercised every part of archiepiscopal jurisdiction, excepting the consecration of bishops: for want of qualification in this particular, he sent his mandate to the bishop of London to perform that office. And when the solemnity was over, the new bishops received their instruments of consecration under the seal of the convent.

EDWARD
III.

The jurisdiction of the convent of Christ's Church during the vacancy of the see of Canterbury.

All this jurisdiction, the prior and convent of Christ's Church exercised upon a vacancy. But great part of this was no more than privilege "de facto." For to allow monks and priests a power of visitation, a superiority over the suffragans of the province, and other functions of a metropolitan, is a great encroachment upon the episcopal order, and unprecedented in the primitive Church. These lavish and indefensible favours

Antiquit. Britan. in Mepham. Conventiones, Littere, &c. tom. 4. p. 324. *This authority of the convent an encroachment upon the bishops.*

MEPHAM, were grants from the court of Rome: it being the common
Abp. Cant. practice of the popes in latter ages, to misplace the jurisdiction
of the Church, to dispose of the rights of other sees, and sink
the authority of the episcopal college.

The regalities of the bishopric of Durham owned by the king and parliament.

This year, Lewis, bishop of Durham, claimed the forfeitures of treason within the bishopric, as a privilege of his county palatine. These royalties were disputed by the king, and several traitors' estates seized by his officers. The bishop brings the matter into the House of Lords, where the case was argued, and judgment given for him. Upon this, the king directs his writ to Roger Mortimer, governor of Barnard Castle, orders him to return the forfeited estates to the bishop, owns the regalities of the county palatine, and that his highness's writs ought not to run within the bishopric.

Conventio- nes, Literæ, &c. tom. 4. p. 297. See Records, num. 46.

And thus, the succeeding bishops of Durham continued in the quiet enjoyment of these liberties royal, till the time of king Henry the Sixth, in the eleventh year of whose reign there was an attempt to wrest part of them from Thomas Langly, then bishop: upon which this prelate petitioned the parliament for remedy: "praying that a commission granted by the king to certain there named, who by virtue thereof sat, and inquired at Horton Pool, being within the county palatine, might be revoked:" whereupon sir William, earl knight, the king's attorney, argued in behalf of the crown, and endeavoured to prove that the said bishop ought to have no county palatine; on the other side, the bishop made out his title to the satisfaction of the lords, who thereupon gave judgment, that the said inquisitions, returned into the Chancery or elsewhere, should be void.

Cotton's Abridge- ment, fol. 609. Mepham elected arch- bishop of Canterbury.

531.

To proceed; soon after the death of Reynolds, the convent elected Simon Mepham, a Kentish man, and doctor of divinity, for their archbishop. This election was approved by the king; and by the interest of a good present, confirmed by the pope, who consecrated Mepham at Avignon. However, to do Mepham justice, the money was given not by him, but by the convent of Canterbury. And here we may observe, that Clement the fifth removed his court from Rome to Avignon, then in the dominion of Charles, king of Sicily. This was done in the year 1308, and here his successors continued for about seventy years.

Spondan. Annal. Con- tin. Baron. p. 368. He holds a provincial synod.

Archbishop Mepham, soon after his return into England, crowned the queen-consort Philippa at London, and held a provincial council. By this synod, Good Friday was made a

holyday, and all servile work forbidden: but then this constitution had a clause of indulgence for the poor, who were allowed to follow their business in the country. The Conception of the blessed Virgin was likewise made a festival, and in this, the synod seemed to have gone upon the precedent of archbishop Anselm. All monks, canons regular, anchorets and hermits, are prohibited taking confessions; and to conclude with the council, a canon, at a synod in Oxford, which admitted appeals only after a definitive sentence, is revoked as an unjust constitution. Before the bishops broke up, they excommunicated all those who were concerned in the murder of Stapleton, bishop of Exeter.

EDWARD
III.
A. D. 1328.

Spelm. Con-
cil. vol. 2.
p. 493, et
deinc.

About this time, Peter de Corbario, a minorite, set up against John XXII., assumed the papal title by the assistance of Lewis, duke of Bavaria, was received at Rome, and had a party in the conclave to support him. And now the two competitors thundered out their excommunications against each other: but upon the progress of the contest, the pope at Avignon having the greater interest, the other was forced to submit, renounce his claim, and retire with disgrace to his monastery.

A. D. 1329.
Spondan.
Contin.

The encroachments of the court of Rome, with reference to provisions, were now grown to a scandalous excess: for almost upon every vacancy the pope pretended to fill the see upon the score of these reservations. Thus the right of elections was overborne, and bishoprics sometimes bestowed upon ignorant and unqualified persons. The former popes managed this license with some temper, and were injurious, as one may say, within a limit. But, at last, that court grew altogether arbitrary and absolute, and overruled every thing as they thought fit; so that had they not received a check from the state, they would perfectly have mastered the English hierarchy, and had all the bishoprics at their disposal: how they were stopped in this career of ambition shall be afterwards related.

Annal.
Baron.
*The encroachments
of the court
of Rome
with respect
to provi-
sions.*
Adam. Mu-
timitensis
Antiquit.
Britan. in
Mcpnam.

About two years forward, Petrus Corbariensis, chorepiscopus, or suffragan to Stephen, bishop of London, departed this life: he was of the order of St. Francis, and a person of a most unexceptionable life. He supplied the place of several bishops of the province; for instance, he consecrated churches, gave orders, and performed all other functions of the episcopal office. I mention this to show the character of a chorepiscopus was full and entire; and to justify the giving Hodgkins, suffra-

MEPHAM, gan of Bedford, a share in the consecration of archbishop
 Abp. Cant. Parker.

Wharton.
 de Episc.
 Londinens.
 ex Murimu-
 thensi,
 p. 124.
 Antiquit.
 Britan. in
 Mepham.
 A. D. 1332.

The next year, archbishop Mepham held another provincial council at Magfield. The constitution relating to holydays is penned in the form of a letter from the archbishop to Robert, bishop of Salisbury. And here, the archbishop complains, that the institution of holydays which were particularly designed for the honour of God, were perverted to foreign and profane uses, made a convenience for trade and circumvention, and abused to luxury and licentiousness. That instead of fasting upon the vigils, frequenting the church, and keeping the festivals with sobriety and devotion, they ran out to all the excesses of riot, as if these days had given them a dispensation from conscience and regularity. To prevent these abuses, and bring up practice to duty and institution, the archbishop, with the advice of his suffragans, appoints a rubric of the principal holydays, together with the manner how they ought to be observed.

In the first place, the solemnity for Sunday is appointed to begin upon Saturday in the evening, and not before, to prevent the misconstruction of keeping a judaical Sabbath. The same rule is given for other holydays which have their vigils. This general order being premised, a catalogue of the chief festivals follows, according as they come up in the calendar, viz. the nativity of our Saviour (for then the year began), St. Stephen's, St. John's, Innocents, St. Thomas of Canterbury, the Circumcision, Epiphany, the Purification of the blessed Virgin, St. Matthias, the Annunciation of the blessed Virgin, Easter with the three following days, St. Mark the Evangelist, St. Philip and St. James, the Invention of the holy Cross, our Lord's Ascension, Whitsuntide with the three following days, St. John Baptist, St. Peter and St. Paul, the Translation of St. Thomas of Canterbury, (that is the pompous removal of his corpse from the place where it was first buried,) St. Mary Magdalen, St. James the Apostle, the Assumption of the blessed Virgin, St. Lawrence, St. Bartholomew, the Nativity of the blessed Virgin, the Exaltation of holy Cross, St. Matthew the Apostle, St. Michael, St. Luke the Evangelist, the apostles St. Simon and St. Jude, All Saints, St. Andrew, St. Nicholas, the Conception of the blessed Virgin, St. Thomas the Apostle. To which are added the anniversaries of the consecration of churches, and of the saints to whose memory they

A list of the principal holydays observed in England.

are dedicated. Upon these festivals the people are enjoined to forbear working; to come to church, to be present at all the parts of divine service, and joining the public devotions for the benefit of the quick and dead; and, in short, to spend the time in such a religious manner, that both themselves and others may be qualified for the mediation of those saints, in honour of whom the festivals are kept. As for other inferior holydays, the people are not forbidden to follow their employments, unless enjoined by their respective ordinaries. And here, St. George's Day was ranged under the privilege of the greater holydays, to which we may add that of St. Augustine the monk, which was observed in the Saxon times. The number of the great holydays was afterwards increased, as appears by the constitutions of archbishop Chicheley, where the festivals of St. David, St. Chad, and St. Winifred, are added to the rest: the first of which was kept upon the first of March; the second upon the second of that month, and the last upon the third of November.

Soon after this provincial council, archbishop Mepham began a metropolitcal visitation. He made his progress through the dioceses of Rochester, Chichester, Salisbury, and Bath and Wells, smoothly enough, but Grandison, bishop of Exeter, who had lately made application to the pope to delay the archbishop's visitation—this Grandison, I say, appeared on the frontiers with a body of men, and refused to admit him into the diocese: and had the archbishop been left to his liberty, it is possible the controversy might have been ended in a manner somewhat foreign to his character: but being recalled by the king, he was forced to drop the contest, and make a dishonourable retreat. Not long after this disappointment, he fell into a fever, and died at Magfield upon the twelfth of October, having sat five years and six months:

This year, Lewis Beaumont, bishop of Durham, departed this life. He was extracted, as has been observed, from the house of France: and though he was a prelate of no great learning, was very serviceable to the interest of the see, and recovered several manors and privileges of which his predecessor Beak had been disseized: for instance, he commenced a suit against the king for the forfeitures of treason within the bishopric. In this dispute, the verdict went for him, and the

EDWARD
III.

532.

Speln. Con-
cil. vol. 2.
p. 500. ex
Bibl. Cot-
ton. Lin-
wood, lib. 2.
tit. 3. de
Feriis,
p. 103.
*The death of
archbishop
Mepham.*

A. D. 1333.

STRAT-
FORD,
Abp. Cant.

Godwin in
Episc. Dun-
elmens.
Stratford
chosen
archbishop.

judges declared as their resolution, “quod episcopus Dunelmensis debet habere foris facturas guerrarum intra libertates sicut rex extra.”

When the king was informed of the death of archbishop Mepham, he recommended John Stratford to the pope for his successor. This Stratford was then bishop of Winchester, lord chancellor, and much in the king's favour. The pope, who designed to dispose of the bishopric of Winchester, complied with the king's motion. The convent of Christ's Church, perceiving the pope and the king resolved upon the same person, made a virtue of necessity, and chose Stratford for their archbishop. The pope, upon this promotion, translated Adam Orilton from Worcester to Winchester, at the instance of the king of France. But the king of England being dissatisfied with this bishop's conduct, had a caveat entered against him in the court of Rome, where he was charged upon the following articles.

First; that he ordered Robert Baldock, a clerk, and lord chancellor, to be seized and imprisoned in November, 1326. Secondly, that in the same month, he called king Edward II. a tyrant in his sermon at Oxford, and endeavoured to persuade his subjects to imprison and depose him. And lastly; that by the said bishop's advice, queen Isabel left the king her husband. The bishop, in his defence, alleged that the deposing of king Edward was an act of the kingdom, and that he did no more than concur with the public resolutions. The rest of his justification was managed much after the same shuffling and evasive manner. And beside all these misdemeanours, he had misbehaved himself in his late embassy to France, where he had, in some measure, betrayed his master's business, and discovered himself in the French king's interest. However, he was so successful as to baffle the prosecution, and recover the king's favour.

A. D. 1334.
Articles
charged
upon bishop
Orlton.

Apologia
Adæ Orlton
inter decem
Scriptor.
Col. 2764.
et deince.
Antiq. Britan.
in Stratford. p. 221.
Angl. Sacr.
parsl. p. 534.

A. D. 1335.

The Scots, who had been considerably defeated since this king's reign, entered into an alliance with France, who promised them to make war upon the English; king Edward, being informed of this conjunction, sent the bishop of Lincoln, at the head of a splendid embassy, into France. His instructions were, in case he found the court unmanageable, to go to Lewis of Bavaria, the emperor. The bishop, finding the king of France under a disinclination to treat fairly with king Ed-

ward, finished a confederacy with the emperor and the princes of Germany. The king receiving an account of this negociation, consulted archbishop Stratford about the prosecution of the war against France. The archbishop suggested, as it is said, that since king Philip had turned aggressor, renounced the friendship of England without provocation, and refused to treat upon reasonable terms, he thought it most advisable for his highness to set up a title to the crown of France. That this pretension was supported by indisputable pedigree and hereditary right, Isabel, king Edward's mother, being sister, and sole heiress to Charles, the late king of France. Whereas Philip de Valois, now in possession of that kingdom, was the son of king Charles's uncle, and by consequence, stood collaterally upon the royal line. That the insisting upon this claim would be well relished by his subjects, who would not fail to assist him upon such an occasion. That when he had levied a considerable force, and pitched upon good generals, his next step would be to send an embassy into France, to demand the crown, and declare war in case of refusal. And upon this, to transport his forces, and attack Philip de Valois without delay. That provided these measures were taken and executed, the archbishop offered to charge himself with the administration in the king's absence, and that neither money nor any necessary provisions for war should be wanting.

EDWARD
III.

The archbishop said to persuade the king to set up a claim to the crown of France.

533.

Antiq. Brit.
in Stratford.
p. 222.

This advice was very acceptable to this enterprising young prince. In short, an embassy was immediately sent into France, and war proclaimed. The pope, foreseeing the dispute would prove very bloody, sent two cardinals to the courts of England and France to dispose those princes to an accommodation. But the negotiation had no effect; however, they took care to enrich themselves, and levied a great sum upon the clergy of both nations, taking no less than twelve pence in the pound by way of procurations.

About this time, the king takes notice, in his letters patent, that his prerogative was overlooked by the chapter of Norwich: that this convent had elected a monk for their bishop without applying for leave to the crown, and that the elect was going to the pope for confirmation without taking any notice of the prerogative royal. In these letters-patent the king sets forth that the chapters were bound to move for the king's leave to

STRAT-
FORD,
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proceed to an election of a bishop; and that this branch of the prerogative was founded partly upon the grants of the apostolic see, and partly upon immemorial custom. And thus we see, the king derives part of the regale from the concessions of the see of Rome.

Conventio-
nes, Literæ,
&c. tom. 4.
p. 714.

The expedition for a descent upon France being now ready, the king summoned a parliament, in which the clergy granted him a tenth for three years. And now, being furnished with a sufficient supply, his highness embarked with his forces for Flanders, leaving the government of England wholly in the archbishop's hands.

*The king
complains to
the pope
against the
elect of
Norwich.*

This year the king wrote a remonstrating letter to pope Benedict XI. concerning the late election to the see of Norwich. His highness sets forth, "that his progenitors having endowed the cathedrals, had formerly nominated to them upon a vacancy by virtue of their prerogative. That afterwards, at the petition of the clergy, and out of regard to the then pope, the king of England granted the chapters the liberty of choosing their bishop, with this proviso, that upon the death or translation of any bishop, the chapter should be obliged to certify the king, and desire his leave to proceed to a new choice; and that after the election was over, they were to present the elect to the king for his approbation: that before this was done, the new bishop was not to enter upon any part of his function. That when the temporalities were restored, he was to take an oath of allegiance to answer the tenure. That though the duties, settled by this form, were agreed to, and confirmed by pope Innocent III., yet, upon the late vacancy of the see of Norwich, Anthony Beak being elected by the prior and convent, and presented to his highness for his consent, being informed that there were some disputable circumstances with reference both to the proceedings and the person, which required a farther examination, he waved the giving his consent, and assigned the elect a short day for his answer: notwithstanding this appointment, the elect, without expecting the term, or waiting the king's pleasure, went to Rome without leave, to fortify his title. This the king complains of as an affront to his highness, and very prejudicial to his prerogative, and desires his holiness not to give the least countenance to such illegal applications."

Rot. Romæ,
70.
Edward III.
Angl. Sacr.
part 1.
p. 414.

Notwithstanding this expostulation, it does not appear that the king had any satisfaction; for the pope settled Beak in the bishopric, where he continued till his death. EDWARD III.

The next year, William Sinclair, bishop of Dunkeld, departed this life. He was extracted from the family of Roslin, and uncle to William, Lord Bisset. King Robert Bruce had a great regard for this Sinclair, and used to call him his own bishop. To give the bishop his due, he had done the crown of Scotland great service. For when this king Robert went into Ireland to reinforce his brother Edward, the English took advantage of his absence, and attacked the kingdom with two armies, one by land and another by sea. The forces that were embarked landed in Fife, near Anchtetail, where the bishop resided. The sheriff of the county raised the militia with a design to stop their march, and prevent their depredations: but upon the sight of their numbers, grew dispirited, and retired. The bishop being informed the militia had quitted the field to the enemy, armed his servants and retinue, and throwing himself in the sheriff's way, reprimanded him sharply for his cowardice. Upon this he snatched up a pike, and called aloud to the troops, "You that love the honour of Scotland, follow me." This resolution of the bishop put new vigour into the Scots, made them rally upon the English, and drive them back to their fleet. And in this dispute the English lost above five hundred men. The honour of the victory was wholly attributed to the bishop's bravery; and the merit of this action was that which recommended him so much to the king's esteem.

This year, Stephen de Gravesend, bishop of London, died. He was consecrated by archbishop Reynolds, in January, 1319. This prelate was very firm to king Edward II., appeared boldly against the deposing ordinance, and refused to swear allegiance to the young king. He was very much insulted and harassed for his loyalty. Two years after the murder of the late king Edward, there was a report he was living, and kept in prison. Edmund, earl of Kent, William, archbishop of York, and this Stephen, bishop of London, were charged with a design to enlarge the late king, and restore him. The earl of Kent was beheaded upon this impeachment. The same matter was proved, or pretended to be so, upon the bishops, but their impeachment was discharged by act of parliament.

The death of Sinclair, bishop of Dunkeld.

His military courage.

Spotswood's Hist. of the Church of Scotland, book 2. p. 99. A. D. 1338. 534.

Bishop of London's loyalty. Wharton de Episc. Londinens.

Cotton's Abridgement of the Tower Records, p. 7.

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FORD,
Abp. Cant.

*A survey of
the glebe-
land.*

Fuller's
Church
Hist. 4.
p. 113.

*The king
enters upon
a war with
France, and
claims that
crown by the
archbishop's
advice.
Walsing-
ham, Hist.
Angl.*

About this time, for the better security of the revenues of the Church, there was a survey taken of all the glebe land, engrossed in parchment, and returned into the exchequer, where it still remains, and is a very useful record for clergymen and impropiators. However, as Mr. Fuller was informed by a clerk in that office, though some of the dioceses in this terrier were carefully done, and continue legible; yet others being not engrossed with good materials, are hardly to be read; the ink not lasting alike in all parts of the record.

Near this time, Robert Eglesfeild, bachelor in divinity, and chaplain to queen Philippa, founded and endowed Queen's College, in Oxford.

To proceed: king Edward, after an interview with the emperor at Cologne, where the confederacy was renewed, returned to Antwerp, and marched his army into France, quartered the fleur-de-lis, and put that kingdom among the rest of his titles: and when the pope wrote to him to desist, he justified his claim by descent, and proximity of blood. Though, by the way, king Edward did not claim the crown of France under his mother. He allowed the custom of France so far as to exclude a daughter; but then he insisted that the son of a daughter, not lying under the disadvantage of the female sex, ought not to be set aside, but preferred to others of the collateral line. However, the French, pretending to be governed by the strictness of the Salic law, opposed his title, and stood firm to Philip. And thus, having a potent nation to encounter, the war proved very expensive, insomuch, that in two or three years time the exchequer was quite exhausted. The expedition being in danger of receiving a check, the king put archbishop Stratford in mind of his promise. The archbishop seemed surprised so much treasure should have been spent in so short a time, and informed the king that his necessities proceeded from the prodigality of some of his courtiers, and that things had not been under a serviceable management.

Notwithstanding the king received no supply from the archbishop, the operations of the campaign were carried on with vigour, till the French king, being apprehensive the issue might prove fatal, prevailed with the pope to use his interest with the king and the archbishop, to put a stop to the war, and

Antiq. Brit.
in Stratford.

refer the controversy.

The archbishop, notwithstanding he is said to have advised the expedition, finding the taxes excessive, and the war sit heavy on the subject, and being somewhat overawed by the pope's interposing, changed his opinion, as it is said, and moved for a peace. For this inconstancy he was much blamed by the king and the nobility: and it was generally charged upon him, that by this disappointment, the king would be obliged to renounce his right to the crown of France, and forced to a dishonourable treaty: and thus the archbishop lay under a general odium. How far this representation may be credited, shall be examined afterwards.

EDWARD III.

The archbishop taxed with inconstancy, and disappointing the king. A. D. 1340.

This year, William de Melton, archbishop of York, departed this life. He was consecrated at Avignon in the year 1317. He managed the diocese to a great degree of commendation, and was remarkably regular in his private life. He was a great example of discipline and devotion. His charity and hospitality were answerable to the rest of his good qualities. He was likewise a good-natured landlord to his tenants, but took care not to injure the rights of his Church. He sat about three-and-twenty years, and had discharged the offices of lord chancellor and treasurer.

Stubs. Archiepisc. Eborac. Godwin. *A statute in behalf of the clergy.*

About this time, there was a statute made in behalf of the clergy at a parliament held at Westminster. The first chapter relates to purveyance, which, since now taken away by act of parliament, I shall pass it over, and proceed to the second, in which the king bars himself from presenting to churches in another's right, excepting within three years after the avoidance. But this concession being afterwards mentioned in another statute of this reign, I shall say no more of it here.

The third chapter runs thus:—

CHAPTER III.

“ We will and grant, for us and for our heirs, that from henceforth we nor our heirs shall not take, nor cause to be taken, into our hands the temporalities of archbishops, bishops, abbots, priors, or other people of holy Church, of what estate or condition they be, without a true and just cause, according to the law of the land, and judgment thereupon given.”

Temporalities of bishops shall not be seized without good cause.

CHAPTER IV.

STRAT-
FORD.Abp. Cant.*How the
temporalities
of bishops
shall be used
in the time of
a vacation.
535.*

“ Item. Because that in the petition of the prelates and clergy, it is contained, that escheators, and other keepers in the time of vacation of archbishoprics, bishoprics, and other prelacies, have done great waste and destruction in the same in time past: we will and grant, for us and for our heirs, that at all times from henceforth, when such voidances shall happen, that our escheators and the escheators of our heirs, which for the time shall be, shall enter and cause to be well kept the said voidances, without doing waste or destruction in the manors, warrens, parks, ponds, or woods. And that they sell no underwood, nor hunt in the parks or warrens; nor fish in ponds nor free fishings, nor shall rack nor take fines of the tenants, free nor bond: but shall keep and save as much as pertaineth to the said voidances, without doing harm or any manner of oppression. And if the dean and chapter of churches cathedral, priors, sub-priors, &c. whose voidance pertaineth to us and our heirs, will render to us and our heirs the value of the said voidance, as others will reasonably yield, then the chancellor and treasurer shall have power to let the said dean and chapter, prior, &c. the said voidances by good and sufficient surety, so that they shall have the same before all other, yielding to us the value of them, according as we shall be found by remembrances of the exchequer, or by inquest to be taken upon the same, if need be, without making fine. And in case they will not accord to yield to the value, nor find such surety, then the chancellor and treasurer shall cause to be ordained the good presentation of such voidances, by escheators, or other sufficient keepers, to answer the king of that which pertaineth to him reasonably, without doing waste or destruction, or other thing which may turn in disherison of the churches whereof such voidances shall happen.”

*The dean
and chapter
may take
them into
firm if they
will.*

CHAPTER V.

“ Item. Wholly to show the affection and good-will which we have, that which pertaineth to God and holy Church be safely kept, without waste or destruction, or impeachment to be made thereof by us or our ministers, we will, and by these present letters do grant, full power to our said chancellor and treasury,—which, taking to them other of our council, such as to them shall seem best to be taken, by good information of

*Who shall let
to farm the
temporalities
of bishops to
the king's
use.*

remembrances of the exchequer, and other informations as to them shall seem best,—shall let the vacations of archbishoprics, bishoprics, abbacies, &c., whose voidance pertaineth to us, to the dean and chapter, prior, &c., to yield an account of every voidance by the year, quarter, or month, during the vacations, according as to them shall seem best, without making any fine. So that no escheator nor other minister, in the time of vacations, shall have cause to enter or meddle to do any thing which shall be in prejudice of the churches whereof such voidances shall happen. Saving to us and to our heirs the knights' fees, advowsons of churches, escheats, wards, marriages, reliefs, and services of the said fees.”

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This act, we see, was very beneficial to the Church, secured the bishops' temporalities from ravage, and put them into safe hands in the intervals of a vacancy. But as for the archbishop of Canterbury, his affairs grew more embroiled: for Burwash, bishop of Lincoln, and sir Geoffrey Scroop, one of the king's justices, having an old grudge against Stratford, seized the opportunity and pushed their advantage; for, finding the king disposed to believe ill of the archbishop, they charged him with a correspondence with Philip of France, and aggravated his misbehaviour to high treason. The king, giving credit to this information, ordered the archbishop, the bishop of Chichester, lord chancellor, and the bishop of Coventry, lord treasurer, to be taken into custody, and brought to an account of their management during the king's absence. The next morning after this was resolved in council, the messengers came to Lambeth to seize the archbishop; but, not finding him there, they came back to London, and apprehending the bishops of Coventry and Chichester, with some others in their warrant, carried them to the Tower. The archbishop, having notice how matters went, made haste to Canterbury, and was immediately followed by sir Nicholas Cantalupe, who was sent to him with a message from the king. Sir Nicholas, who took a public notary along with him, to make evidence of what passed, required the archbishop, in the king's name, to perform his promise made at the entering upon the French war; and that, since he had engaged himself, under securities to the Flemish merchants, to repay such sums of money as the king should take up for the service of the war, he would satisfy the

*The king
much dis-
pleased with
the arch-
bishop.*

*He is
charged with
high treason.*

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FORD,
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debt; and that now, in regard the time was expired and the king was called upon for payment, he would either furnish the sum, or else go into Flanders and deliver himself to the creditors till the debt was discharged. The archbishop desired time to give in his answer to these demands; and now, perceiving the tide ran high against him, and that they struck at his life and fortune, he endeavoured to retrieve his interest with the king. To this purpose, he wrote to him to guard against ill advice, and not give ear to those who made it their interest to inform against others; that such ill-disposed persons might ruin his best ministers, and prove unserviceable to the public repose. These topics of freedom being mistimed and carried too far, the king was by no means satisfied with the application.

He endeavours to recover the king's favour.

Antiq. Brit.
in Stratford.

The archbishop, finding himself unsuccessful this way, began to commend his administration, and set forth his service to the king and kingdom. And, to do himself justice to the more advantage, he preached at the cathedral at Canterbury, upon this text: "He was not moved with the presence of any prince, neither could any bring him into subjection." Upon these words he took occasion to run out upon a long commendation of archbishop Becket, for retiring from the State to the Church, and preferring the mitre to the chancellor's mace. After this, he blamed himself for going too far in the business of the commonwealth, and neglecting the functions of his character: that, by laying out too much of his time and inclination upon foreign employments, he had justly drawn the public envy upon him, and run the hazard of his life; and that, for the future, he promised to disentangle himself, and be more vigilant in the government of his province. After this harangue, he published several articles of excommunication, with the customary solemnities of bell, book, and candle, hoping to screen himself from prosecution by this expedient. By this stroke of discipline all those were excommunicated who disturbed the kingdom; who offered violence to clerks, or seized their estates; who broke in upon the privileges of the Church, or the liberties of Magna Charta; who were guilty of making false informations against any person; and especially those who should misreport their metropolitan or bishop to the king, and accuse them of treason, or any other capital crime, without ground or evidence.

He justifies his conduct in the pulpit, and excommunicates upon several articles.

Eccles. 48.
12.
536.

This excommunication being thus denounced in the cathedral

at Canterbury, he ordered the bishop of London and all his suffragans to do the same thing in their respective dioceses. EDWARD III.

The king, to disarm the archbishop's discipline, wrote to the bishop of London, acquainting him, "that he was led into the present war by the archbishop's advice; and that he, who had engaged him in so dangerous an enterprise, had now gone over to the interest of his enemy, and, after so much blood and treasure had been spent, persuaded him to drop his right and disband his army. And that, whereas he had promised to furnish him with money for his troops and discharge the loan received from the Flemish merchants, he had failed in these engagements, and brought a blemish upon the public credit; and lastly, when he designed to call him to an account for his management of the State and the trust he had reposed in him, he endeavoured to cover himself with his character, and fence against justice with excommunications."

The king charges him with misconduct.

Not long after, the king sent Ralph, lord Stafford, to the archbishop, requiring him to come to the court forthwith, and give his opinion with the rest of the barons upon the war with France. The archbishop's answer was, that he desired time to direct his thoughts farther in this matter. And now he had still more business upon his hands: for the duke of Brabant sent his agents to him, and, when he refused to see them, they posted up their instructions upon a great cross before the gate of the priory. The contents of the paper were, that the duke of Brabant summoned John, archbishop of Canterbury, to make his appearance in his courts of justice in Flanders, and to remain in that country, pursuant to his oath, till the king his master's debts were discharged. While the archbishop's affairs were thus embroiled, the king sent a copy of his letter to the bishop of London, to the prior and convent of Canterbury, with orders to have it publicly read. This letter the convent brought to the archbishop, who, after the perusal, called the clergy and burghers into the cathedral, and endeavoured to justify his conduct and integrity in the king's business. This was done in an harangue from the pulpit; afterwards he ordered the king's letter to be read, replied to the articles upon which he was charged, and then drew up his defence in writing, and got it dispersed through the whole province. And, to give the reader a fuller view of this matter, I

He is cited to the duke of Brabant's court of justice in Flanders.

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Abp. Cant.

*The king's
letter against
the arch-
bishop.*

shall translate the king's letter, and then give an abstract of the archbishop's defence.

“ Edward, by the grace of God, king of England and France, and lord of Ireland, to the prior and chapter of Canterbury, greeting. That a great many people are apt to grow haughty upon their preferment, abuse their prince's favour, and make him unsuitable returns, is evident both from ancient history and modern practice. And to give the world a fresh instance, you cannot forget, that when we came very young to the throne, and desired the benefit of good measures, having a great opinion of the fidelity and conduct of John, now archbishop of Canterbury, we gave him the direction both of our conscience and councils, made use of him as a bishop and a statesman, took him into the highest trust and confidence, called him our spiritual father, and made him the first subject in the kingdom. And when afterwards the crown of France falling to us by hereditary right, was detained by Philip de Valois; the archbishop was earnest with us to prosecute our title, to make an alliance with the German princes, and prepare for the expedition. And as for a fund for carrying on the war, he undertook to answer it out of our own revenues, and the assistance of our subjects: and to make up the deficiency, if any happened, by his own credit and management. In confidence of this performance, we levied an army, borrowed vast sums of our confederates, opened the campaign, and made a considerable progress, not doubting but that the archbishop would supply our occasions, and make his word good: but alas! we found, that we had misplaced our good opinion, that we had leaned upon a reed of a staff, which, as the prophet speaks, will ‘pierce a man's hand if he goes to make use of it.’ By this disappointment we were forced to take up money at excessive interest, and not being furnished sufficiently this way neither, the progress of our success was checked, and we were obliged to return into England. Upon our arrival, we summoned a parliament, where laying our necessities before the lords and commons, they granted us so considerable a supply, that had it been honestly and seasonably collected, might in all likelihood have answered the ends for which it was given.

537.

“ And here, the archbishop undertook once more to get the

tax raised in due time, and provide such other supplemental assistances, as our affairs should require. Upon the strength of this promise, we levied recruits, equipped our fleet, and embarked for Flanders; where, in our passage, we met with the enemy's fleet, which, though very formidable both in number and force, we ventured to engage, and by the blessing of God, gained a glorious victory. After this success, we sat down with a great army before Tournay: this siege proving long, and the charge of the war growing upon us, we hoped to have been supplied by the ministry of the archbishop. And finding his remittances slow and unserviceable, we sent him and others of our council notice of the pressing necessities we lay under. But the archbishop and his creatures, instead of providing for our affairs, sent us nothing but trifling excuses; by which, it is plain their business was only to make their private fortune, and that the public was the least of their care. And thus, when we had a promising prospect of carrying our point, and victory was, in a manner, in view, we were forced to quit the opportunity, and consent to a cessation of arms. Thus the expedition was maimed, our reputation sunk, and the enemy more encouraged to keep up the contest. In short, being obliged to march back into Flanders, and not having money to pay our troops, there was no other way to supply our necessities, but by taking up monies at unreasonable rates, and bringing a great debt upon us, and the kingdom. To emerge out of these difficulties, we advised with our faithful subjects and allies upon the present juncture, and desired them to suggest an expedient, and point to the causes of the late miscarriage. They all agreed, the archbishop was the occasion of the disappointment. That it was either through his negligence or insincerity, that the supplies were retarded, and sent in too slender proportions. And therefore, that unless this prelate and his party were removed from the ministry, they protested the confederacy would break up, and many of our subjects quit the service. To prevent a disgrace of such ill consequence, we resolved to inspect the management of those in the civil list, and discharged such ministers as misbehaved themselves. And thus, several of the great officers of state, who lay under strong suspicions of corruption, and other misdemeanours, were removed, and some of them taken into custody. And, being persuaded no person could inform us better of their

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III.

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FORD,
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misconduct than the archbishop, we ordered him to attend us at London: but he, who was always too much affected both with prosperity and adversity, being afraid where no fear was, pretended some of our servants had a design upon his life, and therefore refused to obey our order, or move out of the cloister at Canterbury: though we call God to witness, that neither ourselves, nor any that belong to us, to our knowledge, had any such thought against him. Afterwards, to take off all pretence and discover his disaffection, we sent Ralph, lord Stafford, steward of our household, to offer him security under our letters-patent, sealed with our seal, commanding him to come to us, and acquaint us with the course of his management in our service. But instead of obeying our orders, he despised our clemency, and replied with an air of haughtiness and passion, that he could not appear before us, and account for those matters, excepting in a full parliament; the convening of which is impracticable at this juncture. And thus, this archbishop, who has been raised to such a degree of wealth and honour by the favour of his prince, whom we received into the closest intimacy of familiarity and friendship, treated him with the regard of a father, and rested our affairs entirely upon his conduct; this prelate, who, when we resigned ourselves wholly to his measures, used to pretend a great deal of zeal and heartiness, though to speak clearly, he was but hollow at the best, has now laid the mask aside, and declared himself an open mal-content, proved ungrateful to his benefactor, and returned us ill offices for our kindness; and has made us such a requital as serpents and fire do to those that entertain them in their bosom: for notwithstanding the crown descends upon us by birth, and we are obliged to none but God Almighty for our dominions, yet we have always had an aversion to misapply our power and make it a grievance, desiring nothing more than to govern our subjects with justice and clemency, and procure them the blessings of wealth and peace: notwithstanding this has been all along our chiefest aim, yet the archbishop has been so hardy as to misreport the innocence of our intentions, and to charge our council and ministers with mismanagement; declaring publicly, both in his letters and discourse, that the laity are oppressed with overstraining the prerogative; and that the church is ruined with unusual and excessive impositions. And now taking upon him the character of a good

shepherd, (though by his own confession, as it is said, he is no better than a hireling,) he pretends to be a great champion for the Church, though by the way, if the Church has suffered anything, they may thank his negligence, want of probity, or misconduct, for the misfortune ; however, he pretends himself a great protector of Church and State : and under this cover, and counterfeit appearance, he is very lavish of his discipline, and throws his excommunications about to arraign our government, bring a scandal upon our ministry, mislead the people into faction and treason, and dispose our nobility and great men to withdraw their affection and duty from us : and besides, these ecclesiastical censures have been published by his letters in an unprecedented manner, and contrary to the practice settled by provincial councils. Being therefore desirous, as we are bound, to guard our honour, to justify our good intentions to the world, to expose the malice of the said archbishop, and disappoint him in his designs against us, and our ministry, we shall mention some few instances of his misbehaviour. And here, we think ourselves obliged to declare, that by his importunity and ill advice, our bounty was mismanaged in our minority, and that by making a great many prodigal and illegal grants, our royal revenues are extremely lessened, and our exchequer wholly unfurnished ; and to make our necessities the greater, we are informed the archbishop, when in the public service, has acquitted people of great sums of money due to us, without any just ground or consideration, and out of no other motive excepting the interest of a bribe : and has likewise embezzled and misapplied our revenues, which ought to have been reserved for public service, and not to have been disposed of, as they have been, to his own private use, or to such persons as ill deserved them. But he has not only discovered his covetousness and corruption, but likewise his partiality and ill choice of persons : for contrary to our inclination, and his oath of allegiance sworn to us, he has had the presumption to admit unqualified persons to places of power and trust, refusing at the same time those who were unexceptionable and deserving ; not to mention a great many other instances of disaffection and misbehaviour, tending to the prejudice and dishonour of our royal dignity, and to the great disadvantage and grievance of our subjects ; and being a notorious abuse of the trust and authority committed to him : all

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which, in case he persists in his obstinacy and disobedience, we shall declare more at large afterwards. We therefore command you to publish all and singular the contents of these our letters, in such manner and places as your discretion shall think fit, and may be most convenient to represent us rightly to our subjects. Witness ourselves at Westminster, the twelfth day of February, and in the fifteenth year of our reign."

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in Angl.
Sac. part 1.
p. 23. et
deinc.

*A brief re-
cital of the
archbishop's
defence.*

The archbishop in his answer writes with an air of great freedom, throws in some strokes of expostulation, and lays full weight enough upon his own character.

After the preliminaries of the salutation, and the respect of the royal titles, in which he does not forbear an "innuendo" of the king's being misled by ill advice, he puts his highness in mind, that there are "two principal heads of authority for the government of the world, the regal, and the sacerdotal. That the latter may be said to have the advantage both in interest and dignity, inasmuch as those of this function are charged with the conduct of kings themselves in the day of judgment. Your majesty therefore," as he goes on, "may please to take notice, that you are not to direct, but be directed by the hierarchy. For who questions, but that the priests of our Saviour stand in the relation of instructors and fathers to all the kings and princes in Christendom? Now is it not a deplorable mistake for a pupil to overrule his instructor, and a son to attempt to bring his father under jurisdiction? We are informed by unquestionable history, that kings and emperors have been censured and brought to discipline by the Church. And if your highness requires an instance, you may please to observe, that pope Innocent excommunicated the emperor Arcadius for giving way to the banishment of St. Chrysostome. Thus St. Ambrose, archbishop of Milan, put the emperor Theodosius the Great under censure; neither was he restored to communion till after performance of penance. And I might give, were it requisite, later instances of this discipline. As for bishops, if they should happen to mistake, provided their error was on this side heresy, they are in no measure liable to the correction of secular justice.

*The intro-
ductive part.*

"On the other hand, it is the part of a religious prince to encourage the Church, and improve her circumstances; to protect God's priests, and treat them with honour and regard. This was the practice of the glorious Constantine the Great,

who, when a controversy relating to the bishops was brought before him, replied, 'you are to be judged by God Almighty alone, and therefore no secular authority can have any jurisdiction over you;' for, according to the apostles' determination, 'spiritualis homo,' or 'he that is spiritual is judged of no man. Therefore I entreat your highness would please to consider how great a miscarriage it is for a son to discover his father's nakedness, and much more to misreport his innocence: for a son, I say, who lies under the obligations of reverence and honour. What I have already suggested is so clearly discovered by natural light, that the pagans themselves were convinced of it. For this reason, infidel and idolatrous princes gave the ministers of their gods particular marks of privilege and esteem. How much more are Christian governors bound to this countenance and protection towards the representatives of the true God? But, alas! the considerations of order, and the due application to things, is strangely disturbed: and the regard that belongs to me (though unworthy) upon the score of my station, is turned into reproach. And instead of observance, we are treated with hard language and contempt. I hope I may be excused in saying this, because some of my enemies have made use of the royal authority to play their spleen upon me; prevailed with your highness to sign a libel against me of their own drawing and contrivance, and procured an order to publish it throughout the whole province. All which appears to be done with a design to blemish my reputation, and make the business of my station impracticable: and by these surprising proceedings, it is evident my enemies, under the cover of the royal authority, have much exceeded their bounds; and by calling the ministers and priests of God Almighty to an account, have, in effect, been so hardy as to sit in judgment upon the Divine Majesty: and not only so, but against all the methods of justice, both divine and human, your majesty, under this influence, seems to have condemned your spiritual father, and one of the greatest peers of the kingdom, without summoning him to his trial, without the formalities and process of law; a method not only dangerous to your majesty's spiritual interest, but prejudicial to the peerage of the realm, and of a pernicious precedent. Neither let any man object, that guilt, and the ill condition of my own conscience, makes me write in this manner, as if I was afraid to engage

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*This saying
of Constantine's related
to the decisions of
bishops,
and not to the trial of
their persons.*
1 Cor. ii. 15.

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the charge, to stand the test of the articles, and, for that reason declined to appear before your highness: for God Almighty is my witness, I should gladly wait upon your majesty, to give you an account how your subjects stand affected to the administration of the ill posture of your affairs in some respects, and of the hazards which lie in your way. I should be glad also to refresh your highness's memory with the service I have formerly done you: and likewise to make my defence in person, and wipe off the imputations in your highness's letter, before the prelates and temporal nobility. But some persons in great favour and authority with your highness, having threatened to dispatch me, have prevented me the satisfaction of this expedient. The sword therefore being in the hands of people of such rage and rancour, I have hitherto declined waiting upon your majesty. Neither is it pride or disobedience which keeps me at this distance; but such reasonable caution as a man of prudence and resolution may be allowed to use; being always ready to obey your majesty in every thing in which the honour of God, and his Church, and the distinction of my own character will give me leave: however, in the mean time, till the throne is more happily attended and disengaged from some unfortunate ministers, some thing ought to be done: and therefore, to make proof of my innocence, and check the progress of the late misrepresentation, I shall give a clear answer to the articles objected, without anything of disguise or evasion.

*The arch-
bishop's
answer to
the first
article.*

“First, as to my leading your highness into the French war, charged upon me in your letter, I beg only the liberty of appealing to matter of fact. And here, sir, it is very well known who were ministers of State, and directed the government in the beginning of your majesty's reign, when I was bishop of Winchester. At that time when news was brought of the death of king Charles, brother to the queen your mother, the parliament then held at Northampton, debated the question of the succession to the kingdom of France, and came to the resolution of your majesty's being the rightful heir to that crown. Upon which, an order was made to send the bishop of Worcester, and the bishops of Coventry and Lichfield, ambassadors into France to assert your highness's claim, and prevent the coronation of Philip of Valois. This public resolution being executed accordingly, was the principal occasion of the present

war. When these measures were taken I had no manner of interest or employment in your majesty's court, but lay under the discountenance of the government. Afterwards by your highness's favour I was taken into a share of the administration; and now foreseeing the calamities of the war, and being desirous to prevent the effusion of Christian blood, I did my utmost to procure a peace: and to this purpose had a part in several embassies to France: but Philip of Valois was averse to all the proposals within our instructions, and ordered the French to attack your highness both by sea and land; and thus the war broke out from that quarter. That prince being thus the aggressor, your parliament convened upon that occasion at Westminster, advised the entering into an alliance with the princes of Germany.

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“As for the funds for carrying on the war, I crave leave to observe to your highness, that there was a great council of the peers summoned to Stamford: and here there was an agreement made with several English merchants to advance such sums of money as were thought necessary, upon certain conditions of security; and for this I appeal to the articles now lodged in the Chancery. These articles, had they been performed, would, together with the subsidies granted by the clergy and laity, have been a sufficient provision for the occasions of the war, which was not only my single sentiment, but the general opinion of all your highness's council. This would, I crave leave to say, have been a sufficient provision, had it been under a serviceable management. And here your highness can witness for me, that no part of the agreement above mentioned was broken by me; neither did any branch of the public revenues pass through my hands: and therefore if any misfortune has happened by the exchequer's being out of cash, the blame ought to lie upon those that have either misemployed or squandered away your highness's treasure, and not upon me, 'who have borne the burthen and heat of the day.' Neither indeed was I in the kingdom at that time, but joined with the two cardinals and the bishop of Durham in an embassy in France; and when, after several applications and journeys between that court and your highness, we despaired of an accommodation, I waited upon your highness in Brabant, where, against my inclination, I was obliged to continue for some time. And here, your highness mentioning your necessities at the council-board,

*His defence
to the second
article.*

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several prelates, barons and myself, entered into securities, and engaged ourselves for your highness's service: and therefore, sir, with submission, it cannot be said, you leaned upon a reed, as your letter suggests, but rather upon the support of 'Jacob's staff with which he passed over Jordan, and came back with the wealth and figure of two bands.' For, to make use of this similitude, your highness's second embarking for England was a glorious return, I pray God bless your majesty's undertakings with the same success for the future.

"And whereas your highness takes notice that the course of your victories was stopped for want of money to pay your troops; that you were forced to come over into England, and call a parliament for a supply: and that when subsidies were granted I undertook for the raising the money, and to furnish what was farther necessary.

*He replies
to the third
article.*

"To this, sir, I answer, with all imaginable regard, that your highness cannot forget how the subsidy of the whole ninth was anticipated for the first year before your second voyage into Flanders: and by your majesty's consent, and the advice of your parliament, assignments were made to your creditors upon this branch, as appears by the instruments in form. And after your second going into Flanders, you sent several orders that those assignments should be punctually paid.

From whence it is evident, that neither the deficiency of the funds, nor any misfortunes of the campaign, can reasonably be charged upon me, since part of the subsidies were disposed of for the payment of debts, by order of parliament.

"Your highness complains further, that through my mismanagement, amongst other ministers of state, you were checked in your motions, and after a great loss of opportunity, forced to take up money at excessive interest; and that you sent two persons of quality to command me to attend your highness, and explain myself upon these matters; and that I returned a haughty answer to this condescensive message, and refused to make my appearance, or discourse with your highness in these affairs, excepting in a full parliament.

"With submission to your majesty, my innocence will make my answer very easy upon this head. In the first place your marching back from France into Flanders was no miscarriage of mine. I never engaged to furnish the expedition, and therefore, your confederates and barons have no reason to charge

me either with insincerity or neglect. For, God is my witness, all the time I was in the administration, I pursued your instructions, and exerted myself to the utmost in your service. EDWARD
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“ And as to what passed between myself and the persons sent by your majesty, it is easily known, there being public notaries brought to witness the discourse. To begin with sir Nicholas Cantelupe, who came first : this gentleman, producing his credentials under the privy seal, summoned me to appear in Brabant within eight days, and to continue there till your highness’s debts, for which I had engaged myself, were discharged. Not long after my lord Stafford delivered me a message ; by which, I was commanded to wait upon your majesty forthwith ; telling me by word of mouth only, that I had no reason to fear any danger from those who threatened me. I crave leave therefore to observe the inconsistency of these two orders : by the first of which I was to embark immediately for Flanders ; and by the other, commanded to set forward for London, and wait upon your majesty. And though afterwards I had a safe-conduct under your majesty’s hand, yet the same day I received this security, there was a writ directed to the high sheriff of Kent to bring me up to London, to answer the contempt before your council for disobeying your highness’s summons. And notwithstanding your highness’s safe-conduct seemed to promise me the liberty of a return, yet this security was disabled by the sheriff’s writ which came afterwards : by virtue of which, I should have been under a necessity of remaining in the hands of my enemies. I confess I cannot conceive it any service to your majesty’s honour to bring me under these difficulties. However, as I have already declared, I am, and shall always be ready, to answer any impeachment before your majesty, and the house of peers. And as for those, who endeavour to hinder the meeting of a parliament, and pretend the unseasonableness of the juncture ; it is pretty plain they are willing to stifle truth, and keep your majesty in the dark : for, as our Saviour speaks, ‘ every one that doth evil, hates the light.’ To the fourth
article.

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“ And though I have always been solicitous for your interest and honour, your highness is pleased to call me a step-father, I confess I am afraid my being so much taken up with the business of the state has made the disadvantage of that relation applicable to me in some measure, with respect to my

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province. And as for the serpents and fire to which I am compared, I humbly conceive the ill properties of these things will not affect me: if I have discovered any part of the serpent, it has not been in shedding venom, but in aiming at the caution and good qualities of that animal: and as for the fire to which I am further resembled, it was as inoffensive as a lambent flame, and kindled only by zeal and affection for your majesty's interest.

*To the fifth
article.*

I am farther charged with blackening the king's conduct; arraigning the administration, and taxing his council and ministers with negligence and other misbehaviour, making it our business to declare, in the most public manner, that property is swallowed up with prerogative, and the laws borne down by arbitrary power. That the clergy are, in a manner, ruined, and the Church overloaded with impositions and taxes. Whether this accusation is supported with matter of fact, I leave God Almighty to judge: and shall only make this protestation, that it has always been my endeavour to preserve your highness in the good opinion of your people, and it has been, and is part of my daily devotions, that God would bless you in your counsels and protect you in your station; and I have given orders, as far as my authority reaches, that the clergy and others might join with me in this petition.

“But some ministers of state or justice have strained the constitution, and oppressed the people without any countenance from your highness, which is certainly true in some particulars: for instance, there is money levied upon the clergy, which was never granted by their representatives. In short, your subjects seem to lie under such new and unprecedented rules of government, and are so drained and exhausted, that they are scarcely in a condition to subsist, and must be reduced to extreme necessity in a little time, unless God shall please to prevent it.

“Now, things standing in this unhappy posture, I humbly hope it may be allowed to remonstrate against the oppression, especially considering it was not done to fix an aspersion upon any minister. For that the manner might be as inoffensive as possible, I have taken care not to name any person; neither had I made a complaint of any kind, had it not been to suggest a remedy to your majesty; for fear you should lose the affection of your subjects if the grievances above-mentioned were

*Those of the
clergy who
did not hold
by barony
were only
obliged to
pay a tenth:
notwith-
standing this,
both the tenth
and ninth
was collected
upon them.*

not redressed. It is likewise suggested against me, that I have published an excommunication against those that make any infraction upon Magna Charta and the liberties of the Church: that this censure was made use of on purpose to attack the king's honour, asperse the justice of the government, and provoke the people to sedition and revolt. Now since this article seems to impeach me of high treason, in which case, as I have observed already, I am not to be tried in the courts of any king or temporal lord, I therefore make my public protestation that I have no intention to waive the privilege of my character by anything which shall be offered in this defence, but do wholly decline the jurisdiction of any secular judge whatsoever. However, to clear my innocence, and make it more public and intelligible, I own the fact, and that I did publish a general excommunication, pursuant to the canons of the Church: but then I took care that the king, the queen, and the royal issue should be excepted from the censure, by name: neither have I defamed any person, since nobody is particularly mentioned. Neither, with submission, was this done to inflame the people, or blow them up to rebellion; nor is any such effect at all discoverable in the behaviour of your subjects. And as for myself, it has always been my practice, both public and private, to dispose your people of all ranks to be steady in their allegiance, and to assist your affairs to the utmost of their power.

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“The close of your highness's letter charges me in general terms, and bears hard upon my reputation. Here I am taxed with misleading you in your minority, and putting your highness upon undue alienations, improper grants, and profusions of bounty; I am likewise charged with bribery and corruption, with exhausting the public treasure, and filling the posts of government with persons without merit or respectability.

*To the sixth
article.*

“To this general charge, with the protestation above-mentioned, I shall give a general answer, that during the time I was employed in the state, I have always served your majesty to the best of my abilities: neither have I misbehaved myself in any part of this article: and when any particulars are named, I humbly conceive myself well furnished to give a satisfactory answer.

“However, to say something in the meantime, I cannot recollect that while I was in your majesty's service, I was

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acquainted with the passing of any considerable grants: I crave leave to say, I cannot recollect anything of this kind, excepting the lands conveyed to some new created earls by consent of parliament. Now the public service since performed by these noblemen is a sufficient proof your highness's bounty has not been misplaced. And as for my advising the discharging the debts and duties owing to the crown, without reason or measure, I cannot remember any releases or liberalities of this kind, excepting the general discharge of debts and arrearages granted to all your subjects in your last parliament. In which acquittal your highness had the concurrence of the lords and commons; and, besides, your highness had a ninth granted you by way of equivalent and counterbalance, which could never have been effected without this consideration.

“ And whenever this general accusation shall declare in particulars, and appear more in form of law, I shall return a more explicit defence: but before this is done, I cannot pass over my being surprised to find myself charged with dipping too deep in the exchequer, misapplying the public treasure, and putting the king's money into my own pocket. This article, with submission, is extremely surprising, considering I have crossed the channel two-and-thirty times for the public service; not to mention several journeys towards Scotland; in which employments I have lived in a great measure upon my own fortune: neither from the beginning of the war to this present minute, have I ever received above three hundred pounds out of the exchequer. And as for my partiality in preferring undeserving persons, and putting them in public offices; if any one shall offer to prove I ever received any sums of money or gratuities upon this score, I am ready whenever your highness shall please to order a prosecution; I am ready, I say, to defend myself within the reservations of ecclesiastic privilege above-mentioned. And were I at liberty to discover the secrets of the cabinet, I could make it appear, as clear as the sun, who they are who have been the occasion of all the miscarriages which are laid to my charge. And thus much may be sufficient at present in answer to the libel, which, out of respect to the crown, I heartily wish had never been published. For notwithstanding at first sight it may seem to stick a blot upon my credit, yet, when it is thoroughly examined, it will be found most disserviceable to the honour of

the king and kingdom. God Almighty, by whom kings reign, direct and preserve your majesty.”

The king, or at least his favourites, were extremely displeased with the archbishop's apology, and published the following reply:—

“Edward, by the grace of God, king of England and France, and lord of Ireland, to the English bishops greeting. Pride, where it has the ascendant, commonly grows worse under discipline, and turns remedy into disease: of this we have a pregnant instance in the arrogant behaviour of John, archbishop of Canterbury, who, being charged with preaching and publishing several things to the prejudice of our honour and government, has given us fresh provocations, and made an addition to his former misbehaviour. And whereas we published our letters-patent to justify our conduct, and wipe off the blemishes he had cast upon us, he has been so hardy as to endeavour to disappoint us in this expedient; to publish a counter-narrative, and to manage his defence in such a manner of calumny and falsehood, as to bring us, as far as in him lies, under a coarser and more dangerous imputation. And notwithstanding it has been the custom of popes, cardinals, and other prelates, to interpret the discourse of princes to a fair and respectful meaning, this archbishop has taken the liberty to call our letter a libel, though at the same time it contains nothing but truth, and what we shall make good from point to point, when we see convenient.

“And whereas his predecessors used to treat their princes with regard, to pray for them, and instruct them in the spirit of meekness, this archbishop has behaved himself in a quite different manner, remonstrated against us and our court, discovered his disaffection with a great deal of pride and faction, endeavoured by his false reports to draw his suffragans, and others of our subjects, into the same disrespect towards us, and to involve them all in his own guilt and punishment.

“And notwithstanding a man is esteemed by God Almighty, not so much for the advantage of his character, as the probity of his life, yet this prelate, laying a great stress upon the height of his station, calls himself our Saviour's ambassador, and expects great deference and regard upon that score, though at the same time, he makes no scruple to overlook his own duty, and fail in his respects to us. And although himself and

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ton. Angl.
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deine.

*King Ed-
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archbishop's
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the rest of the prelates of the kingdom hold their temporalities of us ; are bound by their oath of allegiance to acknowledge our sovereignty, to support our interest, and behave themselves with the submission of subjects : this prelate takes the liberty of a singular conduct, affects an undutiful management, and instead of honour and observance, treats us with contempt. And therefore, though we are, and have always been disposed to pay a due regard to our spiritual fathers, yet if they happen to break out into any disorders to the prejudice of our person and government, we ought not to pass over their misbehaviour. This archbishop complains that he is impeached of the highest crimes, and that judgment is as it were pronounced against him, without being called to his defence, as if he had been prosecuted in a judicial way ; whereas this is not true, our intention being only to justify our conduct, and rescue our reputation from calumny : but let this man, who is so free and injurious in his remonstrance, consider which way he can avoid this imputation being turned upon himself ; since he has been so hardy as to charge us his sovereign, and our council, with oppression and arbitrary proceedings, without hearing what could be offered in our justification, or giving us the common liberty of making our defence. He therefore, who falls into the faults he condemns in others, deserves to be exposed to the public censure. And though he has made it his business to gratify his own inclinations more than to promote our service, yet he pretends our affairs have taken up all his time, and been very burthensome to him, for which he fears, he has incurred the displeasure both of God and man ; and great reason he has to fear it, since he seems to be one of them who, as the prophet speaks, ‘love to talk of lies more than righteousness.’ As to the rest of the archbishop’s defence, in which he endeavours to disguise the truth, and impose upon the world ; we shall pass it over at present, though we could easily expose his pretences. And since our honour will not allow us to argue the case, or pursue the dispute any longer with a contentious and perverse subject, we strictly command you upon your allegiance to publish our letters-patent above-mentioned, according to the tenour of our order, notwithstanding any injunction or mandate of the archbishop to the contrary.

“ And in regard we ought to make it part of our care to preserve the rights and prerogatives of our crown, so worthily

maintained by the kings our predecessors; which prerogatives, the archbishop, by his late excommunications, has endeavoured to lessen and wrest from us, notwithstanding they have been formerly yielded and allowed by the popes, prelates, and clergy of this kingdom; we strictly command you, not to publish, or suffer the publication of any such ecclesiastical censures denounced by the said archbishop; and if you have done any thing in this matter, immediately to revoke it. Witness ourself at the tower of London, the 31st day of March, in the 15th year of our reign of England, and the 2nd of France.”

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Soon after the king had thus published his dislike of the archbishop's proceedings, there was an information preferred against him, and he was summoned to appear, and account for his practice. Stratford, not thinking it safe for him to cast the cause upon this issue, refused to plead to a charge of so high a nature, unless before the lords spiritual and temporal in parliament. It was not long before a parliament was called, and the archbishop had a protection from the king to secure him from danger. Being thus fortified, he came to Westminster with a pompous attendance of clergy and other people of fashion. But, upon his going to the Parliament-house, the lord-steward of the household, and the lord-chamberlain, charged him in the king's name not to go in till he had made his appearance in the court of Exchequer, and answered to the articles against him. The archbishop, to satisfy the king's order, appeared at the Exchequer, received a copy of the charge, and promised to return his answer after time for considering the articles. Upon this, he had the king's permission for coming into the Parliament-house; where he declared before the lords, that the rights and liberties of the Church, the interest and honour of the king and kingdom, brought him thither: and that likewise since several crimes had been publicly laid to his charge, he came to clear himself from those imputations in full parliament. That day the house was adjourned and nothing done. The next time the archbishop attempted to go to the house, one William Attewood, a person belonging to the court, charged him, in the king's name, not to go in; upon which, the archbishop applied himself to the standers by: “Gentlemen,” says he, “the king has summoned me by his writ to parliament: and here, as one of the greatest peers of the realm, and having the privilege of the first vote, I

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ton. Angl.
Sac. pars 1.
p. 36.

*The arch-
bishop comes
to the par-
liament-
house, and
is denied
entrance.*

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He is afterwards permitted to come in.

insist upon the rights of my see of Canterbury, and demand the liberty of coming into the house." And when he found the doors secured by the guards, and that his getting in was impracticable, he took his cross in hand, and protested he would not retire till he had the king's leave to enter the house. And being threatened and maltreated by some of the company, he began to grow warm at the affront, and bestowed some hard wishes upon his enemies. "The curse of Almighty God," says he, "and of the blessed Virgin light upon the heads of those who misrepresent me to the king, and procure this usage upon me." This noise and disturbance made several of the lords come out, whom, the archbishop desired to use their interest with the king in his behalf. In the mean time, several articles were drawn up against the archbishop and made public, to bring him under a general odium. Those who were most active against him, were Orton, bishop of Winchester, the lord Darcy, and one William Killesby. Of these, the bishop of Winchester was the worst, because he dissembled his aversion, and carried it hypocritically. At last, by the lords interceding, the king was somewhat mollified, and the archbishop was permitted to come into the Parliament-house, where he submitted to a legal trial, and offered to plead to the impeachment.

He offers to put himself upon his defence.

Peers to be tried by their peers.

Qu'il puisse estre arresnez en plyn parlement devant les piers; quel chose le roy atvoia.
Rot. Parl. vid. Brady. Ed. 3. Hist. 218.
Twelve peers appointed to examine the charge against the archbishop.
Birchington. Angl. Sac. pars 1. p. 40.

About this time, there happened a great debate in the house; at the conclusion of which it was resolved, that the peers should be tried only by peers in parliament. And now the archbishop prayed he might be arraigned before his peers in full parliament, which the king granted, whereupon twelve peers were appointed to examine the articles against him: four bishops, viz., London, Hereford, Bath, and Exeter; four earls, Arundel, Salisbury, Huntingdon, and Suffolk; and four barons, Percy, Wake, Bassett, and Nevil. Now here we may observe, a bishop tried at the king's suit, and for a capital crime, and yet not tried by commoners, but by his peers, and that after a long debate in the house concerning this matter. If it is said, he was tried by the lords as judges in parliament, and not as peers, it may be answered, first, that then bishops are judges in parliament, in cases capital; for this was such, and four bishops appointed to examine it. But secondly, the debate in the house was about trial of peers by their peers; upon which it was resolved, that the archbishop should be tried by the house. For the king, as has been observed, designed to

have him tried in the Exchequer; for which reason he was hindered from coming into the house till he had put in his answer in the Exchequer. Upon which, the great question about the trial of peers was debated.

And here, the learned bishop Stillingfleet takes notice, that "the rolls of parliament of this year seem to represent the twelve peers appointed, not to examine the particular case of Stratford; but to draw up the motion of the House of Lords as to the trial of the members of that house by their peers of parliament; which form drawn up by them, remains upon the record 15 Ed. III. n. 7. However, the argument," as this learned author continues, "does not lose its force, as to the bishop's peerage, but is rather confirmed by it; for in this record, they pray the king, by the assent of the prelates, earls and barons, that the peers of the realm may not be judged but in parliament, 'et per lour piers,' and by their peers: and after it follows, 'that they may not lose their temporalities, lands, goods, and chattels,' &c. Now, since none were capable of losing their temporalities but the prelates, it follows they must be comprehended within the benefit of this law as well as others. This, were it necessary, may be still farther proved; for, as has been observed, the record informs us, that at the archbishop's petition, the king allowed him to plead to the impeachment before his peers. So that in short, the rolls of parliament put this matter beyond contradiction."

From hence it appears how much sir Edward Coke is mistaken, and upon what imperfect views he sometimes delivers his opinion. For this learned lawyer makes no scruple to affirm, that "those lords of parliament, who sit there only 'ratione baroniarum,' by reason of their baronies, which they hold in right of their Church, shall not be tried by their peers, but by the country, that is, by frecholders, for that they are not of the degree of the nobility."

From hence I observe, first, that since sir Edward Coke allows the bishops to be peers to the temporal lords, it will evidently follow, they have a right of being tried by their peers: for Magna Charta declares expressly, that "no man shall be condemned but by lawful judgment of his peers."

Secondly; he seems to have forgotten that for many reigns after the Conquest, most of the temporal barons were made noble, not by writ of summons, or creation, but by virtue of

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The archbishop claims the privilege of being tried by his peers, which is allowed him.

Rot. Parl. 15. Ed. 3. N. 8. Stillingfleet's 2nd part of Ecclesiastical Cases, p. 351, 352.

Sir Edward Coke mistaken in his representation of the rights and quality of the bishops. Institut. pars 3. fol. 30.

Magna Chart. cap. 29.

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their tenures, and baronies; so that whoever was possessed of the fief, had the title and nobility conveyed along with it. And of this, we have a present instance in Arundel Castle. Now, since it cannot be proved, there is any disadvantage or abatement of privilege in a barony held by a bishop, compared to that of a temporal lord, the consequence will be, that if the laity are made noble by such a tenure, the bishops must be so too.

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But, thirdly; it is somewhat strange sir Edward Coke should be so free, as to declare the bishops not to be of the degree of the nobility; since several acts of parliament mention them under this quality: and particularly two statutes, in plain words, distinguish the upper house into the spiritual and temporal nobility.

25 Hen. 8.
cap. 22. 26.
Hen. 8.
cap. 2.
*A temporal
nobleman
may decline
being tried
by his peers.*
Coke's
Instit.
part 3.
fol. 30.

Farther, sir Edward Coke not only misreports the privilege of the bishops, but likewise mistakes the condition of the temporal barons. For he positively maintains, that a "nobleman cannot waive his trial by his peers, and put himself upon the trial of the country: for the statute of Magna Charta is, that he must be tried per pares." From whence by the way I observe, that if according to Magna Charta, noblemen are to be tried by none but their peers; and bishops are peers to temporal barons, both which are affirmed by sir Edward Coke, then it inevitably follows, from what this learned lawyer maintains, that bishops ought to be tried by their peers. But as to what sir Edward affirms, that a nobleman cannot waive his trial by his peers, this is plainly contradicted in the case of Thomas lord Berkeley: for the parliament record informs us, that this nobleman, "ponit se super patriam, put himself upon his country," and was tried by a jury of twelve knights.

4 of Edw. 3.

Stilling-
fleet's 2nd
par. of Ec-
clesiastical
Causes,
p. 367.
Cotton's
Abridge-
ment, fol. 6.
Sir Thomas
de la Moor
in Vit.
Edw. 2.
Cotton's
Abridg.
Conventiones,
Literæ,
&c. tom. 2.
et 3. Dug-
dale's
Baronage,
tom. 1.

If it is objected this Berkeley was no peer because he is called Thomas de Berkeley, chevalier, in the record:

To this it may be answered.

First, that the Berkeleys of Berkeley castle, of which this Thomas was chief, were made barons by king Henry II.

Secondly, The addition of chevalier is no abatement to the quality of a peer, as is evident by the common use of it before this reign and afterwards, nay, so far is this distinction from any disadvantage; that a baron in his patent or writ, is styled chevalier, and not baron; the addition of chevalier or knight being reckoned a name of greater dignity.

Thirdly, In the first year of this reign this Thomas lord Berkeley is summoned by writ with the rest of the peers, to attend the king in his expedition into Scotland. And, which is more remarkable, he stands very high upon the list ; which, besides the silence of records, is a good argument he was not lately raised to this dignity.

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And to this case of the lord Berkeley, we may add, that the duke of Suffolk declined the trial of his peers, and submitted to the king's mercy.

Conventio-
nes, Literæ,
tom. 4.
p. 282.

28 Hen. 6.

To return to the archbishop: the king's complaint of this prelate in his letters, the articles drawn up against him, and the other preparations for his trial, seem only to be done "ad satisfaciendum populum." In short, it looks highly probable the young king had either been misled, or over liberal to his favourites. Great taxes had been granted to prosecute and make way for the title to France, and yet the people's expectations were balked, and the expeditions had, by no means, answered to the prospect and expense. That the subject therefore might not be backward to contribute to the support of the war, it was thought advisable to lay the public mis-carriage upon the archbishop: by this expedient, the king would be screened, the court lie under shelter, and the people better disposed for the payment of another tax. And though some suspect the archbishop was gained by the pope to clog the war, by not furnishing the money in due time, and that he persuaded the king to drop the enterprise, and make a peace; notwithstanding this conjecture, I say, there are two things which go a great way in the proof of the archbishop's innocence.

*The charge
against the
archbishop
grounded
upon reasons
of state.*

Antiquit.
Britan. in
Stratford.

First ; it is highly probable the king was satisfied of Stratford's integrity, because when upon the breaking up of this parliament, he made another expedition into France, he took the archbishop into favour, and made him one of the chief ministers of state.

*His integrity
vindicated.*

Birching-
ton. Angl.
Sac. pars 1.
p. 41.

Godwin in
Stratford.

Secondly ; because in the next parliament, held two years after, the king commanded, that the articles of impeachment drawn up against the archbishop of Canterbury, should be brought into the house to be annulled and declared insignificant. The motive assigned for this order is, because the matter contained in the said articles "was neither reasonable nor true."

*Comme celles
que ne sont
pas raison-
nables, ne ve-
ritables.*

17 Edw. 3.
N. 22. vide
Brady. Hist.
Ed. 3.
p. 219.

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These things put together amount, in my opinion, to a full evidence for the archbishop's justification ¹.

Spelm. Con-
cil, vol. 2.
p. 550.
A. D. 1342.
*A provincial
synod at
London.*

The archbishop being thus disentangled, applied himself to the government of his province; and made a body of constitutions at Lambeth for the regulating of the court of Arches. And in October the same year, he held a provincial synod at London.

Most of the canons are little more than a confirmation of what had been decreed in former synods, and therefore need not be repeated; however, there being something new, I shall lay it before the reader.

The fourth canon complains, that several monasteries which had parishes appropriated to them, did not answer the ends of the benefactions, in being charitable to the poor of such appropriated livings: they are therefore enjoined by the canon to reform this neglect, and relieve the poor of such parishes in proportion to the value of the benefice: and in case of failure, the bishops are to sequester the profits, and compel them to their duty.

The sixth canon takes notice, that offerings made in churches and chapels were frequently seized by the laity, and converted to their own use. And here it is observed that under the old law it was lawful for none but the priests to eat the shew-bread: and that the distinctions of holy things, and the privilege of the priesthood is greater under the Gospel. And therefore,

¹ Hume's remark on this passage of our history is so just and discriminative, that it deserves quotation. "There were strong reasons (says he) which might discourage the kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so entrenched themselves in privileges and immunities, and so openly challenged an exemption from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office—and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation, or other spiritual censures, that order of men had insured to themselves an almost total impunity, and was not bound by any political law or statute. But on the other hand there were many peculiar causes which favoured their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments, the prelates enjoyed equal dignity with the greatest barons, and gave weight by their personal authority to the powers entrusted with them—while at the same time they did not endanger the crown by accumulating wealth and influence in their families, and were restrained by the decency of their character from that open rapine and violence, so often practised among the nobles. These motives had induced Edward, as well as many of his predecessors, to entrust the chief departments of government in the hands of ecclesiastics, at the hazard of seeing them disown his authority, as soon as it was turned against them. This was the case with archbishop Stratford," &c.

the synod decrees, that those of the laity, who seize such offerings, or pretend to dispose of them without the consent of the clergy, or a license from the bishop, shall lie under the censure of the greater excommunication.

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The ninth canon seems levelled against the preaching friars, and some others, who mismanaged themselves in the visitation of the sick ; persuading people near the point of death, either not to make their wills, or else to dispose of their estates to the great prejudice of their wives, their children, and the Churches where they dwell. To discourage this ill practice, those who were prevailed on to dispose of their effects in such an unreasonable manner, are barred the benefit of Christian burial.

The tenth canon endeavours to prevent the disorders committed at people's watching a corpse before burial. Here, the synod takes notice, that the design of people's meeting together upon such occasions, was to join their prayers for the benefit of the dead person. That this ancient and serviceable usage was overgrown with superstition, and turned into a convenience for theft and debauchery ; therefore, for a remedy against this disorder, it is decreed, that upon the death of any person, none should be allowed to watch before the corpse in a private house, excepting near relations and friends of the deceased, and such as offer to repeat a set number of psalms for the benefit of his soul. The penalty of those, who either meet or entertain others, in contradiction to the canon, is excommunication.

These canons are made and published under the name of the archbishop of Canterbury, with the advice and consent of the bishops of the province ; and all without the least mention of the concurrence of the inferior clergy.

The next year, pope Clement VI., who succeeded Benedict XII., contracted the interval of the jubilee from a hundred to fifty years. This was done in consideration of the shortness of human life, and that few people reached the length of a hundred years. The pope therefore (as Spondanus reports), being willing the benefit of the festival should be more universal, brought it to the mosaical period.

Spelm. Con-
cil. vol. 2.
p. 574. 581.
et deinc.
A. D. 1343.
*The jubilee
shortened to
fifty years.*

But notwithstanding his holiness's endeavour to oblige the western Church this way, the English were by no means pleased with his management. For he made no scruple to bring them under the old grievance : and had declared a provision for two

Spondan.
Annal.
Eccles.
tom. 1.
p. 473.

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cardinals, upon the next vacant benefices, to the value of two thousand marks per annum. It is true, bishoprics and abbeys were excepted out of this reservation : but notwithstanding this method, the encroachment would not pass : for the cardinal's agents who came to collect the money, were ordered to depart the kingdom under the penalty of being imprisoned, and soon after their going off, the king wrote an expostulatory letter to the pope in defence of the liberties of the Church of England. The remonstrating part of this remarkable letter has been touched already in the reigns of king Henry III. and king Edward I. However, there being something new, both in the air and the matter, I shall translate it for the reader.

*The King's
expostu-
latory letter
to the pope.*

“ Edward, by the grace of God, king of France, England, and lord of Ireland, to our most holy father in Christ our Lord, the pope, by Divine Providence, chief bishop of the holy Roman and universal Church, with all imaginable respect greeting. When we consider the clemency of the apostolic see, and how solicitous your predecessors used to be for the spiritual interest of Christendom, ‘ not seeking their own, but rather the things of Jesus Christ :’ this consideration gives us a strong expectation that your holiness, who made your way by merit and learning to that station of apostolic eminence, will have the goodness to consult the honour of the Church, and reform those practices which check the devotion of the people, disserve religion to a great degree, and make a very dangerous impression.

“ I make no doubt of your holiness's being informed, that from the beginning of Christianity in our dominions, our predecessors the kings of England, and the nobility, have, out of a pious disposition to promote the service of God, built and endowed churches, settling large revenues and privileges upon them, and furnishing them with able pastors, who propagated the catholic faith, and proved very serviceable to the happiness of their charge. And thus by care, and cultivating, the Lord's vineyard flourished to a glorious improvement. But now to our great grief, the plants are strangely altered, and the fruit degenerated into ‘ wild grapes ; the wild boar out of the wood doth root it up, and the wild beasts of the field devour it.’ For, to speak clearly, this is the condition of our Church under the present grievance of provisions, which burden has new weight added to it by the apostolic see. Thus the encouragements of religion are misspent upon unworthy persons ; men

that neither understand the language of the country, nor reside upon their benefices, and want both disposition and ability to discharge their office : these foreigners being thus mercenary and unqualified, the end of the priesthood is lost, and the benefit of religion grows almost insignificant. By this conduct the clergy, our native subjects, persons of great learning and probity, well qualified for the pastoral function, and who might be serviceable to us in our public affairs, are discouraged in their studies, by despairing of a reasonable promotion. These things, we are well assured, are by no means pleasing to the Divine Majesty.

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“ We are farther to acquaint your holiness, that unless new measures are speedily taken, the mischief of the present management will make both ourselves and our subjects extremely uneasy : for by these provisions the rights of patronage are maimed, and the jurisdiction of our courts, where titles to advowsons ought to be tried, is baffled by appeals to a foreign authority : and thus we suffer both in our honour and prerogative ; the treasure of the country is carried off by strangers, and the kingdom is weakened and impoverished. The mischief growing thus intolerable, our subjects in parliament earnestly desired us to stop the course of the encroachment, and apply a speedy and effectual remedy.

“ We, therefore, being sensible of the hard usage put upon the English Church, and the damage we sustain in our royal authority, can no longer be silent and acquiesce, but think it our duty to address your holiness for a better regulation of these matters ; your holiness, I say, who may please to consider you are St. Peter’s successor, who had his commission from our Saviour, not so much to shear the sheep as to feed them : who was commanded to strengthen his brethren, not to sink and depress them. We desire your holiness would give a fair consideration to the premises, and remember that people are best governed by their own countrymen ; and that magistrates should be chosen out of the society they belong to. Thus we read, the apostles took care not to ordain any to the holy function who were strangers to the language of those they were to instruct. We likewise desire your holiness to recollect how obedient our royal family, the clergy, and laity of our kingdom have hitherto continued to your see ; for which behaviour we may reasonably expect a return of paternal affection :

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and that, instead of loading us with new grievances, you would remove the old ones, revoke these burthensome provisions, permit patrons to enjoy the privilege of their advowsons, and cathedrals and other places to be undisturbed in the freedom of their elections : which preferments used formerly to be disposed of by our predecessors upon a vacancy ; but afterwards, at the instance and request of the apostolic see, they granted the chapters and convents of cathedrals and abbeys the liberty of choosing their respective governors under certain limitations and conditions, which grant was likewise confirmed by the popes themselves. But now, by the provisions and reservations of the apostolic see, these grants and confirmations are perfectly defeated and set aside ; the chapters thrown out of the freedom of their elections, and the conditions upon which the charters were granted, broken, in which case the grant becomes void, and our prerogative returns upon the Church in its former extent and latitude."

Walsing-
ham, Hist.
Angl.
p. 161.

And thus the letter, after pressing for speedy redress, concludes with the usual ceremony.

*Observations
upon the
king's letter.*

Now though there was just occasion for complaint, and the encroachments of the court of Rome were intolerable, yet there are two mistakes in the letter, which I conceive necessary to state to the reader. Neither is such a freedom to be interpreted a disregard to the memory of this great prince, since kings are not to be supposed thoroughly acquainted with all passages in history, or controversies about religion ; neither, upon such occasions, do they commonly speak so much their own sense, as that of their secretaries and ministers. Having premised this, I proceed to observe, that the letter infers the right of filling vacant sees and disposing of bishoprics to be in the crown, because the cathedrals were originally endowed by the kings of England. Secondly. That from the first planting of Christianity among the Saxons in this island, the kings of England have actually provided for the vacant sees, as part of their prerogative. Now, with all due respect to the letter, the first of these assertions is a mistake in reasoning, and the second in matter of fact.

*The Church
does not
forfeit the
privilege of
choosing her
governors
by being
endowed by
the State.
See above,
under the
reign of
William the
Conqueror.*

For, first, from the foundation of bishoprics, that is, building cathedrals, and settling revenues upon them by the crown, we cannot infer, that the bishoprics ought to come under terms of disadvantage, and be disposed of by the State.

For if, as has been proved, the Church is constituted independent of the civil government, she must then have a right of appointing her own officers: it being the privilege of all independent societies to have their governors set over them by their own constitution, without lying under the control of any foreign authority. Thus, for instance, the crown of Sweden has no right to appoint officers, either military or civil, for the kingdom of Denmark, nor the crown of Denmark for the kingdom of Sweden. For to give one society an authority of making governors for another, destroys the notion of independency. For on the admitting such a liberty, it will follow, that this society, which lies under the disadvantage of a foreign appointment, is altogether precarious in her constitution. Because it will be in the power of such a foreign and superior government either to allow the depending society no governors, or else to appoint such as shall be altogether unqualified and unserviceable. And the next consequence is, that the depending society may be swallowed up by the other, and dissolved at pleasure. And thus, to apply this reasoning, if the appointing bishops and ecclesiastical officers lies at the disposal of the State, the government of the Church must do so too; and then it will be in the power of a human authority to supersede a divine commission; then the civil magistrate may cancel our Saviour's charter to the Apostles and their successors, and extinguish the profession of the Christian religion. But, secondly, since the Church is independent, and the spiritual power of the bishops not derived from the crown, I desire to know which way an endowment can make the ecclesiastical society forfeit her original privilege of choosing her own governors? Does the settling an estate upon the Church make her lose the fundamentals of her constitution? To illustrate this point by another instance. If the state of Venice should make a present of one of their towns to the duke of Florence, nobody would conclude this favour gave the Venetians a jurisdiction over Tuscany; or that the ministers and magistracy of that duchy ought to be appointed by the senate of Venice. A grant, in the notion of it, supposes a translation of right only on the side of the granter. Where right is mutually transferred, it is a bargain, not a gift. Is there, then, any original contract to prove the Church resigned up her constitution to the State in consideration of an endowment? Nobody cau

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affirm this. Besides, if the bishops should have so far failed in their trust (which they have not) as to have agreed to such a compact, it would have been of no force. For since our Saviour has constituted the Church upon a footing of independency, it is not in the power of her governors to overthrow the divine settlement: a settlement without which the perpetuity of the Christian religion cannot be secured. As for the Church's sometimes acquiescing in the nominations of the State, that is done upon the score of convenience, neither does it suppose her barred from acting otherwise when occasion shall require.

The first Christian kings under the heptarchy did not make the nominating to bishoprics part of their regale.

Secondly. The letter sets forth that, from the first planting of Christianity till after the Conquest, the kings of England have filled vacant bishoprics by virtue of their prerogative. But, with submission, this representation is altogether wide of matter of fact: for from the coming of Augustine the monk, through several reigns of the heptarchy, the Saxon princes, as we have seen already, did not pretend to fill the vacant sees; but the bishops were either nominated by the pope, the archbishop of Canterbury, or chosen by the chapter: and of this we have already mentioned several instances in the course of this history.

Malmesb. de Gest. Pontif. 1. 3. fol. 157. A. D. 1344.

The next year there was a parliament held at Westminster, upon the quindenes of the holy Trinity. And here, as we are informed by the preamble of the statute, the clergy granted the king a triennial disme, or tenth, for supporting him in his war against France: we may likewise observe something of the distinct powers of the two provinces of Canterbury and York: for the province of Canterbury agreed to pay their subsidy at the feasts of the purification of our lady, and of St. Barnabas the Apostle: but the days of payment for the province of York were, the feasts of St. Luke, and the nativity of St. John the Baptist.

A statute made in favour of the clergy.

To proceed: in consideration of this aid, the liberties of the Church were farther explained and confirmed by act of parliament. I shall mention some part of the statute, which runs thus:—

Bigamy shall be tried by the ordinary, and not by a jury.

“ And we, for this cause, in maintenance of the estate of holy Church, and in ease of the said prelates, and all the clergy of England, by the assent of the great men, and of the commons, do grant of our good grace, the things under written: that is to say: if any clerk be arraigned before our justices at our suit, or at the suit of the party, and the clerk holdeth him

to his clergy, alleging that he ought not before them thereupon to answer; and if any man for us, or for the same party, makes a suggestion that he hath married two wives, or one widow, that upon the same, the justices shall not have the cognizance nor power to try the bigamy by inquest, or in other manner: but it shall be sent to the spiritual court, as hath been done in times past in case of bastardy, and till the certificate be made by the ordinary, the party in whom the bigamy is alleged by the words aforesaid, or in other manner, shall abide in prison, if he be not mainpernable."

EDWARD
III.

CHAPTER III.

"Item. If prelates, clerks beneficed, or religious people, which have purchased lands, and the same have put to mortmain, be impeached upon the same before our justices, and they shew our charter of license and process thereupon made by an inquest of 'ad quod damnum,' or of our grace, or by fine, they shall be freely let in peace, without being further impeached for the same purchase."

Prelates impeached for purchasing lands in mortmain are to be discharged upon showing the king's license.

CHAPTER V.

"Item. That no prohibitions shall be awarded out of the Chancery but in case where we have the cognizance, and of right ought to have."

Prohibition.

CHAPTER VI.

"Item. Whereas commissions be newly made to divers justices, that they shall make inquiries upon judges of holy Church, whether they have made just process, or excessive, in causes testamentary and other, which notoriously pertaineth to the cognizance of holy Church, and the said justices have inquired and caused to be indicted judges of holy Church, in blemishing of the franchise of holy Church; that such commissions be repealed, and from henceforth defended. Saving the article in Eyre, such as ought to be."

Temporal justices shall not inquire of process awarded by spiritual judges.

549.

The seventh and last chapter enacts, that no "scire facias" shall be awarded to warn a clerk to answer for his tithes, which I shall not repeat at large.

This statute, we see, is plainly made in favour of the clergy: it is a provision to secure the ecclesiastical jurisdiction, and prevent the encroachment of the secular courts. Now, supposing there happens a dispute about the meaning of this

Statutes at large, printed A. D. 1613, fol. 87. Pulton's Statutes, fol. 143.

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*In case of a
dispute about
jurisdiction
between the
spiritual
and tem-
poral courts,
by whom the
controversy
is to be
decided.
Coke's
Instit.
part 2.
fol. 618.*

statute ; who is to expound the law, and settle the sense for practice in this case ? Sir Edward Coke informs us, the clergy claimed the privilege of interpreting all statute laws concerning the clergy : but that it was resolved by all the judges of England, that the interpretation of all statutes concerning the clergy, being parcel of the laws of the realm, do belong to the judges of the common law. Thus far sir Edward Coke.

But if we examine the reason upon which the resolution of the judges is grounded, we shall find that disputes of this kind are not to be determined by either party : for, as sir Edward Coke reports from the justices and barons of the Exchequer ; “ if the ecclesiastical judges shall have the determination of what things they shall have cognizance, and all that appertains to their jurisdiction which they shall allow to themselves, they will make no difficulty ‘ *ampliare jurisdictionem suam* ;’ that is, they will make no difficulty to enlarge their jurisdiction.”

Now are the ecclesiastical judges more liable than the temporal to exceed their limits, and extend their jurisdiction ? Are they subject to a greater bias in their conduct than other magistrates ? Nobody can fairly say that. On the contrary, St. Germain, a great lawyer, gives them a comparative advantage. He tells us the administration of the goods of the intestate was committed to the bishops, and not to the secular courts, because the law supposed the clergy better fenced against temptation than the laity.

However, to set both sides upon a level as to this matter : we will suppose both the ecclesiastical and temporal courts liable to the same degrees of self-love and ambition : and both of them in some measure subject to the impressions of interest. Now the case standing thus, they are neither of them, by the resolution of the judges, fit to be trusted with the deciding a question, in which themselves are so nearly concerned. For the regards of profit or power may sometimes surprise their understandings, and mislead them to declare in favour of their own advantage : or, as the judges express it, they may be tempted “ *ampliare jurisdictionem suam*.” And therefore, when a dispute arises between the two courts, ecclesiastical and civil, about jurisdiction, and extent of privilege ; when this happens, the controversy ought to be carried to a third seat of justice ; and be referred to indifferent persons, who may be reasonably supposed more free from any bias of

Coke's
Report's,
part 12.
fol. 42.
Fuller's
case.

Doctor and
student.

partiality and interest : and for this equitable expedient, the clergy moved in the reign of king Henry VI. But of this no more at present. EDWARD
III.

Farther, since this act before us, that of “circumspecte agatis,” and others, were made on purpose to secure the franchises of the Church, and fix a barrier between the courts temporal and Christian, since this is the case, I desire to know whether the legislature ever intended to make the temporal courts the sovereign judges of a controversy of this nature? Are not the acts before us, I say, made on purpose to restrain the excesses of the temporal courts? How then can we suppose the law designed to give them the unusual privilege of judging in their own cause, and determining the extent of their jurisdiction? Does not this supposition put it into the power of the temporal judges to expound away the meaning, and defeat the aim and intent of these statutes? In short, if the temporal courts are to over-rule all controversies, though in their own cause, does not this privilege put it in their power to disappoint the provisions of parliament? To extinguish the jurisdiction of the Church, and make part of the constitution insignificant? But I put these things by way of question, and determine nothing.

I shall now proceed, and give a brief recital of some remarkable occurrences in the State. In the beginning of this reign, Edward, son of John Baliol, late king of Scotland, put up his claim to that crown, against David, son of Robert Bruce. In this dispute, Baliol, by the assistance of the English, succeeded against the Brucean party, and was crowned king at Seone, on the twenty-fifth of August, 1332. And in the second year of his reign, he swore fealty and did homage to king Edward, for the realm of Scotland.

Not long after, king David's interest revived, and overtopped his competitor. And now the troops, in the service of this prince, held out Berwick against the English. This town king Edward demanded upon a double title, by a grant of Edward Baliol, as well as by a prior right of his own. The king therefore being refused in his demands, marched against the Scots, charged them at Huntingmoor, near Berwick, where they were routed, as some say, with the loss of forty thousand men. After this defeat the town and castle surrendered to the English.

The next year, king Edward entered Scotland, ravaged the

Walsingham, p. 131.
Buchanan.
Rer. Scot.
Hist. lib. 9.
Brady's
Continuat.
of the Com-
plete Hist.
p. 195.
Conventio-
nes, Literæ,
tom. 4.
p. 536.

550.

R. de Aves-
bury, p. 82.
ad an. 1334.

country in a terrible manner, and met with no resistance. At last, the Scots were forced to submit to a treaty, which was concluded at St. Johnstons, on the eighteenth of August, in the year of our Lord 1335.

On the first of November following, king David, with the advice and consent of the three estates in a parliament at Edinburgh, owned the sovereignty of the crown of England over the kingdom of Scotland, and by a public instrument declared himself and his heirs and successors, feudatories of Edward III. king of England, for the kingdom of Scotland; notwithstanding all manner of releases, remissions, discharges or acquittals whatsoever, made by any king or kings of England to the contrary.

Notwithstanding all this homage and acknowledgment, the Scots, taking advantage of king Edward's absence, entered England in a hostile manner, and burnt Carlisle and several other towns. The Scottish army was commanded by William Dowglas, and is said to have been thirty thousand strong. However, this formidable enemy did not discourage John, bishop of Carlisle, sir Thomas Lucy, and sir Robert Ogle, from venturing a battle at great disadvantage of numbers. In short, the English straitening the Scots in their quarters, and disturbing their forage, obliged them to fight; and after a warm dispute, gave them a total defeat, and took a great many prisoners.

The truce between England and France being broken by king Philip's surprising twelve British lords, and beheading them without trial: the truce being thus broken I say, the war broke out afresh: for now, Henry, earl of Derby, marching from Bordeaux, took the field, overran all the upper Gascony, and made himself master of several towns and castles.

Upon this success, he marched back to Bordeaux; and soon after, understanding the earl de Lisle was set down before Auberoche, he came to the relief of that place: and here, being only a thousand strong, he raised the siege, defeated the French army which consisted of ten thousand, took their general, and about ten earls and viscounts prisoners. After this victory, he besieged de la Reole, Angoulême, and several other towns without much difficulty.

The next year, in the beginning of June, king Edward, and the Black Prince, his eldest son, embarked for France: the fleet consisted of two hundred sail, and the forces on board were four thousand men at arms, and about twenty thousand

STRAT-
FORD,
Abp. Cant.

King David Bruce does homage to king Edward for the kingdom of Scotland.

Brady's Continuat. of the Complete Hist. in Append. num. 85.

p. 79. From a box entitled, "Scotia," within a great chest of the same title in the old chapter-house in the cloister at Westminster.

The Scots make an incursion into England, and are defeated by the bishop of Carlisle.

A. D. 1345. Walsingham, Hist. Angl. p. 165.

King Edward's successes in France.

Mezerai's Hist. of France. A. D. 1346.

foot. The king is said to have held an intelligence with several of the great men of France. Geoffry, brother of the earl of Harcour, a nobleman of considerable interest in Normandy, having lost the favour of king Philip, retired into England, and went in the expedition. EDWARD
III.

And now the winds proving cross for Guienne, where the king intended to land, Geoffry persuaded him to drop his first scheme, and set sail for Normandy. This advice being approved, the forces debarked at la Hogue, the king designing to march through Normandy and Picardy, and join the Flemings. At his first setting forward, he took Carentan, St. Lo, Valongnes, and Harfleur, and soon after defeated twenty thousand men, commanded by the count de Tankerville, and took Caen by storm.

Mezerai in
Philip de
Valois.

From hence, the king marching by the bishoprics of Lisieux and Evreux, overran and ravaged the country all along the Seine, up to Paris, encamped at Poissy, and from thence sent Philip a challenge to fight him under the walls of the Louvre : and being apprehensive he might be inclosed between the rivers Seine and Oyse, he decamped, and passed into Beauvaisis with a design to retire into the county of Ponthieu.

Philip being enraged to see the enemy in the heart of France, and the country thus miserably harassed, followed the English with great eagerness to fight them before they could pass the Somme. King Edward having passed this river at the ford of Blanque Taque, encamped at Cressy, and the next day Philip came up to Abbeville, within three leagues of the enemy. The French were not less than a hundred thousand men effective, and therefore, had king Philip managed the advantage with prudence, he might easily have enclosed the English, and cut off their provisions in a few days. But being impatient of delay, and depending upon the superiority of his numbers, he came up to Cressy the next day and attacked the enemy.

These hasty motions, and especially the three leagues' march on the day of battle, fatigued the French troops, and made them charge with disadvantage. On the other side, the English were fresh, and being safe in nothing but a victory, despair made them fight with greater resolution. The king's forces were about thirty thousand. The vanguard was commanded by the prince ; the second division by the earls of Arundel and Northampton ; and the rear by the king. At the beginning of the fight, the Genoese, the best part of

August 26.
*The victory
against the
French at
Cressy.*

STRAT-
FORD,
Abp. Cant.

551.

Walsing-
ham, Hist.
Ang. p. 166.

Daniel, Hist.
p. 201.
*The Scots
defeated
near Dur-
ham, and
king David
taken pri-
soner.*

Walsing-
ham, Hist.
Angl.
Knighton
inter 10
Scriptor.
Walsing-
ham, *ibid.*

Philip's infantry, did no execution, their cross-bow-strings being made unserviceable by a shower. This misfortune made them give ground, and retire: upon which, count de Alençon suspecting treachery, rode over them with his cavalry, and by thus disordering the troops, and giving them a distrust of each other, occasioned the loss of the battle. Besides, the English having four or five pieces of cannon, surprised the French, and struck a terror into them; for it seems this was the first time this thundering invention had been used in France.

The French lost thirty thousand foot upon the spot; twelve hundred gentlemen, and fourscore standards and colours were taken; John, king of Bohemia; Charles, earl of Alençon, brother to king Philip; Lewis, earl of Flanders, and about fifteen other counts of the best quality were likewise slain.

King Edward, as he began the fight with a solemn address to God Almighty, continued the same religious disposition after the success, and ordered a thanksgiving in the army. And the next day sending out a body to discover the condition of the enemy, they met great reinforcements, who knowing nothing of the battle, were coming up to the French camp: these were defeated by the English: and some say the French lost more men thus surprised in parties, than in the field of battle.

This great victory was quickly followed by another no less considerable against the Scots. The king and the flower of the English being in France, king David Bruce made use of the opportunity, and entered England with an army of about threescore thousand men. And here, the Scots, who expected to march without resistance and harass the country at their pleasure, were much disappointed; for William, archbishop of York, Thomas, bishop of Durham, the lords Percy, Nevill, Dayncourt, &c. levied a body of troops, and being encouraged by the queen who was there in person, charged the Scots near Durham, killed fifteen thousand, and gave them a total defeat. In this battle, king David, the archbishop of St. Andrews, the earls of Fife, Menteith, Murray, Sutherland, lord Douglas, and others of quality were taken prisoners. This victory was gained on St. Luke's eve, about six weeks after that of Cressy. King Edward's forces were likewise prosperous this year in the neighbourhood of Guienne under the earl of Derby, and in Bretagne under the command of sir Thomas Dagworth.

After the battle of Cressy, king Edward, passing by Amiens

and Abbeville, sat down before Calais, and taking it after almost a year's siege, turned out the French burghers, and planted it with a colony of English.

EDWARD
III.

Mezerai.
A. D. 1347.
Calais taken.

To return to the Church: this year, William Occam, the famous schoolman, died at Cologne: he was an Englishman, of the order of St. Francis. He was bred under John Duns Scotus, though afterwards he struck out into opposite notions, and proved a great antagonist to his master: for Occam set up the distinction of the Nominalists against the Realists, of which Duns Scotus was the head. Occam was a person both of singularity and spirit, and is said to have been so hardy as to appear against the censure upon the *Fratri-celli* pronounced by pope John XXII.; and when several English divines travelled to Avignon upon this occasion, and challenged Occam to a dispute, he declined the hazard of the contest; he afterwards deserted to Peter Corbario the antipope, whom the emperor Lewis of Bavaria endeavoured to set up. This siding with a competitor for the papal chair drew an excommunication upon him: but this censure made little impression: for afterwards he wrote a book in defence of Lewis of Bavaria, and asserted the emperor's authority superior to the pope's. He used frequently to tell the emperor, that "if he would protect him with his sword, he would make him a return with his pen, and justify his majesty in the controversy." By this pride and stiffness, he continued excommunicated. He wrote several tracts mentioned by Pits, who gives him the character of a very learned philosopher and divine.

*Occam's
death and
character.*

Pits de Il-
lust. Angl.
Scriptor.

The next year, Stratford, archbishop of Canterbury, departed this life at Magfeld, upon the eve of St. Bartholomew. This prelate, in the general defection against Edward II., held firm to the crown. And therefore, the story of his drawing the deposing articles was, without doubt, no better than a calumny, raised by Orlton, bishop of Hereford, to give a colour to his own treason: indeed this Orlton was so notorious a rebel, that there is little credit to be given to his testimony: especially since we find him convicted of falsehood in the House of Lords in another case: he charged archbishop Stratford with advising the king to do homage to Philip of France; and that Stratford suggested these measures without consulting the privy council. But these depositions were fully disproved, and evidence produced that the archbishop knew nothing of the matter.

*The death of
the arch-
bishop of
Canterbury.*

Antiquit.
Britan.
p. 221.
A. D. 1348.

*He is vin-
dicated.
Angl. Sacr.
part 1.
p. 40.*

UFFORD,
Abp. Cant.

To conclude this archbishop's life, he was remarkably charitable, and used to give every day money and provisions to about forty people with his own hand; besides the other charities from the remains of his table; to which we may add large distributions of money sent to poor women lying in, and other indigent persons. He was likewise a very gentle good-natured governor, and chose rather to relax a little in the canon, than come to the extremities of discipline. He was born at Stratford in Warwickshire, where he built a stately collegiate church. He was a prelate of learning, and thoroughly acquainted with the canon and civil law. He sat thirteen years, six months, and

Angl. Sacr.
part 1.
p. 40, 41.
Antiq. Brit.
Pits de Illust. Angl.
Script.
Antiq. Brit.

552.

some odd weeks; and was buried in Christ's Church, Canterbury. The king was in France when Stratford died; but this archbishop had put the administration into so good a method, that the state suffered nothing by the king's absence. Upon the death of Stratford, the prior and convent of Canterbury elected Thomas Bradwardin, doctor in divinity and confessor to the king; but the king being more inclined to prefer John Ufford, wrote to the pope to take no notice of the monks' election, and bestow the archbishopric upon Ufford by way of provision. The pope, pleased with this application, gratified the king immediately, declared Ufford archbishop of Canterbury, and made him an unusual grant of favour and privilege in his jurisdiction. This Ufford was son to the earl of Suffolk, commenced doctor of civil and canon law at Cambridge, and was afterwards preferred to the deanery of Lincoln. And being thus nobly extracted, and a person of elocution and learning in the law, the king brought him to the council-board, and made him lord chancellor. But he enjoyed these honourable stations but a short time. And here, Birchinton relates that a plague broke out just after Christmas in the year 1348, and continued till the end of May, 1349. Now this mortality happening between the time of Ufford's being declared archbishop, and his death, which was not full seven months, it seems to follow, that the computation of the year was altered from Christmas to our Lady-day. As to the plague, it was very terrible, and swept away almost half the people, insomuch that the living could scarce bury the dead. Walsingham makes a very tragical relation of this calamity, reports that populous towns were in a manner uninhabited; and that, in some monasteries, not above two of twenty monks escaped. This mortality

*Ufford
elected arch-
bishop of
Canterbury.*

*The compu-
tation of the
beginning of
the year
seems
altered.*

Angl. Sacr.
pars 1.
p. 42.
Ibid.

reduced the priests to a small number, and made those unseized by the infection retire from their cures, insomuch, that a great many parishes had nobody to officiate.

Ufford, who was elect of Canterbury during this visitation, died upon the seventh of June before consecration, or receiving the pall: the sickness, in all likelihood, hindering the completing his character.

This mortality gave occasion to the foundation of the Charterhouse. The founder of this monastery was sir Walter de Manny, a military gentleman of great reputation, born in the diocese of Cambray. He was first banneret, and afterwards made knight of the garter. This year, sir Walter purchased a piece of ground near St. John's-street, called Spittle-croft, without the bars of West Smithfield. This ground containing about thirteen acres, was enclosed by this gentleman, and consecrated by Ralph Stratford, bishop of London. The design of it was to serve for a burying-place: and accordingly in the year following, as appears from an old inscription, there were more than 50,000 persons buried there. In this place not long after, sir Walter built a chapel, where offerings were made, and masses said for the deceased. And in the year 1371, he founded a house of Carthusian monks, in which year he died, and was buried in this monastery.

Upon the death of Ufford, the monks of Canterbury continued their regards for Bradwardin, and elected him for their archbishop a second time. The pope knowing nothing of these proceedings, pitched upon the same person, so that now Bradwardin had a double title for his promotion. He travelled soon after his election to Avignon, where he was confirmed and consecrated by pope Clement VI. Bradwardin being a person of great humility, and not affecting an appearance, one cardinal Hugo, a kinsman of the pope's, endeavoured to make him a jest. To this purpose, he had a peasant brought into the public room upon an ass to beg the archbishopric of Canterbury: but instead of doing Bradwardin any disservice, was well rebuked for his vanity and folly. The archbishop, upon his return into England, had the temporalities restored, and died soon after upon the 26th of August.

This prelate was born at Hartfield in Sussex, and bred at Oxford, where he commenced doctor in divinity. He was an eminent philosopher and mathematician, and so learned a

EDWARD
III.

Walsingham, Hist. Angl. p.168. Angl. Sacr. ibid.

Ufford dies before consecration.

Stow's Survey of London, Dugdale's Monasticon. A. D. 1349. June.

Bradwardin is elected archbishop of Canterbury, and consecrated.

Walsingham, Hist. Angl. Sacr. pars 1. p. 119.

BRAD-
WARDIN,
Abp. Cant.

*His learning
and com-
mendable
qualities.*

divine, that he was commonly called “doctor profundus.” He was no less remarkable for probity and strictness of life; for for which reason archbishop Stratford recommended him for the direction of the king’s conscience. This office he managed with great integrity and courage, solicited for no preferment either in Church or State, and was constantly with the king in the campaign. And when he perceived the king’s management indefensible, and that the measures of conscience were not well pursued, he used to put him in mind of his duty with great freedom: but then the manner was ordered with such inoffensiveness and discretion, that the remonstrance was never ill taken. Besides these private admonitions, he used to preach frequently before the army, persuading them to make a good-natured use of their victories, not to be elated upon their exploits against the enemy, but attribute their success to the blessing of God Almighty; and by these discourses, he restrained the soldiers from those excesses, which are commonly the consequence of conquest: insomuch, that many people were of opinion, the progress of the king’s arms was in a great measure owing to the conduct and piety of Bradwardin. He was so remote from any inclination to preferment, that when he heard the pope had set aside his first election, he was not in the least disconcerted at it. And when the king was blamed for recommending Ufford, and preventing Bradwardin’s promotion, he excused himself, and replied, that he could by no means part with so worthy a confessor, and that he was sensible the missing the archbishopric would be no disappointment to Bradwardin.

This archbishop, besides several performances in geometry and divinity, wrote a famous tract against the Pelagians, entituled, “De Causa Dei, vel de Virtute Dei Causa Causarum.”

553.

Antiquit.
Britan. in
Bradwardin.
Pits de
Illust. Angl.
Hist. p. 470.

Upon the vacancy of the see, Simon Islip was elected by the monks of Canterbury, who were well assured their choice would not be disliked at court. But the pope, who loved to be exercising his pretended plenitude of power, overlooked the monks’ election, and sent a bull to declare Islip archbishop of Canterbury: by virtue of which papal provision, he was consecrated at St. Paul’s, London, in December following. This Islip, before his coming to the see of Canterbury, had gone through several promotions in Church and State. For after

his quitting Merton College, in Oxford, he was first made prebendary of St. Paul's; then dean of the Arches to archbishop Stratford. Afterwards he was made privy counsellor, secretary of state, and keeper of the privy seal to king Edward III. Upon this advantage of ground he stood when he was preferred to the archbishopric.

EDWARD
III.

Upon his receiving the pall, he went privately to Canterbury, to prevent the expense of a public instalment. For he was a prelate of great frugality, and far from affecting the figure of a splendid table. He is somewhat blamed for the severity of his temper, and for carrying the exercise of discipline to the stretch of the canons. The turning a great many clerks out of their livings at his first visitation, made him somewhat unpopular. These instances of rigour alarmed John Symnwell, bishop of Lincoln, to that degree, that he was glad to purchase an exemption of the pope from Islip's jurisdiction. But this expedient signified little, the privilege being afterwards revoked at the archbishop's application.

Antiquit.
Britan. in
Islip.

Archbishop
Islip some-
what rigid
in his
government.

Ibid.

The next year the archbishop and his suffragans petitioned for a redress of grievances, at a parliament held at Westminster, and procured a statute in their favour.

A. D. 1350.

By this act, all the privileges and franchises granted formerly to the clergy, are confirmed in all points. And to mention some particulars: "It is provided, that when the king presents to a benefice in another's right, his title shall be examined. All clerks convicted of any treasons or felonies, not touching the king, were to be delivered to their ordinaries. A clerk was to be arraigned before secular judges of all his offences at once, or otherwise delivered to the ordinary. The temporalities of bishops were not to be seized into the king's hands for a contempt upon writs of 'quare non admisit,' and other pretences. But in such cases, the courts are to be satisfied with a reasonable fine. Farther, by this act, the ordinary is allowed to counter-plead the king's title for a benefice fallen to him by lapse. And whereas it was complained, that the secular justices do accroach to them cognizance of voidance of benefices, which cognizance, and the discussing thereof, pertaineth to the judges of holy Church, and not the lay judge: it is enacted, that the said justices shall from henceforth receive such challenges made by any prelate of holy Church in this behalf, and moreover thereof shall do right and reason.

A statute in
favour of
the clergy.

ISLIP,
Abp. Cant.

25 Edw. 3.

And, lastly, it is provided, that indictments of ordinaries, or their ministers, for extortion must be put in certainty;” that is, the circumstances of the offence must be declared, and the matter and manner particularly specified.

After the passing of this act, the archbishop, with the consent of his suffragans, published a constitution to punish those clerks severely who had been delivered over to the ordinary for crimes against the state. It seems the bishops had complained that the secular judges had exceeded their commission, violated the privileges of the Church, and made no scruple to condemn and execute priests, who were exempt from their jurisdiction: to this remonstrance it was replied, that the clergy were encouraged to commit disorders upon the strength of their privilege: that when they were convicted of any great crimes by due process of law, and delivered to their ordinaries upon demand, they were treated so favourably under the custody of the prelates, ate and drank so well, that the gaol was rather a place of entertainment than discipline. Thus, by ease

A provincial constitution for perpetual imprisonment and other penance for clerks guilty of crimes against the state.
A. D. 1351.

and plenty, the malefactors grew more hardy and licentious; and by being negligently guarded, sometimes made their escape. It was farther objected, that very scandalous clerks, whose crimes were notoriously evident, were too gently used in their purgations, and discharged sometimes upon a slender and insufficient defence: and that by these methods of partiality and connivance, the criminals grew worse under the correction of the Church, and others of that order were encouraged to misbehave themselves to the great disturbance of the kingdom. The archbishop and his suffragans, therefore, to silence this complaint, and prevent such disorders for the future, published a constitution that those clerks who had been convicted of any capital offence should suffer perpetual imprisonment in the bishop’s gaol, and never be restored to their former station and employment; that they should be kept under a constant and rigorous penance. That upon every Wednesday, Friday, and Saturday, they should be fed with nothing but coarse bread and water; and upon other days, their diet was to be only bread and the smallest beer, excepting some little indulgence for Sundays, when they were allowed to eat pulse; neither were they to receive any charities from their friends to amend their commons, nor were they ever to be permitted to make their purgation. Something of this kind had

Spelm. Concil. vol. 2. p. 597.
Antiq. Brit. in Islip.

formerly been settled by archbishop Boniface, by whose con- EDWARD
stitutions those clerks, who relapsed after discipline, proved III.
incorrigible, and had been guilty of felony, were confined during }
life in the bishop's prison. 554.

The remonstrances against the encroachments of the court Lindwood,
of Rome proving ineffectual, the English thought it necessary l. v, tit. 15.
to do themselves justice. And thus, at the instance of the de Penis,
lords and commons, the king was prevailed with to pass the p. 321.
statute of provisors. *The statute*
By this act, "In case the pope collated of provisors."
to any archbishopric, bishopric, dignity, or other benefice in
disturbance of free elections, collations, or presentations: the
collation to such dignity or benefices, was to escheat to the
crown, and the king and his heirs were to dispose of such pre-
ferments for one turn. And if any person should procure
reservations and provisions from the pope in disturbance of
free elections, or of the presentees of the king, or other patrons,
that then the said provisors, their procurators, and notaries
shall be attached by their body, and brought in to answer.
And in case they were convicted, they were to abide in prison
till they had made fine and ransom to the king at his will, and
satisfaction to the party that shall feel himself grieved. They
were likewise to make full renunciation, and find sufficient surety
not to attempt such things in time to come, nor sue any pro-
cess against any man in the court of Rome, nor in any part
elsewhere, for any such imprisonments or renunciations." 25 Edw. 3.

This act is assigned by the statute-book to the year 1350.

After the recess of this parliament, the old controversy *The dispute*
between the archbishops of Canterbury and York, about carry- about carry-
ing the cross erected, was compromised and referred to the ing the cross
king. His highness put an end to the dispute upon the terms adjusted
following, viz.: that both the archbishops should carry the between the
cross in each other's province as they thought fit: but then, sees of Can-
to secure the primacy and privilege of the see of Canterbury, tisbury and
the archbishops of York were obliged, within two months York.
after their coming into the province of Canterbury, to send their
vicar-general, or some other person of condition, to the cathed-
ral of Canterbury with the present of a golden figure worth
forty pounds, or some other jewel of equal value: the figure
was to represent an archbishop with a cross in his hand. This,
and some other circumstances of precedence, being decided by

ISLIP,
Abp. Cant.

Antiquit.
Britan. in
Islip.

*The coin
diminished.*

the king, were afterwards confirmed by pope Innocent VI. who succeeded Clement.

This year William Edendon, bishop of Winchester, and lord treasurer, endeavoured to relieve the exchequer by an alteration of the money, and persuaded the king to coin groats and twopences, with an under proportion of weight with respect to the shilling. This precedent was afterwards followed, and the coin diminished by degrees; insomuch, that our pound of silver is now sunk two thirds of what it weighed in the beginning of this prince's reign.

Walsing-
ham, Hist.
Angl.
p. 169.
Godwin in
Episc.
Winton.
A. D. 1353.
*A quarrel
between the
university
and city of
Oxford.*

About two years afterwards there happened a quarrel between the scholars and townsmen at Oxford. In this dispute several were killed on both sides, and at last the burghers getting the better, the university men were driven out of the town. Upon this, the bishop of Lincoln, the diocesan of Oxford, put the city under an interdict: but he thought fit, soon after, to relax some part of this censure, and only command the parish priests to stop divine service, if any of the burghers of Oxford came into the church, and not to proceed till they went out. This punishment being not thought sufficient by the archbishop, he put them under an excommunication.

The king, being informed that the scholars were dispersed, and that education and learning were likely to suffer, undertook the matter himself, and had the cause brought to the council-board. Upon the hearing of both sides, the townsmen were cast, and the scholars pardoned their share of misbehaviour, upon condition they would return to the university. And to make some satisfaction, and prevent such ill-usage for the future, the townsmen were obliged to pay the scholars two hundred and fifty pounds; and bound under a great penalty not to insult them for the future. And for a farther mortification, the king put the government of the town into the hands of the chancellor of the university. And besides this fine, and check of jurisdiction, the scholars had the privilege given them of suing the townsmen in the vice-chancellor's court.

Walsing-
ham, Hypo-
digm. Neu-
stric, p. 520.
Antiquit.
Britan. in
Islip.
*The statute
of premu-
nire.*

This year the statute of premunire was made, at a parliament held at Westminster immediately after the feast of St. Matthew. The preamble sets forth, "That grievous and clamorous complaints had been made by the great men and commons, that divers of the people were drawn out of the realm

to answer of things whereof the cognizance pertains to the king's court; and also that the judgments given in the same court, were impeached in another court, in prejudice and disherison of the king, and all the people of his realm, and to the undoing and destruction of the common law: it is therefore enacted that all people of the king's allegiance which shall draw any out of the realm in plea whereof the cognizance pertains to the king's court, or of things whereof judgments are given in the king's court, shall have two months' warning given them to appear in the king's courts to answer the contempt. And provided they do not appear in their proper person to answer the law within the time appointed, they, their procurators, their attorneys, &c. shall, from that day forth be put out of the king's protection, and their lands, goods and chattels forfeited to the king, and their bodies imprisoned and ransomed at the king's will."

EDWARD
III.

555.

27 Edw. 3.
cap. 1.

It seems plain, both by the preamble, and enacting part of this statute, that the penalty of premunire was intended only against those who should draw causes of property into foreign courts, and apply to the see of Rome for justice. And that the law did not design to point the forfeiture upon the ecclesiastical courts within the kingdom, may be reasonably inferred, first, because they are not mentioned as any part of the grievance: and secondly, because there was a remedy prior to this act, in prohibitions, to prevent their encroachment upon the temporal courts.

The next year, Innocent VI. directed a bull to Islip for the more solemn observation of the anniversary of Augustine, the first archbishop of Canterbury: the pope takes notice that this festival was but slenderly kept before, and orders divine service should be performed "sub duplici officio," and that work and business should be forborne upon that day.

This year, William Bateman, bishop of Norwich, departed this life. He was born at Norwich, and bred at Cambridge, where he commenced doctor of civil law. He was afterwards archdeacon of Norwich, and auditor of the rota. He was unanimously elected by the monks of the cathedral, in the year 1343. He procured a bull from Clement VI. to annex the first fruits of all vacant benefices of his diocese to his see: which privilege had been contested with him for some time. He founded and endowed Trinity-hall, in Cambridge; and

Spelman.
Concil.
vol. 2.
p. 599.
A. D. 1354.

Bateman,
bishop of
Norwich.

ISLIP,
Abp. Cant.

Bartholomew Cotton makes him the founder of Gonvil-hall; though others will have it that he only persuaded Dr. Gonvil to that benefaction. He maintained the rights of his see with great vigour: to give an instance; when Robert Morley had shot some deer in the bishop's park, and outraged his servants, he brought this nobleman to a public satisfaction, and obliged him to walk uncovered and barefoot with a taper in his hand, through the city of Norwich to the cathedral, and there ask the bishop's pardon before a numerous assembly. And all this was done, notwithstanding an express order from the king to drop the discipline. The bishop's temporalities were seized for disobeying the king's writ. Not long after his highness was reconciled to him: and at the instance of the parliament, joined him in embassy with Henry, duke of Lancaster, to the court of Rome: their business was to set forth the king's title to the crown of France. The bishop acquitted himself to satisfaction, and died in this employment at Avignon.

Angl. Sacr.
pars 1.
p. 414.
Godwin. in
Episc.
Norvicens.

About two years afterwards the Black Prince marched from Guienne through Languedoc, and meeting with no resistance, overran the country, and returned laden with plunder to Bourdeaux. Not long after he took the field again, and came up to Touraine. John, king of France, to stop this ravage, and get a revenge, drew down a great force against him. The prince, being much inferior in numbers, retreated through Poictou in order to recover Bourdeaux; but the French king pursued him close, stopped his march within two leagues of Poictiers, and had him at a great advantage. To prevent the effusion of blood, two cardinals undertook a mediation, and interposed their own and the pope's interest to appease the quarrel. The French king concluding himself sure of victory, demanded four hostages of the English, and that the prince should surrender himself and his troops prisoners of war.

*The battle of
Poictiers,
fought the
19th Septem-
ber, 1356.*

The prince, though he offered to restore what he had gained upon the French, yet chose rather to run the hazard of a battle, than comply with the conditions above-mentioned. Upon this resolution, he endeavoured to make the most of the ground, and drew up his men behind the vines and bushes, to break the charge of the French horse. This disposition of his troops proved very successful: for the enemy's cavalry were so hampered at the first onset with the vines and hedges, and the English archers galled them to such a degree, that they

retired in great confusion, and occasioned the defeat of the whole army.

EDWARD III.

This battle, like that of Cressy, was lost by the impatience of the French king : who, had he forborne fighting a few days, the prince must have fallen into his hands for want of provisions. As to the fortune of the day, it was very fatal to the French ; for king John, his youngest son Philip, James of Bourbon, earl of Ponthieu, the archbishop of Sens, and eight other earls and lords of the first quality, many other lords of lesser rank, and about two thousand gentlemen, were taken prisoners. As for the slain, Mezerai owns, they lost six thousand, and of that number, eight hundred were of the nobles : the principal of which were Peter, duke of Bourbon, the duke of Athens, constable of France, the marshal de Nêfle, and about fifty others of considerable quality.

The French king taken prisoner, and brought into England.

Walsingham, Hist. Angl. Daniel Hist. p. 207. Mezerai, p. 374.

After the battle, the prince marched back to Bourdeaux with his prisoners, where he embarked with them for England, and made a pompous entry into London. The French king was honourably used, and lodged in the Savoy, at Henry duke of Lancaster's palace : by the way, this Henry was the first subject, since the Conquest, that had the title of duke conferred upon him.

Walsingham, Hist. Angl. p. 170. 172. *David, king of Scots, enlarged.* 556.

About this time, David, king of Scots, who had been eleven years prisoner in England, was enlarged at the instance of his queen, Joan, king Edward's sister. But notwithstanding her interest, he was obliged to pay a hundred thousand marks for his liberty, together with a promise to do his utmost to bring the Scots to a fresh acknowledgment of the sovereignty of the crown of England.

Walsingham, Hist. Angl. p. 173. Spondan. Annal. p. 541. Daniel, p. 208. A. D. 1357. *A dispute between the archbishop of Arinagh and the Friars Mendicant.*

The next year there happened a warm controversy between Richard Fitz-Ralph, commonly called Arnachanus, and the Mendicant Friars. This Richard, as Walsingham reports, maintained the contest with great vigour and learning ; and proved these religious had swerved from their rule in several instances : but at last, Arnachanus being deserted by the English clergy, the friars, by the strength of their presents, made an interest at the pope's court, and got their privileges continued.

Walsingham, Hist. Angl. p. 173.

To say something farther of this famous Fitz-Ralph : he was of English extraction, and born at Dundalk, in Ireland.

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Abp. Cant.

His first preferment was the archdeaconry of Litchfield. He was made chancellor of Oxford about the year 1333, and afterwards promoted to the archbishopric of Armagh, in 1347. He travelled to Avignon to maintain himself in the controversy begun at London against the Friars Mendicant. He complained to pope Innocent VI. of the encroachments they had made upon the bishops and parochial clergy, and pressed for a revocation of their privileges. The pope received the complaint, and appointed commissioners to hear both parties. This prelate is said to have translated the Bible into Irish. He wrote two tracts against the Friars Mendicant; one of them entitled, "A Defence of the Curates against the Mendicants;" and the other "de Audientia Confessionum." His treatise, in Defence of Parish Priests, is nothing but the discourse which he made before the pope and cardinals at Avignon. It begins with this text, "Judge not according to the appearance, but judge righteous judgment." And here, the archbishop declares, he had no intention to oppose any doctrine of the Church. Neither did he desire the dissolution of the friars' order, but only to bring up their practice to their institution. From hence he proceeds to relate the subject and occasion of the dispute. He reports, that being at London, he met with some doctors engaged in a discourse about the poverty of our Saviour and his Apostles. That being invited to preach upon this subject, he laid down nine conclusions in seven or eight sermons, at which the Friars Mendicant took offence, and brought a frivolous complaint against him before his holiness. His nine conclusions are these :

John vii.
24.

Du Pin,
Eccles. Hist.
cent. xiv.
p. 70, 71.
*His nine
conclusions.*

First: that if a question be moved about making confession with respect to place: in this case, the parish church is to be preferred before that of the friars.

Secondly: that the parishioners ought rather to apply to a parson or curate for confession, than to a friar.

Thirdly: that notwithstanding our Lord Jesus Christ was poor when he conversed upon earth, yet it does not appear that he affected poverty.

Fourthly: that our Lord Jesus Christ did never beg, nor make profession of voluntary poverty.

Fifthly: that our Saviour never taught people to make a choice and profession of beggary.

Sixthly : that Christ our Lord held the contrary, that men ought not to beg by inclination, nor without being forced to it by necessity. EDWARD
III.

Sevently : that there is neither sense nor religion in vowing voluntary and perpetual beggary.

Eighthly : that it is not agreeable to the rule of the friars minorites to be under engagements of voluntary poverty.

Ninthly : that the bull of Alexander IV., which condemned the libel of the masters of Paris, censured none of these seven last conclusions.

This discourse is followed by a sort of memorial, which he delivered in to the pope's commissioners : the purport of it is to reply to the reasons which the priors alleged to justify their begging. He likewise laid another paper before the cardinal commissioners, containing a recital of the abuses committed by the begging friars in their preaching, confessions, and devotions.

Mr. Fox dilates upon the reasons, with which Armachanus supports his conclusion, that our Saviour did not affect poverty. I shall give the reader some of them. But here, we are to observe, that the archbishop did not deny our Saviour's choosing of poverty ; but only that he did not affect it for itself. And this was the point, in which Armachanus and the friars differed. He proved his point by the following arguments.

Du Pin,
ibid.
*Our Saviour
did not
choose
poverty for
its own sake.*

First : since to be poor implies uneasiness and misery in the notion of it, it is unnatural for any man to desire such a condition for itself : from hence, he concluded, our Saviour did not desire poverty for itself.

Secondly : nothing is to be affected for itself, but that which immediately excites desire, abstracting from all conveniences which are consequent from it ; but if the spiritual advantages which attend poverty, and which occasionally emerge from that condition ; if these advantages were set aside, poverty would neither be valued by God nor man : from hence he infers, Christ did not love poverty for itself.

Thirdly : nothing which is the effect of sin is to be loved upon its own score ; but poverty is part of the penalty of Adam's disobedience, and the consequent of sin : therefore, our Saviour could not love it for itself.

Fourthly : nothing which imports a privation of that which

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is good is to be loved for its own sake: but poverty is the privation of that which is good; therefore, &c. He proves his second proposition by arguing that poverty is a privation of wealth: and that wealth is a good thing because it implies sufficiency and satisfaction, which is part of the nature of God himself.

Fox's Acts
and Monu-
ments.

One Roger Conway, a Grey Friar, wrote an answer to Armachanus upon this subject; but, as the learned Du Pin observes, his performance does not come up to his adversary in solidity or elocution. Armachanus wrote a reply to Conway, and died during the controversy at Avignon in November 1360. He was a prelate of courage, learning, and regularity, and underwent a long fatigue to put a stop to the singularities and misbehaviour of the Mendicant Friars.

Ware de
Præsul.
Hibern.
Du Pin,
Eccles. Hist.
cent. xiv.
p. 71.
Cave, His-
tor. Liter.
pars 1. in
Append.
p. 28.
*An unhappy
misunder-
standing
between the
lady Blanche
Wake and
Lylde, bishop
of Ely.*

About this time, there happened a very unfortunate misunderstanding between the lady Blanche Wake, and Lylde, bishop of Ely. This lady, who was of the blood royal, and daughter to Henry, earl of Lancaster, had an estate in Huntingdonshire, confining upon the bishop's manors. This neighbourhood occasioned some clashing about bounds and jurisdiction, which it seems the lady could not well digest. While this contest was on foot, the lady happened to have one of her farm-houses burnt in the night: and those who did the mischief being taken, pretended themselves encouraged by the bishop and his servants. Upon this, the bishop was indicted for abetting the fact, and the jury, notwithstanding the judges refused their verdict at first, brought the bishop in guilty for an abettor, and gave the lady nine hundred pounds damages; which was all presently paid.

The bishop, who added courage to his innocence, got a writ of attain, and offered to prove a false verdict upon the jury by double their number. The king gave a commission of oyer and terminer to try the cause at Huntingdon. When the judges were set, they called for a copy of the indictment, the process of the court, and the names of the jurors against whom the attain was brought. These records, by the procurement of the lady Wake, as it is said, were put into the hands of a gentleman in the neighbourhood; who, when the judges sent to demand them, pretended he had delivered them to other persons, which persons, upon inquiry, could not be found. And thus for want of a view of the process, the court broke up, and

*The bishop
unfairly
used.*

could do nothing: the bishop thus disappointed of his remedy, went immediately to the king, and being overheated with ill-usage, failed a little in the ceremony of his address. The king perceiving him somewhat passionate and disturbed, called one sir de la Vache for a witness of what passed. And here, the bishop was so unwary as to say, he could not have justice done him, and dropt a broad innuendo against the king. And this indiscretion gave great offence; and thus, the bishop spoiled his business, and left the king much displeas'd with him. Soon after a parliament was held at Westminster, during which session, the clergy in convocation, promised to assist the crown to their utmost. And now the king called the bishop to an account for reproaching him with partiality and arraigning his justice. The bishop being overset made another false step, and denied the words, which were proved upon him in the parliament-house. The archbishop and the rest of the prelates believing the bishop of Ely misbehaved himself more out of imprudence, than any mutinous temper, fell upon their knees to the king, for his pardon: however Lylde, not seconding this submission, but appearing resolute in his posture, and standing as it were upon his defence, the king turned away from him, and would see him no more.

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The bishop, after this rebuke, fell into a worse misfortune: for, one Ralph, a Norman gentleman belonging to him, happening to quarrel with a servant of the lady Wake's, killed him in a rencounter, and made his escape into Normandy. The bishop was extremely afflicted both for the murder, and for the mischief he was likely to suffer. For he knew how ill he stood at court, and that the lady Wake was likely to prove a very powerful enemy. In short, the murder was prosecuted, and the coroner's inquest found the bishop guilty of countenancing the fact, and entertaining the malefactor, which, as the historian reports, was directly false. For the bishop, when he heard of the murder, ordered search to be made for the malefactor throughout the isle of Ely; and that when they found him, they should put him in the hands of justice. After this rough usage in the country, the bishop was summoned to appear at the King's Bench bar: he obeyed the summons, the archbishop of Canterbury and the bishop of Rochester going along with him. When the judges charged him with the crimes above-mentioned, he denied the articles, and offered to

Angl. Sacr.
pars 1.
p. 656. et
deinc. Anti-
quit. Britan.
in Islip.

Angl. Sacr.
pars 1.
p. 658.

He is prosecuted for harbouring one guilty of murder, and claims the privilege of being tried by his peers.

ISLIP,
Abp. Cant.

558.

put himself upon a trial by his peers. But the parliament, not sitting at this time, and the bishop being under a discountenance at court, the motion was overruled, and a jury of commons empanelled to try the matter: these men brought the bishop in guilty of receiving and harbouring Ralph after the murder was committed. The bishop complained both of the injustice of the verdict, and of his being denied the privilege of being tried by his peers. And now to restore his affairs, and wipe off the blemish of the prosecution, he applied himself to the archbishop, and desired to be admitted to his canonical purgation. The archbishop, upon this request, ordered the archdeacon of Huntingdon, within whose jurisdiction the murder was committed, to make proclamation, that if any person could make evidence of the bishop of Ely's being concerned in the late murder, or knew any reason why he should not be admitted to purge himself, they should come before him, and declare their knowledge. This proclamation being repeated according to the direction of the law, and no person appearing, the bishop of Ely went to the archbishop to move for his purgation. The archbishop, apprehensive this method of justification might be interpreted a reflection upon the justice of the realm, advised the bishop of Ely to make his submission to the king, and endeavour to recover his favour. That the gaining this point would retrieve his affairs, and put them in the posture he desired. But as to the business of the purgation, he desired to be excused at present, and thought it more serviceable for Lylyde to wave that expedient till the king was better satisfied.

A. D. 1358.
*He makes
his escape
beyond sea,
and applies
to the pope,
who under-
takes his
quarrel.*

The bishop of Ely finding the archbishop somewhat timorous, despairing of the king's favour, and being afraid of being imprisoned upon an outlawry, got beyond sea, and made his complaint at Avignon. The pope, who thought his authority might suffer by connivance, cited Shreshull, Thorp, Green, Nocton, and Drayton, the king's justices, to appear before him, and account for their proceedings. This summons was affixed to the church-doors at St. Paul's, London: the judges, not thinking themselves obliged to obey the citation, were first excommunicated by his holiness, and afterwards, their estates were put under an interdict.

Upon this extraordinary stretch of supremacy, the king put out a proclamation, and declared all those, who should bring

any letters, citations, or censure from the pope, to be out of his protection. And now several of the bishop's agents and chaplains were imprisoned in the Tower and Newgate, and died of hard usage. The pope being informed of these rigours, wrote an expostulating letter to the king, and gave him to understand, he should be forced to proceed to farther extremities, unless the bishop of Ely had satisfaction for the injustice the judges had done him. The king being engaged in a war with France, was willing to prevent dissatisfactions at home: and therefore sent his agents to the court of Rome to put an end to the difference. And when things were upon the point of an accommodation, the bishop of Ely, being over fatigued with the contest, departed this life, and so the controversy died with him. His death is assigned to the year 1360. Historians give this prelate a fair character for his life, government, and learning.

Before I take leave of this bishop, it will not be amiss to observe one remarkable circumstance in his misfortune, and that is, that after the jury had found him guilty of being accessory to murder, which is felony by law, he was suffered to go at large, and neither imprisoned by the king's justices, nor put into the hands of the archbishop: it is true, his temporalities were seized, and that is all the penalty we find put upon him. The reason of this gentle usage seems to be this; either that the king was satisfied of his innocence, or else, that his highness knew the bishop had wrong done him, by being refused a trial by his peers, according to the direction of Magna Charta, and the precedents of former times. That the bishop of Ely had his liberty after the jury had brought him in guilty, is evident from our best historians, who tell us, that when he found himself so great a sufferer in his fortune and reputation by those who were not his judges in law, he applied to the archbishop to retrieve his affairs, and offered to purge himself: and when he perceived the archbishop unwilling to relieve him this way, he made his escape beyond sea, for fear of being imprisoned.

And since there has been mention of the bishop's putting himself upon a canonical purgation, we are to observe that a canonical purgation is an appeal to a spiritual court, where a person deeply suspected, or convicted of a crime before tem-

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III.

*The king
relents, and
comes to-
wards an
accommo-
dation.*

*The bishop
dies.
Angl. Sacr.
pars 1. p. 655.
et deinc.
Walsing-
ham, ad
an. 1358.
Antiquit.
Britan. in
Islip.
Godwin in
Episc.
Eliens.
The bishop
at liberty
after his
trial, and
why?*

9 Hen. 3.
cap. 29.

Angl. Sacr.
pars 1.
p. 659, 660.
Antiquit.
Britan. in
Islip. p. 247.
*Canonical
purgation,
what?*

ISLIP,
Abp. Cant.

poral judges, offers to make proof of his innocence by his own oath, or, if the case requires it, by the oath of his compurgators. The clergy, upon application, were sometimes allowed this remedy, after conviction in a secular court, when the ecclesiastical judges believed the evidence against them to have been defective. As to the number of the compurgators, a man ought not to be obliged to produce above twelve. As to their qualifications; the compurgators ought to be persons of good fame, and not to lie under any prosecution for misbehaviour. As for relations, they are not barred doing this friendly service. When the case will allow it, a clergyman ought to make choice of compurgators of his own order and condition: but when such are either disaffected, or cannot be procured; the laity, either men or women, are allowed to assist him in this office.

Lindwood
Provincial.
l. 5. tit. 13.
p. 312, 313.
tit. 14.

p. 314.
Constitut.

Othon.
p. 57. ad
Calc. Lin-
wood, Edit.
Oxon.

*The arch-
bishop of
Canterbury's
mandate for
praying for
the king and
the strict
observation
of Sunday.*
559.

A. D. 1359.

The king being now ready to embark and prosecute the war in France, the archbishop of Canterbury published an order to pray for his majesty, and the success of the expedition. In this order, the archbishop takes notice, that by the canons of the Church, all Sundays ought to be solemnly kept, from the evening of Saturday to that of Sunday: that upon this day, people are obliged to forbear working and secular employments, to repair to their parish church; to entreat God Almighty's pardon for the omissions, and other faults of the week past: to learn their duty from their pastor, and put up their prayers for the benefit of Church and State.

From hence, the archbishop proceeds to complain, that in some parts of his province a scandalous and irreligious practice had got footing: that the Lord's-day was abominably profaned; that markets were publicly kept upon that day, and that people were circumventing one another, when they ought to have been at their devotions: that people met in great numbers against religion and law, and gave occasion to routs and riots: that God was dishonoured upon this festival by luxury, intemperance, and all kinds of licences. That oftentimes the mob were heated into quarrels, which, beginning in outrage of language, were carried on to blows, and sometimes ended in murder: he therefore enjoins the bishop of London (for to him the mandate is sent) to communicate this letter to the rest of his suffragans, that effectual care may be taken to

suppress these disorders: that the solemnities of religion may be duly observed, and the people retrieved to regularity and devotion.

The king was now with a formidable army in France, where, being master of the field, he marched without opposition, and put the country under contribution: at last, by the mediation of the dauphin and the pope's legate, he consented to a treaty. The plenipotentiaries met the first of May, at a village called Bretigny, within a mile of Chartres, and concluded a peace in eight days. By the articles, the French king yielded the king of England, besides what he had already in Guienne, all Poitou, Saintonge, Rochelle, and the country of Aulnis, Angoumois, Perigord, Limosin, Querey, Agenois, and la Bigorre, in full sovereignty, besides Calais, the county of Oye, Guisnes, and Ponthieu; and three millions in gold, to be paid at three payments, for the ransom of the said king John, who was to be brought to Calais, and set at liberty after the restitution of the places above-mentioned; and upon his giving up his three youngest sons, his brother Philip, with some other princes of the blood, together with thirty earls and knights of quality, and two deputies of each of the nineteen cities expressly named, all which princes of the blood, and other persons of figure, were to be put into the king of England's hands as hostages. On the other side, king Edward renounced the title of king of France, with the rest of his pretensions upon that country.

The articles being thus settled, a suspension of arms was agreed for a year, within which term the two kings were obliged to ratify the treaty. In July following, king John was brought over to Calais, met by king Edward in October, and the peace was solemnly sworn by these two princes on the twenty-fifth of that month. And now king John was enlarged, after having been four years the king of England's prisoner. When this treaty was ratified at Calais, the learned Dr. Brady observes, there were several alterations made in the articles; and that in the latter instrument or draught, the words "resort" or "sovereignty" are always omitted: omitted, I say, in respect of the king of England's enjoying them in the places yielded to him: whereas, in the copy of the articles signed at Bretigny, these advantages of conveyance are expressly given him. However, in the first article, relating to the territories of

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III.

Spelman,
Concil.
vol. 2.
p. 599.
Lindwood
in Calc.
p. 55.

*The treaty
at Bretigny.*

A. D. 1360.
Mezerai in
K. John,
p. 380.
*A ratifica-
tion of the
treaty at
Calais.*

*The king of
France set
at liberty.*

ISLIP,
Abp. Cant.

Gascoigne and Guienne, in the draught at Calais, which was ratified by the king of France, he resigns all title and claim to these territories to the king of England and his heirs for ever, to hold them under the same circumstances of jurisdiction and advantage by which they have been enjoyed by the king of France, or any of his ancestors. By which words it is evident the sovereignty of that duchy passed to the king of England, and that the French king renounced all expectations of homage.

Brady's
Continuation
of the
Complete
History,
p. 262, 263.
275, and
Append.
p. 89.
A. D. 1361.
A sumptuary law.

The next year, at a parliament held at Westminster, there was a sumptuary law made for the better distinction of quality. In this statute it is enacted, "That those clerks which are dignified in a cathedral or collegiate church, and the king's clerks that have such an estate that requires fur, were to wear it: and that all other clerks which have above two hundred marks rent per annum use and wear as knights of the same rent. And that all those knights and clerks which by this statute may use fur in winter, were at their liberty to use it in summer."

Rot. Tur.
Lond. 37.
Ed. 3.
cap. 13.

About this time, the prince of Wales seized the revenues of the bishopric of St. David's, upon the vacancy, which, by immemorial custom, belonged to the see of Canterbury. Archbishop Islip contested this point with Edward the Black Prince, and gained the cause.

Antiquit.
Britan. in
Islip.
A. D. 1362.

The next year, the archbishop set forth his mandate to state the number of the holidays; and ordered his province not to forbear working upon any holidays not mentioned in his order: for which he is blamed by Walsingham, though, I think, without reason. His list of the festivals is much the same with what has been mentioned already. This year pope Innocent VI. died, and was succeeded by Urban V.

Walsing-
ham, Hist.
Angl. p. 178.
Spelm. Con-
cil. vol. 2.
p. 609.

In this archbishop's time, Elizabeth, wife of John, earl of Kent, retired from the world, and turned nun upon her husband's death. After she had lived a religious for some years, she happened to fall in love with one Eustace Abricourt, a gentleman of fashion. Upon this fancy, she quits the monastery, breaks her vow, and marries privately, without publication of the banns. When the archbishop heard of it, he put them both under severe penance, obliged them to the discipline of extraordinary fasting and prayer for a great while, but did not proceed to null the marriage. This archbishop founded

560.
*The arch-
bishop en-
joins penance
for marrying
a nun, but
does not void
the mar-
riage.*

Canterbury college, in Oxford, which is now swallowed up in Christ's Church: and to conclude with him, he died at Magfeld, on the twenty-sixth of April, having sat sixteen years and four months.

This year, there was a parliament held at Westminster, upon the fourth of May. And here, Simon Langham, bishop of Ely, lord chancellor, opened the reasons of the session to the lords and commons. Amongst other things, he acquainted them that the king was informed that the pope, insisting on the homage done by king John to his see, for the realms of England and Ireland, designed to cite the king to Rome to answer for his default in not paying the yearly acknowledgment of a thousand marks: for the which payment, king John had engaged himself, his heirs, and successors. King Edward, therefore, required the advice of his parliament as to what was proper to be done, in case this point should be pressed by his holiness.

This being a debate of great moment, the bishops, by themselves, desired the respite of a day to give in their answer, which was likewise the request of the temporal lords and commons.

The next day, the three estates met together, and came to this unanimous resolution:—

“That neither king John nor any other king could bring his realm and dominions under such servitude and subjection unless by common consent of parliament, which consent was not obtained: and therefore the acknowledgment and promise of tribute to the see of Rome was against his coronation oath, not to mention many other disabling reasons. If, therefore, the pope should attempt anything against the king by process, that then the king and all his subjects should, with all their force and power, oppose and resist the same.”

It seems the king was so far provoked with this menacing and rough usage, that he ordered the Peter-pence should not be paid, as Stow informs us, who takes notice that the whole duty for England amounted to three hundred marks. However, this was but a temporary stoppage: for the Peter-pence were afterwards collected till the twenty-fifth of Henry VIII.

The same day, the universities of Oxford and Cambridge, and the friars of the four orders Mendicant, made a long complaint against each other to the king in parliament: but at last

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III.

Islip's death.
A. D. 1366.
Angl. Sacr.
pars 1. p. 46.
Antiquit.
Britan. in
Islip.
Godwin in
Archiepisc.
Cantuar.

The three estates of parliament declare king John's homage and acknowledgment to the pope illegal, and not binding on his successors.

A stoppage of Peter-pence.

The university of Oxford and the Friars Mendicant complain against each other in parliament.

LANG-
HAM,
Abp. Cant.

they submitted themselves to the king's appointment. The case of the complainants being fully examined by the lords, it was ordered, by assent of parliament, that the chancellor, the scholars, and friars of those orders in the said universities, should in all graces and other school exercises, treat each other in a friendly manner: and that none of those friars should admit any scholar under the age of eighteen into their respective orders. And that the friars should take no advantage, nor procure any bull, or other process from Rome against the said universities, or proceed therein. And, lastly, that the crown shall have power to decide all controversies between them for the future, and that the offenders shall be punished at the pleasure of the king and his council.

Cotton's
Abridge-
ment of the
Records, &c.
p. 102, 103.
Stow's An-
nals, p. 266.
25 Hen. 8.
c. 21.
*Langham
translated
from Ely
to Canter-
bury.*
Antiquit.
Britan.
A. D. 1367.
*Pope Ur-
ban's bull
against plu-
ralities.*

Upon the death of Islip, the monks of Canterbury chose William Edington, bishop of Winchester; but he refusing the election, pope Urban, at the king's instance, translated Simon Langham from Ely to Canterbury, on the four-and-twentieth of July: and in November following, he received the pall in St. Stephen's, Westminster, and was installed at Canterbury on the festival of our Lady, in 1367.

Soon after his translation, he received a strict order from pope Urban V. to inquire into the pluralists of his province: and here, upon examination, it was found that some clerks had no less than twenty benefices and dignities by papal provisions, with the privilege, over and above, to increase their number as far as their interest would reach.

*The great
offices at
court mostly
possessed by
the clergy.*

King Edward having a great opinion of the conduct of the clergy, made his ministers of state mostly of this order: for instance, Simon Langham, archbishop of Canterbury, was lord chancellor; John, bishop of Bath and Wells, was lord treasurer; William Wickham, archdeacon of Lincoln, keeper of the privy seal; David Weller, parson of Summersham, master of the rolls; ten beneficed priests, civilians, masters of Chancery; William Mulse, dean of St. Martin's-le-Grand, chief chamberlain of the exchequer, privy purse, and master of the jewel-house; William Ashby, archdeacon of Northampton, chancellor of the exchequer; William Digton, prebendary of St. Martin's, clerk of the privy seal; John de Troy, priest, treasurer of Ireland; Henry Snatch, parson of Oundle, master of the wardrobe; John Newnham, parson of Fennystanton, one of the chamberlains of the exchequer; John Rousbic,

parson of Harwick, comptroller, and surveyor of the king's buildings; and Thomas Britingham, parson of Ashby, treasurer for Guisnes and the marches of Calais.

EDWARD
III.

The prince of Wales, having some time before been created duke of Aquitaine, kept a splendid court in that duchy: and being a prince of great figure for his interest, bravery, and conduct, he was solicited to undertake the restoration of Peter, king of Castile. This Peter, by the severity of his temper, and his arbitrary government, lost the affection of his subjects: Henry, his natural brother, taking advantage of this discontent, raised an insurrection, seized the throne, and expelled king Peter. To do right to this injured monarch, the prince of Wales opened the campaign with an army of thirty thousand men, his brother John, duke of Lancaster, and many of the English nobility, serving in the expedition: Henry the Usurper had an army of almost a hundred thousand effective men, consisting of French, Castilians, and Saracens. The battle was fought upon the frontiers of Castile, where Henry was entirely defeated by the English, the French generals, Guesclin, constable, and Dandreden, marshal of France, taken prisoners, and king Peter solemnly restored at Burgos.

Antiquit.
Britan. in
Langham,
Daniel. Hist.
p. 212.
*The Black
Prince re-
stores Peter,
king of
Castile.*

561.

Pope Urban, who had lately translated Langham to the see of Canterbury, gave him a new mark of his esteem, and preferred him to a cardinalate, upon which, the king, not being preacquainted with this promotion, seized his temporalities. The archbishop acquiesced under this hardship, resigned his see, and lived privately at Oxford till he had the king's leave to go beyond sea. He travelled to Avignon, where he was honourably entertained at the pope's court, made bishop of Præneste, and died not long after at Avignon. This prelate was bred a monk in Westminster Abbey, where he was chosen abbot. From this station he was preferred to the see of London, and from thence translated to Ely. Jocelin gives him the character of a person of capacity, and conduct; and states that he was very generous and open-handed, and managed to commendation in all his preferments.

Walsing-
ham, Hist.
Angl. p. 181,
182. Daniel.

A. D. 1368.
*Langham
made cardi-
nal, resigns
the arch-
bishopric.*

Upon Langham's death, the pope translated William Witlesey, a near relation of archbishop Islip, from London to the see of Canterbury.

Antiquit.
Britan. in
Langham,
October
11th.

This year, the lords of Armagnac, d'Albert, Perigord, Cominges, and many others of the French noblesse, protested against

WITLSEY,
Abp. Cant.

The treaty at Calais broken, and the English lose ground in France.

the treaty at Calais, pretending the articles were forced upon the late king John when under duress. Upon this declaration, they renounce king Edward, and desert to Charles V. By the example of these lords the county of Ponthieu revolts, and the towns open their gates to the French king.

The king of England complains of this breach of articles to the pope and the emperor. The French king, on the other side, alleged that the treaty was broken by the English, in not withdrawing their troops out of France; and that king Edward was bound to renounce his title to the crown of France, before the states of both realms, which was not done.

The peace being thus broken, the king embarks an army under the command of John, duke of Lancaster, to invade France on the side of Calais; the prince of Wales in the mean time endeavouring to recover the revolted towns in the duchy of Aquitaine: but both these attempts had little success. Upon the duke's return, Thomas Beauchamp, earl of Warwick, was sent upon the same expedition, who dying in his march, sir Robert Knolles had the command of a great army, and miscarried in the enterprise. And here we are to observe, that upon this rupture between the French and English, the king revived his old title, and laid claim to the crown of France.

This year, the king set forth an order for the arming of all clergymen; part of it runs thus.

An order to arm the clergy.

“The king commands and requires all the prelates assembled in parliament, that in regard of the great danger and damage which may happen to the realm and Church of England by reason of this war, in case the enemy should invade the kingdom, that they will appear themselves in defence of the realm, and cause their tenants, dependents, monks, parsons, vicars, and all other persons of holy church, to be prepared for the field in a military manner; and be ready to encounter the force, and disappoint the malice of his enemies.” All which the prelates in parliament engaged to perform.

Thus we see, when necessity requires, and the country is in great danger, every man ought to be a soldier: and though there are several canons which forbid the clergy engaging in a military profession, yet the bishops were of opinion, that public interest and the preservation of the government was a sufficient dispensation.

Rott. in
Turr. Lond.
in 43 F.lw.3.

After some variety of success and disappointment in the French war, the exchequer began to grow low, and the king summoned a parliament to furnish him with money. At this parliament held at Westminster, the temporal lords and commons complained "that the government of the kingdom had been managed for a long time by men of holy church, whereby great mischiefs and damages have happened in times past, and more may happen in time to come:" they petition therefore, "that a provision may be made in form of law to prevent such inconvenience for the future, and that none but laymen may be capable of the offices of chancellor, treasurer, clerk of the privy seal, barons of the Exchequer, and other great places in the civil list."

EDWARD
III.
*The English
lose their
acquisitions
in France.*

*A complaint
against the
clergy.*

Rot. Parl.
in Turr.
Lond. in
An. 45
Ed. 3.
A. D. 1371.

This representation of the public disadvantage, consequent on the preferring the clergy to places of power and trust in the state, is directly contradicted in the preamble of an act made in this king's reign; for in the statute of provisors it is declared, "that the kings, in time past, were wont to have the greatest part of their council of prelates and clerks for the safeguard of the realm;" and that the pope, by preferring foreigners to benefices in England, unfurnished the council board, and disappointed the government; and this is urged as one reason for passing the act, and preventing papal provisions.

25 Edw. 3.

562.

25 Edw. 3.

Thus we see, about twenty years before the clergy were counted serviceable to the administration, and that the ministry could not well be without them: but now, John, duke of Lancaster, was their enemy, and the tide was turned. In short, the king seems to have understood this motion as the suggestion of a party, and therefore refused to go into it: his answer was, "that he would ordain upon this point, as it should seem best to him by the advice of his good council."

However, he resolved to make some trial of the new expedient, and satisfied the address so far as to remove the bishops from the offices of chancellor, treasurer, and privy seal. But, as it happened, the laymen who came in their places managed so untowardly, that the king was forced to remove them, and employ the churchmen as formerly.

Walsing-
ham, Hist.
Angl. p.186.

Antiquit.
Britan. in
Witlesey.
*More mis-
fortunes to
the English
in France.*

To say something of the affairs in France. Rochelle, which held out for the English, had borne a long siege, and was hard pressed; and the earl of Pembroke being sent with a fleet to

WITLE-
SEY.
Abp. Cant.

Walsing-
ham, Hist.
Angl. p. 186.
A. D. 1372.
*The death of
Thursby,
archbishop
of York.*

relieve the town, was defeated by the Spanish armado, and taken prisoner. The king, to retrieve this misfortune, and preserve Rochelle, embarked with a great force, but was driven back by contrary winds.

In the year 1373, John Thursby, archbishop of York, departed this life. He was first bishop of St. David's, from whence he was translated to Worcester, and from Worcester to York, in 1352, at which time he was lord chancellor. His first education was at Oxford, where he had the reputation of a great divine, and of a very learned canonist and civilian. He was likewise a prelate of great piety, well qualified for a governor, and protected his clergy against the encroachments of the mendicant friars. He wrote a book against the usurpations of this fraternity. He likewise published a manual in English, for the instruction of his diocese; it is "An Exposition upon the Creed, the Lord's Prayer, and the Ten Commandments." He was a great benefactor to his cathedral at York, began the building of the new choir, and furnished great sums of money towards the carrying it on. He died at Bishopsthorp, and was buried in St. Mary's Chapel, which he had ornamented with curious paintings.

Stubs, Actus
Pontif.
Eborac.
Godwin in
Archiepisc.
Eborac. Pits
de Illustr.
Angl. Scrip.
p. 514.

A. D. 1373.
Walsing-
ham, p. 187,
188.

A. D. 1374.

Not long after the king's disappointment, John, duke of Lancaster, was sent to support the English interest in France, but lost most of his troops for want of provisions; and upon the return of this general into England, all Gascony revolted, except Bourdeaux and Bayonne.

There being a complaint about this time, that much of the church preferment was held by foreigners, the king was willing to inquire into the bulk and extent of this grievance. To this purpose, he sent his writs to all the bishops of England in this form.

"Edward, by the grace of God, king, &c., to the honourable Father in Christ N., by the same grace bishop of L. greeting. Being willing for certain reasons to be informed what, and how many benefices, as well archdeaconries as other dignities, as vicarages, parsonages, prebends and chapels within your diocese, are at this present in the possession of Italians, and other foreigners, by what names every of the said benefices is called, and how much each of them is worth by the year, not as they stand charged in subsidies, but according to the rack rent and true valuations of the same: and likewise, being

desirous to be certified of the names of all and singular such foreigners being now incumbents, or occupying the same: and moreover, the names of all of them, whether Englishmen or foreigners, of what state or condition soever, which have the occupation, or disposition of any such benefices, with the issues and profits of the same, in the behalf, or by the authority of any of the aforesaid foreigners, by way of form, or title, or by any other ways or means whatsoever, and how long they have occupied, or disposed of the same; and withal, if any of the said foreigners are now resident upon any benefices: we command you to send us a true certificate of all and singular the premises into our high court of Chancery, under your episcopal seal, before the feast of the Ascension of our Lord next ensuing, without farther delay, returning likewise this our writ unto us. Witness ourself at Westminster, the sixteenth day of April, in the forty-eighth year of our reign of England; and of France the thirty-fifth.”

EDWARD
III.

About two years before, the king sent an embassy to the court of Rome, to desire the pope to desist from his reservations and provisions, to leave the election of bishops to the chapters and convents, and that all diocesans might be confirmed by their metropolitans according to ancient custom. The pope declined returning a positive answer, but put a letter into the ambassador's hands, containing certain articles and demands. This letter was to be laid before the king and parliament, who, when they sent the pope their opinion of the contents, he promised to explain himself farther, and acquaint them with his final resolution. Walsingham makes mention of an act of parliament made about this time, to bar the crown from interposing in the election of bishops, and overawing the votes of the chapters. But this statute, as the historian complains, was little observed. However, there was one election passed soon after without being checked, either by the pontificate or the regale: for Thomas Arundel, freely chosen by the monks of Ely, was confirmed and consecrated at Otteford, by the archbishop without farther application. This was one of the last acts of Witlesey's government; who, after two years sickness, died upon the 5th of July, according to Walsingham. This archbishop procured a bull from pope Urban V. in favour of the University of Oxford: by virtue of which, that learned society was, in some measure, disengaged from the jurisdiction

Fox's Acts
and Monu-
ments.
*The king
solicits the
pope to
forbear his
provisions.*

*The pope's
answer
evasive.*

Id. Hypo-
digm. Neu-
striae, p. 529.
Harpsheld.
Hist. Eccles.
p. 512.

563.

A. D. 1375.

*The death of
archbishop
Witlesey.*

SUD-
BURY,
Abp. Cant.

of the bishop of Lincoln: and had the liberty of being entirely governed by their own body. And when they had chosen their chancellor (the same with the modern vice-chancellor), it was lawful for him to enter upon his office without applying elsewhere for admission or confirmation.

Antiquit.
in Britan. in
Witlesey.
*The miscon-
duct of the
monks of
Canterbury.*

Upon the death of Witlesey, the monks of Canterbury pitched upon one Adam Easton for their archbishop. This Easton, though an Englishman by birth, had lived out of the country a great while, and was now a cardinal in the court of Rome. Their choice of a person in so foreign an interest disgusted the king to that degree, that he almost resolved to expel the convent, and banish them the kingdom. And thus, these monks, by their rashness and indiscretion, were overborne in the freedom of their elections so lately recovered. Pope Gregory XI., who succeeded Urban V., interposed in this affair: and partly to satisfy the king, and divert the storm from falling upon the monks, and partly to revive his claim of provisions, accommodated the matter, and, with the king's consent, translated Simon Sudbury from London to Canterbury; this bull bearing date 4th of May.

Antiquit.
Britan. et
Godwin in
Simon Sud-
bury.

A. D. 1376.

The next year, at the complaint of the parliament held at Westminster, John, duke of Lancaster, the lord Latimer, and several other great officers of state were removed. At this session, there was an order passed, that a certain number of bishops, earls, and other noblemen of unblemished reputation, should have the administration put into their hands: for now the king, as they alleged, declined very much upon the score of age, and was somewhat disabled for the functions of government. The commons likewise complained of Alice Pierce, an infamous woman, who had too great an ascendant over the king, who, besides the scandal of her behaviour, was the occasion of many grievances. This strumpet, it seems, presuming upon her interest at court, used to go into Westminster-hall, and plant herself upon the bench to bias the judges to countenance an ill cause, and overrule the justice of the court. The ecclesiastical judges were likewise sometimes solicited and disturbed by her. The king therefore, at the remonstrance of the commons, was prevailed with to dismiss her the court, though it was not long before she was readmitted.

*The parli-
ament peti-
tions the
bishops may
be put into
the adminis-
tration.
A complaint
against Alice
Pierce.*

*The death of
the Black
Prince.*

This year, Edward, prince of Wales, departed this life. His death was a great misfortune, and extremely regretted. He

had all along shewn himself a general of extraordinary bravery and conduct, was never baffled in any enterprise, never formed a siege without carrying the place, nor ever undertook an expedition without conquest. In short, he was looked on as the ornament and defence of his country, and the spirits and the hopes of the nation seemed to expire with him.

EDWARD
III.

Walsingham, Hist. Angl. p. 189, 190.

A complaint against the court of Rome in parliament.

I must not omit that in the parliament last mentioned, there was a complaint against the court of Rome upon several articles. For instance; "that the impositions of the pope were intolerable: that by the death and translation of bishops he sometimes extorted five times the yearly revenue out of a single see. That the cardinals, and other foreigners, who resided at Rome, were provided with several of the best preferments in the Church under a bishopric. That twenty thousand marks a year were drawn out of the kingdom in this way; and that the pope's agents collected a no less sum for the use of his holiness. That this very year, the court of Rome had laid their hands upon the first-fruits of all the benefices in England: and that the pope had lately created twelve cardinals: that the number of this order in the conclave was increased to thirty, whereas there used to be but twelve in former times: that all these cardinals, excepting two or three, were disaffected to the king, and enemies to England. In short, that the pope's avarice was altogether without reason or bounds, and might justly be looked on as the plague and bane of the nation. That this mischief must be vigorously opposed, and those, who insisted upon the pope's provisions, banished the kingdom: and that it would be expedient for the king and the nobility to remonstrate to the court of Rome upon this subject, and solicit his holiness to reform these abuses, and put a stop to the encroachment."

The number of cardinals formerly no more than twelve.

Harpsfield, Eccles. Hist. p. 513.

The pope's privilege of provisions is disused.

And here Harpsfield observes, that the pope's interest in these matters decayed by degrees, and gave little disturbance. However, the Church fell short of the benefit of a full remedy; for now the weight of the pope's mitre was, in some measure, transferred to the crown; it being not unusual with the succeeding princes to overrule the freedom of elections, and regulate the disposal of bishoprics within their prerogative. For this practice, the historian blames the ambition of some of the clergy, who not having merit enough to engage the provincial bishops, to gain the votes of the chapters, and make their way

Ibid.

SUD-
BURY,
Abp. Cant.
564.

A. D. 1377.
Wickliff
appears
against the
established
doctrines.

to preferment by the countenance of the canons; endeavoured to supply their defects by court interest, and solicited princes to interpose in the affair, and overbear the ancient usage.

About this time, John Wickliff, a secular divine, advanced several tenets which were looked on as novel and heterodox. Neither indeed, as they are represented, are they altogether defensible; some of them, to say nothing farther, striking at the government and property of the Church. Walsingham tells us, that this Wickliff and his proselytes made a show of great mortification, went barefoot, and affected a singularity of habit: and by this appearance of sanctity, they increased their party, and grew popular.

And here it may not be improper to observe, that Fuller, speaking of the advantage of the juncture, and other encouragements which gave occasion to the spreading Wickliff's doctrine, tells us at last, "that we must attribute the main success to the nature of truth, and the Divine Providence blessing the Gospel." But the learned doctor Heylin censures Mr. Fuller for going much too far in the commendation of the fancies of a private man; "a man," says he, "many of whose opinions were so far from truth, so contrary to peace and civil order, so inconsistent with the government of the Church of Christ, as to make them utterly unworthy of so great a character. For if the doctrines of Wickliff must be called the Gospel, what becomes of the religion then established in England, and in most other parts of the western world? Were all but Wickliff's followers relapsed to heathenism, were they turned Jews, or had they embraced the law of Mahomet? If they had not thus apostatized, and still continued in the faith of Christ delivered by the four Evangelists, and other apostolic writers, then Wickliff's new doctrines could not challenge the name of Gospel: but such is the humour of some men, as to call every separation from the Church of Rome by the name of Gospel, and the greater the separation, the more pure the Gospel." This, by the way, as I cannot but take notice, is a very unorthodox and dangerous rule: for, by this standard, we may reform to the Koran, and, which is worse, even as far as atheism itself. As for Dr. Heylin's censure, it is applicable enough to part of Wickliff's opinions: for though we may allow him some gold in his mine, yet it was not without a mixture of coarser ingredients. To give the reader a short

Fuller's
Church
Hist. book 4.
p. 129.
Dr. Heylin's
animadver-
sion upon
Fuller with
reference to
Wickliff's
opinions.

Heylin's
Animadver-
sions upon
Fuller's
Church
Hist. p. 65.

view of his opinions as they are mentioned by Walsingham, EDWARD III. who lived near this time :—

He held then, “That the eucharist, after consecration, was not the true body of Christ, but only an emblem or sign of it.” *A recital of some of Wickliff’s tenets.*

“That the Church of Rome is no more the head of all Churches than any other Church, and that St. Peter had no greater authority given him than the rest of the apostles.

“That the pope of Rome has no more jurisdiction in the exercise of the keys than a common priest.

“That where temporal lords are patrons, it is not only lawful but meritorious, to disseize the Church of her lands and endowments, in case of her misbehaviour.

“That when a prince or temporal lord is conscious of the mismanagement of the Church, he is bound under the penalty of damnation to throw her out of her property, and take away her estates.

“That the Gospel is a sufficient direction for the life and government of a Christian.

“That all other supplemental rules, instituted by holy men, and practised in the monasteries, give no more improvement to Christianity, than whiteness does to a wall.

“That neither the pope, nor any other prelate, ought to have prisons for the punishment of offenders against discipline; but every such person ought to go at large, and have his liberty, both in motion and practice.”

In an old MS. called “Wickliff’s Belief,” and said to be penned by himself, though not this year, the reader may find a further account of some of his tenets.

These, and several other singularities, the historian complains were maintained by Wickliff, and that himself and his party were countenanced by great numbers of the laity, and that some persons of the first quality espoused his interest: this he does not seem much to wonder at, because, as he observes, Wickliff’s setting people loose from discipline, extending the power of the laity, and pronouncing the revenues of the Church precarious, recommended his scheme strongly, and made his doctrines extremely acceptable.

These tenets being maintained in Oxford, and making a great noise in England, it was not long before the news

Walsingham, Hist. Angl. p. 191.

See Records, num. 2. 47.

SUD-
BURY,
Abp. Cant.

was carried to the court of Rome. When pope Gregory XI. found himself attacked in so hardy a manner, he immediately dispatched an order to the archbishop of Canterbury and the bishop of London, for the apprehending and examining Wickliff, upon the erroneous opinions held by him.

Ibid.

*The pope's
bull to the
archbishop
of Canter-
bury for the
securing of
Wickliff and
taking his
confession.*

“The bull begins with a commendation of the kingdom of England for the force of the realm, and the riches of the country, but more especially for the piety of the people, and the good condition of religion in this island; that this was formerly the merit and character of the English nation, that the clergy were remarkable for their learning, gravity, and devotion; and noble champions for the orthodox belief: that the prelates not only guarded their own charge, but extended their charity to strangers, being solicitous for the propagating of truth, and the support of order in foreign countries. That they were always in a posture of vigilance and circumspection for the discovery and suppressing of error. But now, alas! they seemed degenerated to a strange inactivity and negligence. They are by no means sharp-sighted to prevent danger, and stop the approach of the enemy. From hence the pope proceeds to mention, that John Wickliff, rector of Lutterworth, in the diocese of Lincoln, had published heterodox opinions, and which tended to the subversion of the Church; and that he had in effect revived some mispersuasions already condemned by his predecessor John XXII.: and therefore he requires them to seize and secure the person of the said John Wickliff, to take his confession, to transmit an account of it to his holiness, and keep Wickliff in custody till farther order from the court of Rome.”

565.

Spelman.
Concil.
vol. 2. p. 621.
*Wickliff
particularly
countenanced
by the duke
of Lancaster
and the lord
Percy.*

In pursuance of this order, the archbishop held a synod at St. Paul's, London; and cited Wickliff to account for his doctrine, before him, the bishop of London, and others. Wickliff appeared at the day assigned, and had the countenance of the duke of Lancaster and the lord marshal Percy, who went along with him. These noblemen encouraged him to keep up his spirits, and stand his ground; for that the bishops were but ignorants in respect to him. There was a vast concourse of people about the church, so that the lord Percy could not pass through the crowd without difficulty. Courtney, bishop of London, perceiving a disorder in the Church, and that

Wickliff made his appearance in so unexpected a manner, was somewhat disturbed: upon which there happened a dispute between him and the two lords above-mentioned, which I shall set down in Fox's language, and Fuller's dialogue.

EDWARD
III.

*A dispute
between the
bishop of
London and
duke of Lan-
caster.*

Bishop Courtney.—Lord Percy, if I had known beforehand what masteries you would have kept, I would have stopped you out from coming hither.

Duke of Lancaster.—He shall keep such masteries here, though you say nay.

Lord Percy.—Wickliff, sit down; for you have many things to answer to, and therefore have need of a soft seat.

Bishop Courtney.—It is unreasonable that one cited before his ordinary should sit down during his answer: he shall stand.

Duke of Lancaster.—The lord Percy's motion for Wickliff is but reasonable. And as for you, my lord bishop, who are grown so proud and arrogant, I will bring down the pride, not of you alone, but of all the prelacy in England. Thou bearest thyself so brag upon thy parents, which shall not be able to help thee; they shall have enough to do to help themselves.

*His father,
Hugh Court-
ney, was earl
of Devon-
shire.*

Bishop Courtney.—My confidence is not in my parents, nor in any man else, but only in God in whom I trust, by whose assistance I will be bold to speak the truth.

Duke of Lancaster.—Rather than take these words at the bishop's hands, I'll pluck him by the hair of his head out of the church.

These last words, though spoken softly by the duke to one next him, were overheard by the Londoners, who, being enraged to see Courtney thus ruggedly used, in his own church, declared aloud they would rather lose their lives than suffer their bishop to be thus contemptuously treated.

Fox's Acts
and Monu-
ments.
Harpfield
in Hist.
Wickliffian.
p. 683.
Fuller's
Church
Hist. book 4.
p. 135.

Thus we see this affair was managed in a tumultuary manner. Wickliff was countenanced above the allowances of order and justice, and the duke and lord marshal endeavoured to overawe the synod and sink the bishop's authority: in short, the court broke up, and little was done. As for Wickliff, all his correction was only an injunction of silence. This order was obeyed for some time, and neither himself nor his party preached nor published any thing upon the controversy; but afterwards,

SUD-
BURY,
Abp. Cant.
Walsing-
ham, Hist.
Angl. p. 191.
192.

finding themselves supported by a strong interest, their courage revived, and they struck out into more singularities, and vented opinions that sounded harsher than what they delivered before.

The duke and lord marshal went from the synod to the Parliament-house, where the latter brought in a bill to put down the office of lord mayor of London ; that there might be a captain appointed for the government of the city ; and that the lord marshal of England might arrest offenders within the liberties. This new provocation transported the Londoners to an extremity of resentment ; and the lord Fitzwalter, their standard-bearer, advising them to be upon their guard, they immediately took arms, and, marching in a tumultuous body, broke open the lord marshal's house ; and, not finding him at home, they continued their march to the Savoy, entered the duke of Lancaster's palace, and, missing his person, plundered the house. The bishop of London, hearing of this disorder, left his dinner, and, coming hastily down to the Savoy, desired the people to desist from such violent courses, and consider it was the holy time of Lent ; assuring them that care should be taken of the interest and privileges of the city. The Londoners, somewhat satisfied with this speech, let the palace stand, and contented themselves with the revenge of hanging up the duke's arms, reversed, in the principal streets of the city.

The Londoners resent the hard usage put upon their bishop.

The bishop of London quiets the citizens, and stops them in their revenge against the duke of Lancaster.

Ibid. Daniel. Hist. p. 219.

And here I cannot but take notice of the generous and Christian temper of the bishop of London, in appearing thus heartily in behalf of the duke of Lancaster, after he had been so lately outraged by him.

Bishops to be tried by their peers.

566.

Upon this occasion, Fox reports, that, when the princess sent three gentlemen to persuade the citizens to come to an accommodation with the duke, they sent her word, that, since the motion came from her highness, they would obey her commands ; but then, they required the gentlemen to acquaint the duke, they expected he should give the bishop of Winchester and the lord Peter de la Mare the liberty of being tried by their peers.

Fox's Acts and Monuments. The death and character of king Edward.

This year, upon the twenty-first of June, king Edward died, at Sheen (now Richmond), in the sixty-fourth year of his age, having reigned fifty years, four months, and some odd days.

This prince was a graceful person, of an obliging and condescending temper, and had an easy and noble manner of expressing himself. Before the declension of his age, he took his

measures with great thought and precaution, and was very well able to direct himself. He cherished his subjects, and projected their interest; and, notwithstanding his giving check to the encroachments of the court of Rome, the English clergy were kindly treated by him. The statutes made in his reign are a sufficient evidence how much the government was improved under him. He was very successful in his expeditions, carried his conquests through a great part of France, and made a shining figure in Europe. However, the last part of his reign was by no means serviceable to his memory: his mind seemed to decay with his constitution, and then his good fortune left him. After the death of his queen Philippa,—an admirable princess,—he fell into criminal engagements with Alice Pierce; and, by thus indulging an intemperate passion, and giving an ill woman too much liberty in the State, he injured his conscience, drew a blemish upon his honour, and lived beneath himself. Daniel remarks, that his stepping over his father's head to come to his throne, though himself was little more than passive in that revolution, had an unhappy influence upon his reign. To this inauspicious beginning the historian attributes the untimely death of the Black Prince; the crown's descending upon a child not grown up to govern; the factions and discontents at home; and the losses, both of conquest and inheritance, in France. But, to leave this melancholy scene and proceed to some brighter passages in this prince's reign, he was particularly careful to support his character and maintain the dignity of his station; he was very magnificent in his triumphs and public entertainments, and made use of solemnity and parade to create a regard for his person and government; the noble order of the Garter was instituted by this prince; he rebuilt and enlarged the castle of Windsor, built the castle of Queenborough, not to mention the fortifications at Calais and other places. As for his piety, he founded the abbey of Eastminster, for the Cistercians, near the Tower; an abbey for nuns, at Deptford; King's-hall, in Cambridge (suppressed by king Henry VIII. for the foundation of Trinity-college); an hospital for the poor, at Calais; he rebuilt St. Stephen's chapel, at Westminster, altered it to a college, of a dean, twelve secular canons, twelve vicars, &c., and settled lands upon it to the value of five hundred pounds per annum; and, lastly, he enlarged the foundation of the

EDWARD
III.

*His bene-
factions and
works of
piety.*

SUD-
BURY,
Abp. Cant.
Walsing-
ham, Hist.
Angl. p. 192.
193. Stow's
Annals.
p. 277.
Daniel.
p. 221.
His issue.

chapel at Windsor, adding to the eight canons settled by his predecessors, a dean and fifteen canons, twenty-four poor knights, &c.

By his queen Philippa he had issue seven sons, five of whom lived to have posterity: viz. Edward, prince of Wales; Lionel, duke of Clarence; John, duke of Lancaster; Edmund, earl of Cambridge, afterwards duke of York; and Thomas of Woodstock, created duke of Gloucester. He had likewise five daughters, four of whom lived to be married. He was succeeded by Richard of Bourdeaux, son to Edward, prince of Wales; which Richard, at his grandfather's death, was not twelve years of age.

The solemnity of the coronation was kept upon the sixteenth of July: and here the king, according to custom, took an oath to maintain the liberties and privileges of the Church, and govern according to law, and was afterwards crowned by the archbishop of Canterbury.

The next day after the coronation there was a general procession, for a blessing upon the king and kingdom; the bishops and temporal lords appearing in their coronation robes. Thomas, bishop of Rochester, a learned prelate, made a sermon upon this occasion. "The purport of it was to persuade the lords and commons to lay down their old animosities, and come to a good understanding; to press the great men not to tax or burthen their tenants or the lesser people without necessity; and that, when the crown and the public required their assistance, they should contribute their proportion cheerfully, without making any remonstrance, or bringing an odium upon the administration. He likewise exhorted those of the king's court and family to disengage from their licentiousness, to set an example of virtue and sobriety, and live suitably to the innocency of their prince's age; giving them to understand that the conversation of libertines would, in all likelihood, make the king suffer in his morals, and prove dangerous to the kingdom."

*The bishop
of Roches-
ter's sermon.*

Walsing-
ham, Hist.
Angl. p. 195.
198.
*The univer-
sity of Ox-
ford demurs
about re-
ceiving
the pope's
bull.*

About this time the pope sent a bull to the university of Oxford, to complain of their connivance at Wickliff's doctrine, and that they had suffered him to propagate his errors so long without correction. Now, whether the leading members of the university were Wickliff's friends, or whether they were overawed by the great men in his interest, is somewhat uncertain:

for Walsingham tells us, that, when the pope's bull was delivered, they debated a great while whether they should receive it or not. Neither does he acquaint us with their final resolution: he only reports that the demurring upon this point was a scandalous instance of degeneracy, and a great blemish upon the honour of the university.

RICHARD
II.
567.

Id. p. 201.

This pope Gregory XI. sent another bull to the archbishop, and bishop of London, to take care to preserve the king and his court from Wickliff's infection, and to inform his highness and the ministers of state, that these novelties were not only points of speculation, and errors in belief, but dangerous to civil government.

Upon the receiving this bull, and another to the same purpose not long after, the bishops promised to pursue the pope's instructions, and act vigorously in the affair; and to this purpose, Wickliff was summoned before a synod at Lambeth. He appeared accordingly, and it was generally believed he would not have been dismissed without marks of discipline; but one Lewis Clifford, a gentleman, entering the chapel in a ruffling way, and forbidding the bishops to proceed to sentence, their courage failed them, and the prosecution was dropped. For this faintness, they are extremely blamed by Walsingham, who charges them with downright cowardice, says they were frightened with the shaking of a leaf, forgot the interest of the Church, and the dignity of their order. However, to make their giving way the less surprising, we are to observe that the mob broke into the synod, undertook Wickliff's defence, and behaved themselves in a menacing manner: and, besides, they might probably conclude Clifford would not have been so hardy without private countenance at court. To which we may add, that Wickliff qualified his propositions, explained his meaning to a more commodious sense, and gave the synod some sort of satisfaction.

Wickliff
appears at
the synod at
Lambeth.

To mention some particulars in his apology: here, by way of preliminary, he owns himself willing to retract any error he may have been guilty of, and submit to the correction of holy Church. From hence, he proceeds to explain his propositions; and whereas he had asserted that all mankind, Christ excepted, has no authority to give Peter, his successors, or orders any perpetual civil dominion: this proposition he endeavours to maintain by a very surprising argument, and that

He qualifies
some of his
propositions.

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is, because it is not in the power of men to hinder our Saviour's coming to judgment, and putting an end to civil government. And thus he defends another similar assertion, that God cannot give a man and his heirs a title to a perpetual empire : that this cannot be done, if we take the duration for a strict eternity : because if the world should last always, the Church would always continue in a state of trial, and the happiness of the saints would be disappointed. He endeavours to disentangle himself from another of his propositions, in which he had asserted that dominion was founded in grace. And here, to make the sense less shocking, he declares he only meant that this privilege should be understood of a future state, and not commence till good people come to heaven ; and then our Saviour's promise will be verified, and they shall be made lords of all his household. To proceed : that crude unsound assertion which maintains that temporal lords may, both with justice and commendation, disseize the Church of her patrimony in case of her misbehaviour ; this proposition, I say, is thus strained towards an inoffensive sense ; that God, by virtue of his sovereign omnipotence, may transfer property from the clergy to the laity at pleasure : and in consequence of this prerogative, he may command temporal princes to take away the ecclesiastics' estates : but that it was far from his intention to maintain that secular lords had any right to lay their hands upon the revenues of the Church in an arbitrary manner, and without proceeding according to the laws of justice and the constitution. Farther, whereas he had maintained that Christ never gave his disciples authority to excommunicate any person for defrauding them in a civil interest ; he mollifies this assertion, by adding, that though it is not lawful for the clergy to exert the censures of the Church, upon the score of being denied their dues ; yet they may do it in defence of their commission, and to vindicate the honour of God Almighty. To mention only one more : it is not possible for God Almighty to grant the pope, or any other Christian, a power of binding and loosing at pleasure, and without regard to any due manner in the exercise of the keys. In explaining this conclusion, he declared, it was not his meaning to lessen the authority of the pope, or any other prelate, nor to deny them the power of binding and loosing, in virtue of their representation of our Saviour. And thus, as the historian goes on,

Walsingham, Hist. Angl. p. 206.

Wickliff discharged, and commended silence.

Wickliff, by qualifying his propositions, and putting a varnish upon his doctrine, imposed upon his judges, and escaped the censure of the synod. However, his being acquitted upon these terms is a sign the bishops were disposed to take a moderate satisfaction; otherwise, so strained a defence would never have passed. But notwithstanding the slenderness of the apology, it seems it was something extraordinary in Wickliff; for, as Walsingham reports, he used to maintain these propositions in the schools and pulpit, in the uppermost and obvious meaning, without any distinctions or limitations whatsoever. The synod, at his being dismissed, commanded him silence, and not to entertain the laity with disputes of such dangerous consequence; however, he took no notice of the bishops' injunction, but went on in his former liberty, adding some new tenets which sounded harsher than the rest; but of these more afterwards.

RICHARD
II.

568.

Id. p. 208.

This year there was a parliament held at Westminster on the quindenens of Hilary. From hence, it is evident the computation of the year was changed from Christmas to our Lady-day: for all historians agreeing that this king Richard began his reign in June, 1377, it follows that if the year had begun either at Christmas or the first of January, this parliament, which met after the feast of St. Hilary, must have been held in the year 1378, whereas the statute-book tells us expressly, it was held "Anno primo Ricardi secundi," and in the year of our Lord 1377.

A remark upon the computation of the year.

1 Rich. 2.

To proceed: in this parliament it was moved by the laity, "That no officer of holy Church should lay any discipline upon the fortunes of the people for correction of sin, but only enjoin them spiritual penance. This method," they said, "would be more likely to reform the offender." The king, refusing to give way to this petition, let them know, that "the prelates should proceed therein as formerly, according to the laws of holy Church, and not otherwise." There were several things passed in this parliament in favour of the clergy; for instance: "All prelates and clerks had the liberty of bringing an action of trespass against purveyors who gave them disturbance: and upon this suit they were to recover treble damages. Item. No ecclesiastical judge, or other person, was to be indicted or imprisoned, or otherwise disturbed for holding pleas, or maintaining a suit in the spiritual court for tithes, or other

Ex Rotulis in Tur. London. 1 Rich. 2.

A statute in favour of the clergy.

1 Rich. 2. cap. 3.

SUD-
BURY,
Abp. Cant.
Cap. 13.

Cap. 15.

things, which of right ought, and of old times were wont, to pertain to the same spiritual court. And, lastly, that if any minister of the king, or other, shall arrest any person of holy Church, when doing or intending divine service, he shall have imprisonment, be ransomed at the king's will, and make amends to the parties so arrested."

Thus the clergy were relieved by this session, not to mention the confirming the rights and franchises of the Church, which was then the customary practice of every parliament.

A. D. 1373.

Upon the death of pope Gregory XI. there happened a double election; one part of the conclave choosing Urban VI. and the other Clement VII. The agents of both these parties applied to the king and the English bishops. The archbishop of Canterbury, upon examination of the case, found the right in Urban, declared for him, and brought the kingdom into his interest.

Walsing-
ham, Hist.
Angl. p. 216.
Spondan.
Annal.
p. 602.

*A competi-
tion between
pope Urban
6, and
Clement 7.*

*Urban com-
plaints of the
prevarica-
tions of the
cardinals.*

This pope, at his first coming into the conclave, began to declaim against the avarice of the cardinals, charging them with prevarication in their foreign employments; that when they were sent nuncios to princes' courts to procure a peace, they minded the enriching themselves, more than the repose of Christendom. And here one of the cardinals, who had formerly been bishop of Amiens, was particularly marked; the pope not scrupling to say, that when Gregory XI. dispatched this prelate to the courts of England and France, instead of composing the differences, he made it his business to widen the breach, and aggravate the quarrel: and that, in short, he proved false to his commission, and plundered the two kingdoms of a vast sum of money. The cardinal of Amiens, being stung with this reproach, and not in a condition to defend himself, broke out into a passion, gave the pope the lie, and left the conclave in a contemptuous manner. Soon after, Urban deprived this cardinal and his party, who, in revenge, chose cardinal Robert, of Geneva, a French nobleman, who went by the name of Clement VII. Pope Urban VI. resettled the see at Rome after it had continued at Avignon above sixty years.

Spondan.
ibid.
Walsing-
ham, Hist.
Angl. p. 216.

At a parliament held at Gloucester, this year, the commons complained, that many of the clergy, under the pretence of *silva cædua*, took title of timber: they desired, therefore, that in such cases they might have their remedy in prohibitions.

It was likewise moved, that the time for computing the growth of silva cædua might be shortened from twenty to ten years: and that all underwood of more than ten years' growth might be discharged from paying tithes: but the king referred this matter to ancient usage, and refused to pass the bill. On the other side, the archbishop of Canterbury complained of an invasion of the franchises of holy Church, and that the privileges of sanctuary were violated. The instance meant by the archbishop was this: one Robert Hauley, a gentleman, who fled to the abbey church of Westminster, was murdered at the high altar, while the priest was officiating. A servant, likewise belonging to that church, who interposed to preserve Hauley, underwent the same fate. Immediately upon the news of this accident, the bishops met, and excommunicated all those who were present at the riot, or had advised or countenanced the murder: but the king, the princess, his mother, and the duke of Lancaster, were by name excepted from the censure. In short, the archbishop made a tragical complaint of this outrage, and insisted on satisfaction.

To this, some of the temporal lords replied, "that the design of sanctuaries was perverted: that they were abused to a protection against paying of debts, and that Hauley lost his life in a quarrel of that nature; and whereas several doctors of divinity, of canon and civil law, have given it as their opinion, under oath, that the shelter of holy Church was only to be afforded to such as were prosecuted to the loss of life or limb; now the privilege was stretched to an unwarrantable latitude, and extended to protect people in actions of account. That such undue favour was an impediment to justice, and a prejudice to the creditor. They added, farther, that neither the pope, nor any lay prince, could grant such privilege to the Church. And if any such grant should be made, the Church was bound, in principle and conscience, not to accept it.

The bishops desired time to give in their answer, which being granted, both sides seemed to acquiesce, and the dispute dropped.

The next year, at a parliament held at Westminster, it was enacted, that none should farm any benefices of the Church belonging to an alien, without the king's licence; nor convey money out of the realm to an alien for such farm: and that whosoever acted contrary to this statute, should incur the

RICHARD
II.

Ex Rot. in Tur. Londin. pars 1. N. 45. 2 Richard 2. Sanctuary broken, and murder committed in the abbey church at Westminster.

Walsingham, Hist. Angl. p. 214, 215.

The temporal lords' reasons against the privilege of sanctuary.

569.

Ex Rot. Tur. Londin. 2 Rich. 2. part 2. num. 26.

A. D. 1379. An act to bar aliens from receiving any profits from their benefices in England.

SUD-
BURY,
Abp. Cant.
3 Rich. 2.
cap. 3.

punishment contained in the statute of provisors, made in the 27th year of the late reign.

And thus the parliament, by barring foreigners all profits from their preferments in the Church of England, struck at the root of the papal provisions, and projected an effectual remedy to prevent the exporting of treasure, and the impoverishing the kingdom.

A rebellion headed by Jack Straw and Wat Tyler.

While Wickliff's controversy was going forward, the peasants made a formidable insurrection. They appeared in three numerous bodies, one in Kent, under the conduct of Jack Straw and Wat Tyler; a second in Suffolk; and a third headed by John Littstar, a dyer in Norfolk. These mutineers had neither letters nor quality, but consisted of people of the lowest rank. They were preached into this commotion by one John Ball, a priest, who devised the scheme, and encouraged the rebellion. A project of this bulk and boldness was not formed, and concerted upon a sudden: it seems it had been no less than twenty years under Ball's contrivance.

The scheme of the rebellion formed by John Ball, a priest.

During this interval, he made it his business to debauch the understandings of the vulgar, making them believe that servitude and villanage was a state never intended by God and nature: that this condition of disadvantage was imposed by the wealthy, and kept up by injustice and ambition. That Christians ought to assert their native liberty. That as men were equal at first, they ought to continue so; and that those who had engrossed more than their share, should relinquish part of their wealth, resign their quality, and resign the overbalance: and in case they refused so reasonable a reformation, they were to be reduced by force; for where nature was equal, power and condition ought to be so too. From hence, he proceeded to acquaint them farther with the liberties they were born to: gave them a discharge from paying tithes, preached strongly against the authority of the clergy, and in fine, told them they were under no obligations either to Church or State. And to give this pestilent discourse the better colour, he mixed it with some of the more plausible of Wickliff's opinions. These topics for liberty and levelling recommended him strongly to the peasantry, who when he was not suffered to appear in a church, flocked about him in the streets, and ran after him to field-conventicles. At last, being excommunicated, and refusing to move for absolution, he was appre-

He harangues the mob upon the topics of liberty and levelling, and rails against the clergy.

hended and imprisoned by the order of the archbishop of Canterbury. When they were carrying him to gaol, he told them he should be enlarged by an army, and have twenty thousand men to give him his liberty; which happened accordingly in a little time. For now the insurrection of the peasants broke out, and the rabble began to defy the government: and being increased to a great number, they rendezvoused upon Blackheath, under the command of Jack Straw and Wat Tyler; names which these generals of the mob gave themselves in derision of people of quality. And here, in a few days, they were so powerfully reinforced, that they thought themselves invincible. In this condition of strength and confidence, they began to practise their scheme, and execute their project of reformation. In the first place, they made a gaol-delivery, knocked off the malefactors' chains, and enlarged their champion, John Ball: and for his first preferment, they made him their pastor, and gave him the conduct of their consciences. Ball, who was resolved not to let his character sleep, preached to the army upon this proverbial rhyme—

“When Adame dalve, and Eave span,
Who was then a gentleman?”

“In treating this subject, he put them in mind of the original equality of mankind; and that as long as they were governed by the laws of nature, they kept upon even ground, and maintained this blessed parity. That all those distinctions of dignity and degree are inventions of oppression; tricks to keep people out of their ease and liberty, and in effect nothing else but a conspiracy of the rich against the poor. And therefore, to make their project effective, and do themselves right, he advised them to kill the lords spiritual and temporal, the judges, the lawyers, and all pen and inkhorn-men, who belonged either to Westminster-hall, or the court Christian: that these men were all enemies to the liberty of the commons, and not to be endured: but these being once dispatched, servitude and poverty would die with them: and when this impediment was removed, it would be in the power of the commons to new model the laws, and purge off the malignity of the constitution; to fix an establishment upon a levelling footing, and make all people equally happy. That God had now put an opportunity

The peasants rendezvoused upon Blackheath.

Walsingham, Hist. Angl. p. 275. Antiq. Brit. in Sudbury.

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into their hands to enfranchise themselves: that it was now their business to seize the advantage, and close with the juncture, for that the time once slipt was never to be retrieved."

This subject thus handled was extremely agreeable to the audience, and Ball was wonderfully caressed for the wit and honesty of his discourse: they cried him up for a prophet sent them from heaven, and that he was the only person that deserved to be archbishop and lord chancellor. And now, being thoroughly furnished with principles and courage, they call a council of war, where it was resolved, that the archbishop of Canterbury, the chancellor of England, and some others they had marked out, should be executed as traitors, without any formality of a trial. After this, they published a declaration in the name of the king and commons, not mentioning either the bishops or temporal nobility.

*The king
sends a mes-
sage to them.*

The king sent some gentlemen to them to inquire the reason of their meeting in such numbers, and making so extraordinary an appearance. These messengers were ordered to return forthwith, and tell the king they were convened upon weighty affairs, and in which the commonwealth was deeply concerned: that they would gladly acquaint the king with their intentions, and therefore if he was desirous to know the meaning of their drawing together, it would be necessary for him to make them a visit.

*The arch-
bishop and
Hales dis-
suade the
king from
venturing
himself with
the mob.*

The king receiving this bold answer from the rebels, advised with his council what was to be done. And here, many of the board persuaded his highness to go to Blackheath, and harangue the mob; that soft language and large promises would in all likelihood prevail with those mal-contents to lay down their arms, and disperse; but the archbishop of Canterbury, and Robert Hales, lord treasurer and master of St. John's hospital, were of a contrary opinion: they said it was neither safe nor honourable for the king to go that length of condescension, and trust his person with so desperate a multitude: that his best way would be to meet them at the head of an army, to drive them out of the field with his troops, and bring them to their duty by force.

This advice being discovered by some of the council, and coming to the ears of the mob at Blackheath, they all cried out for the apprehending and executing the archbishop and treasurer Hales. Upon this, they marched immediately to

London, and coming up the Strand, broke open the duke of Lancaster's palace in the Savoy. And here, notwithstanding the richness of the booty, they did not attempt to plunder, but destroy; and were strangely freakish in their disorder. They broke the silver and gold plate in pieces with their pole-axes; tore the tissue, and velvet beds and hangings, beat the jewels to powder with their hammers, pulled all the fine furniture in pieces, and at last, set fire to the noble building and marched off.

RICHARD II.

The peasants march to London and commit great outrages.

From hence they moved to the Temple, rifled the lawyers, and destroyed the records. After this ravage, to revenge themselves upon the treasurer Hales, they went to Clerkenwell, and set fire to St. John's hospital. And now being increased to a prodigious number, they divided their force into three bodies: one division was to scour the country on Clerkenwell side, and bring in forage; another detachment was posted at Mile-end to cut off succours from the government, and swear those to the cause who were coming to London; the remaining part of the army encamped upon Tower-hill. The king and his council were retired to the Tower, which was provided with a strong garrison: but the soldiers being seized with the terror of the insurrection, and wanting courage to their numbers, opened their gates to the rebellion. When the peasants

They enter the Tower, and murder the archbishop and treasurer Hales.

entered, they swaggered beyond measure, threatened to cut the garrison in pieces, came ruffling up to the king, moved for liberty and estates, and demanded the archbishop and treasurer Hales might be put into their hands for execution. It seems, they were thought too strong to be denied anything. In short, the archbishop and treasurer Hales were immediately dragged out of the fort, and beheaded upon Tower-hill. The archbishop, who foresaw what would happen, had spent all the night in prayer, and was officiating in the chapel when the rebels entered. When divine service was over, he came out to the mob, and behaved himself with great unconcernedness and courage, saying, "that when a man could not live, either with conscience or honour, death was an advantage to him; and that he thanked God he had never been in a better preparation to leave the world." When he found them make a

The archbishop's piety and fortitude.

horrid outcry for his blood, and eager to finish the murder, he exhorted them to their duty to God and the king; and after having forgiven his enemies, and prayed for their pardon, he kneeled down to the sword without the least sign of concern:

June 14, 1381.

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and here, as the crime was barbarous, the manner was butcherly and cruel, for he received eight strokes before his head was severed. Thus, this loyal and learned prelate died a martyr to the state, and fell by the rage of the rebellious mob. It is said, that one John Starling, who boasted of his being the executioner, lost his life in the same manner within a few days.

The archbishop was born at Sudbury, in Suffolk, from whence he took his name, according to the custom of those times. His father, Nigel Tybold, was a gentleman of condition.

This Simon, having received the best improvements of English education, travelled into France and Italy, and studied the civil and canon law in the universities there. His proficiency was such, that he was taken notice of in the pope's court, made domestic chaplain to pope Innocent VI., and auditor of the rota. Upon the death of Michael Norburgh, bishop of London, he was preferred to that see, and from thence was translated to Canterbury. Besides the other commendable parts of his character, Walsingham reports him a prelate of surprising elocution, and the best statesman in the kingdom.

When this prelate was bishop of London, he founded and endowed a collegiate church for secular priests at Sudbury, which, at the dissolution of king Henry VIII., was valued at a hundred and twenty pounds per annum. After his removal to Canterbury, he built the west-gate of that city, and made a stately wall from thence to the north-gate.

This year, some time before the death of the archbishop, William Berton, chancellor of the University of Oxford, published a decree against Wickliff's doctrine concerning the holy eucharist. The decree sets forth, that Wickliff, besides other dangerous opinions, maintained, that in the sacrament of the altar, the substance of bread and wine remained after consecration. And, secondly, that the body and blood of Christ was not substantially and corporally, but only figuratively and emblematically, in that blessed sacrament. This doctrine is directly condemned by the vice-chancellor, and transubstantiation asserted to the height of the Lateran council: and all persons in the university forbidden to teach or maintain the tenets above-mentioned, under the penalties of imprisonment, suspension from all university privilege, and the greater excommunication. This censure is signed by thirteen doctors, besides the chancellor.

His extraction and benefactions.

571.

Walsingham, Hist. Angl. p. 251. Antiquit. Brit. in Godwin in Archiepisc. Cantuar.

A decree at Oxford against Wickliff's doctrine concerning the holy eucharist.

Ex Registr. Sudbury, fol. 76. Spelman. Concil. vol. 2. p. 627.

To return to the peasants, who were now grown so formidable that the king promised to grant them all their demands upon condition they would forbear murder, and burning of houses. Many of them being satisfied with this concession, disbanded. The rest, who continued in a body, moved that these new privileges might be engrossed, and confirmed under the broad seal. After some days had been spent in debating the articles, which were not wholly adjusted, Wat Tyler, the mob general, demanded an authority from the king's letters-patent to kill all the lawyers. And though the king demurred to this petition, Tyler never doubted but that it would be granted at last. And, upon his return to the rabble, was so vain as to tell them, that the burthen of the constitution would quickly be removed; and that within four days there would be no law in the kingdom but what came out of his mouth: the next day, the king sent Tyler a message to attend him in Smithfield, to treat farther upon the articles. Tyler, though he returned a rude answer, came to the place accordingly. And here, behaving himself at his usual rate of insolence, the king ordered Sir William Walworth, mayor of London, to arrest him. Walworth executed the king's order with great courage, and knocked down Tyler with the city mace: some say, he stabbed him with a dagger, and others will have it that one Standiche, a gentleman, or, as Weaver calls him, Cavendish, gave him a mortal wound.

The peasants, seeing their general thus dispatched, stood to their arms, and made a show of revenging his death. The king, to prevent mischief, called aloud to them, and bid them follow him, and they should have satisfaction: by humouring their frenzy thus far, he drew them into the fields, and preserved the suburbs from being fired. In the mean time, Sir William Walworth came down with a thousand of the city militia, attacked the undisciplined rabble, who, after some little slaughter, laid down their arms, and submitted: but being too many for imprisonment and execution, the government let most of them go.

Soon after Wat Tyler's death, the mayor of London seized Jack Straw in an eating-house, who was afterwards tried and condemned for high treason. The mayor, to draw him to a confession, promised, if he would discover the particulars of

RICHARD
II.

Wat Tyler slain, and the rebels of his party submit.
Knighton.
inter decem
Scriptores.
2637. Walsingham,
Hist. Angl.
Antiquit.
Britan.
in Sudbur.
Weaver's
Funeral
Monuments,
p. 693.

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BURY,
Abp. Cant.
Jack Straw's
confession.

the plot, he should have the benefit of mass said for his soul. Upon this promise, he began his narrative :

“ When we sent for the king to Blackheath,” says he, “ our design was to have killed the guards, and all the gentlemen that attended the court. And being thus possessed of the king’s person, we intended to have marched with him through the whole kingdom, forced him to countenance our conspiracy, and declare all those traitors who had been dispatched by us. And after we had brought the whole peasantry into our faction by this artifice, our next step would have been to destroy the lords spiritual and temporal, the king, the monks, canons, and rectors of parishes, and not to spare any of the clergy, excepting the Friars Mendicant, and some poor priests to officiate. And, being thus disencumbered from all opposition, we designed to cast the government in a new mould, draw up a body of laws for our purpose, set up a king in every county, and make Wat Tyler monarch of Kent, with a kind of imperial authority over the rest. Now the archbishop of Canterbury countermining our plot, and being a great enemy to our undertaking, we hated him above all men living, and took him off in the first place.” Thus far this traitor’s confession. But before we take leave of him, we are to observe, he had been at the head of the boors, in Suffolk, where they acted up to the same degree of villany and outrage. For instance, they broke into the abbey at St. Edmondsbury ; seized the charters to free the townsmen from the jurisdiction of the monastery ; murdered the prior, and sir John Cavendish, chief justice, and set their heads on a pillory in the market-place.

572.

Walsing-
ham, Hist.
Angl. p. 265.

*His barbari-
ties at St.
Edmonds-
bury.*

Id. p. 262.

While Suffolk was thus harassed and disturbed, there was a great rising of the peasantry in Norfolk, under the conduct of John Littstar, above-mentioned. These rebels forced the lord Scales, and several gentlemen of quality, to march along with them, and countenance their proceedings. At last, either repenting the insurrection, or apprehensive they might miscarry, they sent sir William Morley, sir John Brewes, and three of their own rustics, to the king. Their business was to procure a discharge from villanage, and a charter of pardon ; and that these instruments of privilege and security might be drawn more full and comprehensive than the charters granted to other counties.

Id. p. 263.

Henry Spencer, bishop of Norwich, hearing of this insurrection, marched out of Rutlandshire for Norfolk with only eight men at arms and a few archers. At Icklingham, near Barton Mills, he met the two knights and the three peasants going to the king. And here, releasing the gentlemen, and executing the three traitors, he moved forward, and being joined by the gentry, marched to North Walsham, where the rebels were encamped. The bishop behaved himself with extraordinary bravery upon this occasion, and was the first man that attacked the lines, and broke into the camp. The rebels defended themselves with resolution for some time, but were routed at last, and many of them killed in the pursuit. Littstar, and some other capital traitors, were taken and executed. And thus the disturbance in that county was suppressed. After this success, the bishop marched his troops into Cambridge and Huntingdonshires, and reduced those places. About this time, the peasants in Kent and Essex began to break out in a new insurrection: but the king publishing proclamations of pardon, and caressing them with charters of manumission, they were contented to disperse. And thus this formidable rebellion proved abortive, and went off almost as surprisingly as it began.

As for Ball, who was the main-spring of the motion, opened the prospect of liberty to the mob, and preached them into rebellion, he was taken at Coventry, from whence, being brought to St. Alban's, he was tried before Sir Robert Tresilian, and executed upon the fifteenth of July. After his condemnation, he confessed the scheme of the plot, already mentioned. But though Knighton makes this Ball in the interest of the Wickliffites, yet it does not appear by Ball's confession, that Wickliff held any correspondence with the rebels. Fuller mentions several other reasons to clear Wickliff from this imputation.

First. The duke of Lancaster was known to be the great patron and encourager of Wickliff; had, therefore, Wickliff been concerned in the insurrection, it is not probable Wat Tyler and the Kentish peasants would have fallen so foul upon the duke, struck at his life, and burnt his palace.

Secondly. Amongst the articles charged upon Wickliff and his followers at Oxford, and elsewhere, in this reign, there is not the least mention of this rebellion in the prosecution.

RICHARD II.

An insurrection in Norfolk suppressed by Spencer, bishop of Norwich.

Walsingham, p. 264
Knighton. Col. 2639.

Antiquit. Brit. in Sudbury.

Wickliff cleared from having any share in the rebellion.

Knighton. inter decem Script. Col. 2655.

Walsingham, Hist. Angl. p. 275, 276.

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NEY,
Abp. Cant.

Could any thing of this kind have been made good, we may imagine it would not have been forgotten.

Thirdly. Wickliff's dying peaceably at his living at Lutterworth, in Leicestershire, some few years after, is urged as another argument of his innocence.

Fuller's
Church
Hist. book 4.
p. 141.

But though Wickliff was unconcerned with these peasants, yet Joecin takes notice, the insurrection broke out much about the time his doctrines grew public, and that the rebellious boors might possibly expect to find their account in them.

Antiq. Brit.
in Sudbur.
p. 259.
*The death
and bene-
factions of
Hatfield,
bishop of
Durham.*

This year, Thomas Hatfield, bishop of Durham, departed this life. This prince served king Edward III. in his wars in France, and was at the taking of Calais. His retinue and quota in the field were very considerable, being three bannerets, forty-eight knights, a hundred and sixty-four esquires, eighty-one archers on horseback, all subsisted and paid by the king. As to his public benefactions, he built and endowed a house called Durham college, in Oxford. This foundation being partly for monks, suffered at the dissolution. But, afterwards, sir Thomas Pope revived the benefaction, under the name of Trinity college. Bishop Hatfield built a monastery for the Carmelites at Northallerton, and a noble palace called Durham house, in the Strand, where he died in May, having sat almost thirty-six years.

Brady's
Continuat.
of the Com-
plete Hist.
of Eng. in
Append.
p. 33.

The see of Canterbury had not been long vacant before the monks of Christ's Church elected William Courtney, bishop of London; a prelate of great capacity and figure. Pope Urban, knowing nothing of the monks' inclination, pitched upon the same person, and sent him a provisionary bull for his translation: this bull was published at Canterbury, upon the 9th of January. Courtney, at his first coming to Lambeth, had the archiepiscopal cross brought to him, but not having received the pall, he made a question whether he was qualified to have it carried before him. About this time, there was a match concluded between the king of Bohemia's sister and king Richard. Now, the marrying the king, and crowning the queen, was the archbishop's privilege, in right of his Church. But being not furnished with the pall, he had another scruple about performing this ceremony. But the monks of Canterbury, who were his casuists, satisfied his conscience: and proved, by several precedents, that the archbishops of Canter-

Godwin in
Episc.
Dunelmens.
*Courtney
translated to
Canterbury.*

bury used to execute the functions of their character without the countenance of the pall.

The next year, the king empowered the bishops to arrest and imprison the Wickliffites, and commanded all his subjects not to abet any of that persuasion, but to assist the bishops in the execution of this order.

To proceed, if Knighton does not mistake, Wickliff was questioned for his doctrine at London, before the bishops this year: where, had he not been supported by the duke of Lancaster, himself and his party had been utterly crushed. However, he did not think fit to rest entirely upon the duke's protection: for though his answer did not come up to satisfaction, yet there was something of compliance in it. His belief, with respect to the holy eucharist, is as follows:—

“I knowleche that the sacrament of the autar is verry Goddus body in fourme of brede: but it is in another manner Goddus body then it is in hevene. For in hevene it is sene fote, in fourme and figure of fleshe and blode: but in the sacrament, Goddus body is be myracle of God in fourme of brede; and is he nouthor of sene fote, ne in mannes figure, but as a man leeves for to thenk the kind of an ymage whether it be of oke, or of ashe, and settys his thouzt in him in whom is the ymage: so myche more schuld a man leve to thenk on the kynde of brede, but thenk upon Christ, for his body is the same brede that is the sacrament of the autere, and with alle eleness, alle devoeion, and alle charitye, that God wolde gif him, worschippe he Crist, and then he receyues God ghostly more medefully than the prist that syngus the masse in less charity. For the bodely etying ne profytes nouth to soule but in als mykul as the soul is fedde with charity. This sentence is provyde be Crist that may nouzt lye. For as the gospel says, ‘Crist that night that he was betraiede of Judas Searioth, he tok brede in hise hondes, and blesside it, brak it, and gave it to hise disciplus to ete.’ For he says, and may not lye, ‘This is my body.’”

Knighton reports farther, that Wickliff's courage failed him before the bishops; that he disclaimed the novel opinions laid to his charge, and protested, that notwithstanding they were published in his name, he was unconcerned in them. But whether Knighton's representation will hold as to the main, may be a question: that he was out in one circumstance is

RICHARD II.

Antiquit. Brit. in Courtney. A. D. 1382. *The bishops empowered to imprison the Wickliffites.* Spelman. Concil. vol. 2. p.623.

Wickliff's confession with reference to the holy eucharist.

Knighton. decem Script. Col. 2647.

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NEY,
Abp. Cant.

pretty probable. He tells us, Wickliff, by the pope's order, was cited to appear before the archbishop of Canterbury and other divines, at Grey Friars, in London; and that he made his appearance accordingly. Now this archbishop, mentioned by Knighton, must be Courtney, for Sudbury was murdered last year. And though it must be granted, this prelate, several of his suffragans, and other divines, met at Grey Friars, London, upon the 17th of May this year; yet since the record mentions nothing of Wickliff's being before them, we may probably conclude he was not there.

Spelman.
Concil.
vol. 2. p. 269.
ex Regist.
Principal.
Courtney,
fol. 25.
*Ten propositions con-
demned for
heresy by
the arch-
bishop and
some of his
suffragans,
&c.*

The design of this meeting of the archbishop and the rest, was to examine the opinions said to be held by Wickliff and his followers, some of which were condemned for plain heresy: others were censured with some abatement, and only pronounced erroneous, and contrary to the doctrine of the Church in lesser matters.

The heretical conclusions are these.

1. That in the sacrament of the altar, the substance of the material bread and wine remains after consecration.
2. That the accidents do not remain without their subject in that sacrament after consecration.
3. That Christ is not truly, really, and corporeally present in the sacrament of the altar.
4. That a bishop or priest in mortal sin, has no authority to ordain, consecrate, or baptize: and that all these acts are nullities under such a moral indisposition.
5. That there is no ground in the gospel to believe our Saviour instituted the mass.
6. That God ought to obey the devil.
7. That if the pope is under a decree of reprobation, an ill man, and by consequence a member of the devil, he has no authority over the faithful, nor can pretend to any commission unless it be from the emperor.
8. That after the death of the present pope, Urban VI., no successor is to be owned under the papal character; but all Christendom ought to live independently like the Greek church.

9. That it is contrary to holy scripture for ecclesiastics to have any endowments or estates.

Lastly, that if a man be duly contrite, all confession to the priest is unnecessary and insignificant.

Thus far the heretical conclusions : the propositions which follow were condemned as only erroneous. RICHARD II.

First. That no prelate ought to excommunicate any person, unless he knows him to lie under a prior excommunication by God Almighty. *The erroneous and dangerous tenets.*

Secondly. That he who excommunicates otherwise, makes himself either an heretic or an excommunicate by the maladministration of the keys.

Thirdly. That any prelate who excommunicates a clerk after his appeal to the king and parliament, is, by this misapplication of discipline, a traitor to God, to the king, and kingdom.

Fourthly. That those who are so much overawed by the censures of the Church as to forbear preaching, or hearing the word of God preached, upon the score of man's excommunications, will be looked upon as traitors to God in the day of judgment. 574.

Fifthly. That all right to property and temporal dominion ; all the authority of an episcopal character ; all the jurisdiction of a prelate, are voided and extinguished, so long as a man continues in mortal sin.

Sixthly. That those ecclesiastics who live in any habitual immorality may be lawfully disseized of their endowments at the discretion of temporal lords : and that the peasantry and lesser tenants may punish the lords of fees for their misbehaviour as they shall think fit.

Seventhly. That tithes are pure alms and charity ; and that the parishioners may lawfully detain them from the rector for his sins, and give them to those they believe better qualified.

Eighthly. That particular prayers put up by prelates or monks in behalf of any person, are not more serviceable to such a person than general prayers, provided other circumstances are equal.

Ninthly. That the entering into any monastic order whatsoever, is a disadvantage to the Christian life, and makes a man more indisposed for observing God's commands.

Tenthly. That those holy men who founded any religious order, either with property or without it, were to blame for the institution.

Eleventh. That those who confine themselves to a cloister, and live up to the rules of their monastery, forfeit the bene-

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fits of their common Christianiauty. This is, not without reason, called a pernicious error.

Twelfth. That the friars are bound to work, and not to stroll about and beg for their living. And

Lastly, that those who relieve mendicants and preaching friars, are excommunicated, neither are the receivers in any better condition.

These propositions of both kinds were condemned by the bishops, divines, civilians, and monks under-written.

*The names
of the bishops
and divines
who censured
these doc-
trines.*

William, *archbishop of Canterbury.*

William, *bishop of Winchester.*

John, *bishop of Durham.*

• Thomas, *bishop of Exeter.*

John, *bishop of Hereford.*

Ralph, *bishop of Sarum.*

Thomas, *bishop of Rochester.*

The names of the Doctors of the Civil and Canon Law.

Mr. John Appleby, *dean of St. Paul's, London.*

— John Waltham, *prebendary of York.*

— Thomas Baketon, *archdeacon of London.*

— Nicholas Chaddesdene.

— Ralph Gregisyow.

— Thomas Stowe.

— John Blawnehard.

— William Rocoumbe.

— John Lydeford.

— John Welbourne.

— William Flainburgh.

— Adam de Motterum, *bachelor of Canon Law.*

— Thomas Braundon.

— John Prophet, *rector of Hadesham in Kent, his holiness's public notary.*

The names of Doctors of Divinity and Monks.

Friar William Syward, *prior,* }
 — John Parys, } *Preaching Friars of London.*
 — John Langley, }

<i>Friar</i> William Folylye,	}	<i>Minorites.</i>
— Hugh Carlel,		
— Roger Fryseby,		
— Thomas Bernwel,	}	<i>Augustinians.</i>
— Thomas Ayshburne,		
— John Bankyn,		
— Robert Waldeby,	}	<i>Carmelites.</i>
— John Hornington,		
— Robert Glaunvile,		
— William Dys,	}	
— John Lovey,		
— John Kynningham,		

Sir John Wells, *monk of Ramsey and doctor of divinity.*

Mr. John Bloxham, *warden of Merton college in Oxford.*

The names of the Bachelors in Divinity.

<i>Friar</i> Robert Humbleton,	}	<i>Dominicans.</i>
— William Pickweth,		
— John Lyndlowe,	}	<i>Carmelites.</i>
— Ralph Wych, <i>Franciscan.</i>		
— John Chiseldene,	}	
— John Toniston,		

Upon the 20th of June this year, Nicholas Hereford and Philip Rapyngdon, doctors of divinity, and John Ayshton, master of arts, made their appearance at the place in London above-mentioned, before the archbishop of Canterbury, several doctors of divinity, of canon and civil law, being then present. And here, Hereford, Rapyngdon, and Ayshton, were interrogated upon the same propositions which were declared heretical and erroneous at the last meeting: Hereford and Rapyngdon, being first examined, declared by way of preliminary, that their intention was to be governed by their superiors, and to conform their belief to the doctrine of the holy Scriptures, and the determinations of the Church: and if either by word or practice they have gone off from this rule, and happened to fall into any mistake, they were ready to submit themselves with all humility to the correction of the archbishop of Canterbury, or any other person in authority to exercise discipline, and prescribe measures. After this protestation, they proceed to give their answer.

Hereford, Rapyngdon, and Ayshton convented before the archbishop, and interrogated upon the censured opinions.

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Abp. Cant.

To the first proposition: "That the substance of bread and wine remained in the sacrament of the altar after consecration," they granted it was heresy, and owned they believed the contrary conclusion mentioned in the decretal, "firmiter credimus," &c.

575.

Being interrogated upon the second heretical opinion, as it was called, (viz.) "Whether the accidents remained without their subject, after consecration, in the same sacrament;" their answer was, that doctrine was heresy, and that their belief was the same with the decretal, "cum Marthe."

Their answer to the third proposition: "That our Saviour was not identically, truly, really, and corporally present in the sacrament above mentioned:" to this, I say, their answer was, that though the assertion was somewhat perplexed in the sense, and ill worded, yet, as far as it was contrary to the decretal, "si Dominum," they owned it a heresy. And, in short, as to the whole matter relating to the holy eucharist or any other sacrament, they declared themselves ready to be governed both in their language and belief by the doctrine of the Scriptures, the judgment of the Church, and the writings of the holy Fathers.

And not to mention the particulars of their answer any farther, they seemed upon the whole to agree with the censure of the bishops and divines, owning those assertions for heresy and error, which had been lately condemned as such.

And thus, with all deference and regard, they gave in their answer to the archbishop: and after having thrown in a saving clause for the honour of God, the orthodox belief, and the privilege of conscience, they entreated the archbishop, in case he was of another opinion, to inform them better, and that they were most ready to submit to his judgment, grounded upon the authorities above mentioned. And lastly, they begged him to give a favourable construction to their answer, protesting that those censured doctrines were never maintained by them, either in schools or pulpit.

This defence being delivered in writing to the archbishop, was not thought satisfactory in all points: for instance,

This answer to the first proposition was looked on as imperfect, and therefore the archbishop asked them, whether the same numerical material bread placed upon the altar before consecration, remained in its proper substance and nature after

consecration; and the same question was put with respect to the wine. To this, Hereford and Rapyngdon replied, they were not prepared at present to add anything to their answer already given. And being required to explain themselves farther upon the second and third article, they declared they were not then provided with a better answer than they had delivered in writing.

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Farther, their answer to the sixth conclusion being judged insufficient, they were interrogated whether any sort of obedience was due from God to the devil; they replied, there was in a qualified sense, that is, an obedience of charity, as they term it: because, as they farther explain themselves, the Supreme Being loves that apostate spirit, and owes him a duty of punishment.

*Quia diligit
eum et punit
eum ut debet.*

Their answer to the twentieth conclusion being conceived not sufficiently full and clear, the court asked them whether particular prayers were more beneficial than general ones, to this they only replied, they were more especially serviceable.

And not giving an express answer to the last conclusion, the question was put whether they believed the friars were bound to work for their living, and whether it was not lawful for them to beg for a maintenance. To this interrogatory they refused to make any answer.

Spelm. Con-
cil. vol. 2.
p. 631. et
deinc.

Upon this, the archbishop of Canterbury asked the doctors above-mentioned what their opinion was of Hereford and Rapyngdon's defence: they unanimously replied, that they looked upon the answers to the first, second, third, and sixth conclusions as insufficient, evasive, and heretical: and that their answer to the nineteenth and twentieth conclusions were defective and erroneous.

*Hereford
and Ra-
pyngdon's
answer pro-
nounced un-
satisfactory.*

The doctors having thus delivered their opinion, the archbishop pronounced their answers short and disrespectful; and admonished them to appear before him within eight days to give farther satisfaction: at which time, unless they explained themselves fully and clearly, and came directly in their affirmation to the sense prescribed; unless they declined the subterfuge of sophistical terms, and the perplexities of logic, they should be reputed as convict of the heterodox conclusions above-mentioned.

Id. p. 634,
635.

After this monition, the archbishop of Canterbury read the first conclusion relating to the holy eucharist, and asked John

*Ayshton de-
clared con-
vict of heresy
and error.*

Ayshton what his belief was concerning that point. Ayshton refusing to give a categorical answer, told the archbishop that he believed as holy Church believed, and that he conceived nothing more was required of him. And when the archbishop bade him answer in Latin, he made the greater noise in English, treated his metropolitan with disregard, and endeavoured to bring the audience into an ill opinion of him. And being demanded what his belief was concerning the sacrament of the altar, and whether the material bread remained after consecration, he told the archbishop that point was too big for his understanding; but as for the term material, he might put it in his pocket, if he had any. And thus Ayshton's defence being judged defective, and his behaviour contemptuous, the archbishop pronounced him guilty of all the heresy and error laid to his charge.

Id. 636.

The archbishop's mandate to suppress the Wickliffites.
Knighton.
Col. 2652.

After this censure, the archbishop sent a mandate to his suffragans to require them not to suffer any person in their respective dioceses to teach or preach the Wickliffite doctrine.

The king likewise, about this time, directed his writ to the university of Oxford for the same purpose. By this writ, the chancellor and proctors of the university are empowered and ordered to make search after all such, of what profession or degree soever, within the jurisdiction of the university, who were either known, or strongly suspected, to countenance or maintain any heresy or error, and especially any of those conclusions lately condemned by the archbishop of Canterbury and his clergy, or any person that abetted or entertained John Wickliff, Nicholas Hereford, Philip Rapyngdon, or John Ayshton: and when any persons, under the circumstances and suspicions above-mentioned, were discovered, they should expel them the university within seven days, and not receive them again till they had disproved the charge, and cleared their innocence before the archbishop of Canterbury for the time being. They were likewise required to make diligent search in all the colleges and halls in the university for books written by John Wickliff or Nicholas Hereford; and, upon their finding any such, to seize and transmit them to the archbishop, without any alteration or correction whatsoever. And all this they were bound to do upon their allegiance, and under the forfeiture of the liberties and privileges of the university, and whatever else they were liable to forfeit. And, at the

576.

The king's writ to the University of Oxford to the same purpose.

close of the writ, there is an order to the sheriff of the county, the mayor of Oxford, and all other sheriffs, mayors, officers and subjects, to assist them in the execution of the premises. This writ is dated the thirteenth of June, this year, and is two days earlier than the date of the archbishop's mandate above-mentioned.

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II.
Pat. 6
Ric. 2.
part I. M. 32.

As for Dr. Nicholas Hereford, mentioned in this writ, he is said to have gone a much farther length than Wickliff, and to have asserted some things which were very disgusting and indefensible. For instance, Waldensis reports, he declared that Simon Sudbury, the late archbishop of Canterbury, had no more than his desert in being slain, because he was an enemy to Wickliff. One Dr. Peter Stokys, a Carmelite, ordered Hereford's opinions to be drawn into form by public notaries: and then made it his business to confute them both in his exercises and sermons. To Stokys's performance, upon the controversy being made public, Hereford is said to have returned but a slender answer: he is likewise charged with preaching treasonable and rebellious doctrines at Oxford.

*Hereford
went further
in his oppo-
sition than
Wickliff.*

As for Mr. Ayshton, he has the character of a remarkable innovator, and, as Knighton, who lived in that reign, reports, maintained the following opinions in the pulpit at Leicester:

Wood. Hist.
et Antiquit.
Univers.
Oxon. lib. 1.
p. 190.

First. "That no prelate ought to excommunicate any person, excepting upon a principle of charity, and for the saving his soul." No harm in this.

*Ayshton's
tenets.*

Secondly. "That the putting any person under an incapacity or disadvantage from hearing the word of God, is the discipline of Antichrist, and not of any good Christian."

Thirdly. "That the prelates gain their preferments by the strength of their pocket, and by consequence are simoniacs and heretics."

Fourthly. "The kingdom will never thrive, and be well settled, till the ecclesiastics are stripped of their temporalities:" and to press this point the more effectually, he was full of motion and vehemence in his postures, and exhorted the audience to do their utmost in this matter.

Fifthly. "That the ecclesiastics, as long as they live at the present rate of plenty and pleasure, are unqualified to pray for the people, and disabled in the principal part of their function."

Sixthly. "That if the king were possessed of the tempo-

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ralities of the clergy, there would be no occasion for taxing the nation, and plundering the commons."

Seventhly. "That those sects of religious, who pretend their way of living more perfect than that of Christ and his apostles, are but of modern institution."

Eighthly. "That the sacrament of the altar, after consecration, is, in truth and reality, both bread and the body of Christ: and that the roundness, whiteness, and other appearances in it, are bread."

Ninthly. "That those preaching friars, who conceal the true and scriptural representation of that sacrament, are excommunicated heretics; and that all those who relieve and cherish them, fall under excommunication."

Farther, this Ayshton, as Knighton reports, delivered the following tenets in the pulpit at Gloucester:—

First. "That the going in a crusade was one of the wickedest undertakings."

Secondly. "That those who promote such expeditions are thieves; and that, in effect, they only persuade Christians to destroy and murder." This conclusion was levelled against Spencer, bishop of Norwich, who had undertaken a sort of holy war in Flanders against Clement, the antipope.

Thirdly and lastly, Ayshton maintained, "that our Saviour chose to be born in a stable, and suffer upon the cross, to show his dislike of Cain's camp; that is to say, of the monasteries and stately houses of the monks and ecclesiastics."

And here, to give a farther account of the progress of Wickliff's doctrine, it will be necessary to dilate a little upon the history of Philip Rapyngdon, above-mentioned. This doctor, some little time before his being convented by the archbishop at London, had appeared for Wickliff, and declared, at one of his lectures, that he was ready to defend his tenets. This challenge, however, was not without an exception to the article of the sacrament. He was willing to be silent upon this point, till the clergy were farther enlightened. Notwithstanding this reserve in his declaration, those of the opposite persuasion were afraid he might forget his promise. For, being to preach at St. Fridiswide's upon that argument on the festival of Corpus Christi, it was highly probable he might discover something against the common belief upon this occasion. To prevent the impressions of such a liberty, the archbishop of Canterbury

*Verus panis
et verum
corpus
Christi.*

Knighton.
Col. 2660.
*The History
of Dr. Rapyngdon
farther prosecuted.*

was desired that Wickliff's tenets, censured by himself and his suffragans upon the seventeenth of May last past, might be published at Oxford before the festival above-mentioned. The archbishop, upon this information, sent Dr. Stokys a commission to publish Wickliff's tenets the same day Rapyngdon was to preach. He likewise wrote to the chancellor, Dr. Rigge, to countenance Stokys and his company at his next lecture, and appear in the divinity schools when the beadle was to pronounce the censure of Wickliff's opinions. The chancellor, being disgusted at this order, reprimanded Stokys severely, and represented him as a person disaffected to the university; and that his design in procuring this order from the archbishop was to encroach upon the privileges of their body: for, as he continues, no bishop had any authority to proceed against heresy in the university.

After this, calling a congregation of the heads and masters, he declared publicly he should be so far from assisting Stokys, that he would oppose him to the utmost; that he designed to have a hundred men in arms, and to engage the mayor and town militia to join him, and prohibit the publication of those censured conclusions at the utmost peril. At the day appointed, the chancellor, the mayor, and the proctors, with a great attendance, came to St. Fridiswide's. And here Dr. Rapyngdon preached strongly against the hierarchy, endeavoured to bring the clergy under a character of disadvantage, and defended Wickliff from point to point. Amongst other things he told the audience, that those who did not mention the secular magistrate before either the bishop or the pope in their prayers, broke the order prescribed in Holy Scripture.

After sermon, the chancellor, attended with a hundred men privately armed, came to Dr. Rapyngdon, and thanked him for his performance. As for Dr. Stokys, he found the tide too strong to be stemmed, and was glad to retire without attempting any thing. However, to reinforce the cause and excuse himself, he wrote to the archbishop to acquaint him with the danger of his post; that he was forced to waive the execution of his orders; and that, unless his grace appeared in his behalf, neither himself nor his friends were likely to be long lived.

The archbishop, somewhat surprised at this relation, wrote to Stokys to come forthwith to Lambeth, and give an account of the faintness of his proceedings. Stokys obeyed the order,

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The chancellor and several of the university of Oxford favourers of some of Wickliff's opinions.

Wood.
Antiquit.
Univers.
Oxon. l. 1.
p. 190.

June 6th.

COURT-
NEY,
Abp. Cant.

and came to Lambeth on the festival of St. Barnabas. The chancellor of Oxford and one Mr. Brithwell came to make their apology at the same time. The archbishop, upon a full examination of the case, declared the chancellor lay under strong suspicions of heresy and error, and that he must reckon him in the class of Wickliff, Rapyngdon, and Hereford. Walter Dash and John Huntman, the university proctors, were likewise censured with the same imputation. The reasons to prove this charge, besides what have been mentioned already, are too long to insert.

Wood.
Antiquit.
Oxon. l. 1.
p. 191.

*The chan-
cellor ap-
proves
the censure
of Wick-
liff's doc-
trines, and
asks pardon
of the arch-
bishop.*

To proceed: upon the octaves of Corpus Christi, the chancellor and Brithwell were brought before the archbishop for a farther examination. And here, both of them confessing Wickliff's tenets, were justly censured; the chancellor fell down upon his knees to the archbishop, and asked his pardon for slighting his mandate. The archbishop, at the instance of the bishop of Winchester, was reconciled to him. But this favour was not granted without strict injunctions for a guard upon his conduct: that, for the future, he should stand off from the heterodoxies of the Lollards; that he should not give the least connivance to novelties, nor suffer any heresy or erroneous opinion to be maintained, either in sermons, schools, lectures, disputations, or elsewhere; and, lastly, that he should not permit Wickliff, Hereford, Rapyngdon, Ayshton, nor Bedeman, to preach publicly, but suspend them from all scholastic exercises till they should come and purge themselves from the charge of heresy before their metropolitan.

The chancellor was farther enjoined to publish Wickliff's opinions, with the censure against them, in English and Latin, in St. Mary's, in Oxford, and afterwards to repeat the publication in the university schools. He was likewise commanded to make a strict inquiry in all the colleges; and, in case he found any persons abetting these tenets, to swear them to a recantation.

The chancellor endeavoured to excuse himself by saying, that it was not possible for him to execute these orders without apparent hazard of his life. To this the archbishop replied, that it was plain then the university encouraged heresy. However, the chancellor, being furnished the next day with an order from the privy council, returned to Oxford, and pursued the archbishop's instructions with reference to the censured doc-

trines. The secular students, looking upon this as an encroachment upon their liberties, cried out upon the monks as the enemies of the university ; and, in short, menaced and outraged them to that degree, that several of the religious were afraid of losing their lives in the ferment.

RICHARD II.

578.

Ibid.

Dr. Rigge, the chancellor, had not been long at Oxford before his former inclinations began to revive : for now he had the courage to suspend one Dr. Henry Compe from all university exercises. The reason assigned for this discipline was, because Compe had branded the Lollards with heresy. Compe went immediately to London, and made his complaint to the privy council and the archbishop. Upon this the chancellor and the proctors were sent for up, and smartly reprimanded ; and, upon this occasion, the king's writ above mentioned was put into their hands. There was likewise another writ directed to the chancellor, to take off Dr. Compe's suspension, and not give any disturbance either to him, to Peter Stokys, Stephen Patyngton, or any other monk or secular person, who should think fit to appear against the Lollard's doctrine.

The chancellor returns to his former behaviour in some measure, and is brought to a second submission.

Ibid.

The chancellor, upon his coming back to Oxford, acquainted Dr. Rapyngdon and Dr. Hereford with the contents of the king's writ. These divines, perceiving their stay in Oxford impracticable, came to London, and addressed the duke of Lancaster, giving him to understand, that, in case the censure of Wickliff's conclusions was not revoked, the government would suffer extremely, and be overtopped in its jurisdiction by the Church. The next day several divines waited upon the duke of Lancaster, and entreated his assistance to put a stop to the growth of heresy. While these doctors were soliciting their business, Hereford and Rapyngdon happened to come in ; who, after they had spent some time in their defence and explained their opinions, the duke broke out into a passion, told them their doctrine was the devil's, and had a strong aversion for them ever after.

Hereford and Rapyngdon address the duke of Lancaster, and are disappointed.
Id. p. 192.

Soon after, he undertook the dispute himself, and handled the two doctors so ruggedly that they thought it best to desist. At parting, he told them he had hitherto been imposed upon in the representation of Wickliff's doctrine, ordered them to go to the archbishop, and abide his judgment. And thus, upon the twentieth of June, they were brought before the bishops and divines at the convent of the preaching friars, as has been

COURT-
NEY,
Abp. Cant.

*Ayshton
makes his
confession to
the arch-
bishop, and
recants.
Ibid.*

*The same
submission
is made by
Rapyngdon
and Bede-
man.
Hereford
goes to Rome
to justify his
tenets.*

*He is im-
prisoned,
enlarged,
returns into
England,
and recants.*

Knighton.
Col. 2657.

Wood.
Antiquit.
Univ. Oxon.
Oxon. l. 1.
p. 192.
*A convoca-
tion of the
province of
Canterbury
at Oxford.*

already related. And here, Mr. Ayshton, being more incomplicant than the rest, was put in the hands of secular justice. He stood out for some time, and endeavoured to draw an odium upon the synod; but, at last, he made his submission and recanted his tenets, and, upon the archbishop's letter to the university of Oxford, was restored to the liberty of performing what exercises he thought fit: and, from this time, we hear nothing more of Ayshton's heterodoxy. Lawrence Stephen, *alias* Bedeman, and Philip Rapyngdon, followed Ayshton's precedent, and were restored to the privileges of their education. As for Nicholas Hereford, he did not lay down his sentiments so easily; but, as Knighton relates, took a journey to Rome, and, presenting himself in the consistory before the pope, reported his censured conclusions, protesting, at the same time, he was ready to defend them at the utmost hazard.

The pope ordered the cardinals and clergy to examine the propositions: and, after a full discussion, they were condemned with the same distinctions of heresy and error as formerly, at London; and, had not Urban borne a particular regard to the English nation for renouncing Clement the antipope, Hereford had been sent to the stake. For this reason the pope treated him more gently, and he was only sentenced to perpetual imprisonment: however, his holiness would remit nothing of this rigour, though solicited for his enlargement by several persons of quality. Not long after, the pope, taking a progress towards Naples to make a visit to his native country, the burghers of Rome were discontented with his leaving the town without their consent. This disgust being at last blown up to a sedition by some disaffected persons, the pope's palace was forced in the commotion, and the prison doors set open. By this accident Hereford gained his liberty, and returned into England; where, at last, he conformed to the received doctrines, took the habit of a Carthusian, and spent the remainder of his life in St. Ann's monastery, at Coventry.

To proceed: this year, in November, there was a convocation of the clergy of the province of Canterbury held at St. Fridiswide's monastery, in Oxford: archbishop Courtney officiated at divine service; and the sermon was preached by the chancellor, Dr. Rigge. And here, after the bishops had gone over the debate about a subsidy, their next business was

to inquire after persons suspected of heresy. Upon this occasion Dr. Rapyngdon was obliged to repeat his recantation of Wickliff's tenets; and, to secure the university from latitude in opinion, all the graduates were obliged to swear a renunciation of Wickliff's conclusions censured at London. RICHARD II. }
Id. p. 193.

Knighton mentions some other disciples of Wickliff, and tells us he heard one of them, whom he does not name, maintain the propositions following in the pulpit:—

First. "If any ecclesiastic misbehaved himself, and continued unreformed, it was lawful for any temporal lord to shave his shoulders,—*alias*, cut his throat,—though the distinctions of his character were never so visible upon his head." *More of the Lollards' tenets.*

Secondly. "If a temporal nobleman or lord of a manor runs riot, and refuses to mend his conduct, it is lawful for the peasantry to bring him to reason."

Thirdly. "That to run out into a great length of prayer,—or, in Knighton's English, to 'blaber with the lippus,'—signifies nothing." 579.

Fourthly. "That to fee any person to say the psalter for us, is to no purpose."

Fifthly. "To give money to procure masses in a man's behalf, turns to no account, unless the person recommended lives regularly: and if he has this advantage to plead, he may be said to pray always for himself: for where virtue and regularity are not wanting, there needs no other devotion."

Sixthly. "That the torment our Saviour suffered at his passion was greater than the punishment of the damned."

Seventhly. "That all our Saviour's counsels are precepts."

Eighthly. "Nobody ought to relieve any person that wears better clothes, or lives in a better house than himself."

Ninthly. "No man is properly a prelate, nor qualified for his function, unless he can dispute and preach."

Tenthly. "All persons absolved from their sins are in a state of grace, and in so great a degree of this advantage, that it is not possible for them to rise higher."

Eleventhly. "That money taken for confessions is a cursed gain; and that both those who give, and receive it, are excommunicated."

Twelfthly. "That nobody ought to relieve a wicked person when they know him to be such."

COURT-
NEY,
Abp. Cant.

Thirteenthly. "That no ecclesiastics ought to be furnished any farther than with bare meat, drink, and clothes."

Fourteenthly. "That sin newly committed cancels all preceding pardon, and revives the guilt of a man's whole life."

Fifteenthly. "That those preachers who carry a satchel about them are to be looked on as impostors, in as much as they contradict both our Saviour's commands, and the practice of his disciples."

Sixteenthly. "That begging, in those who are able to work, is disallowed by the laws of the civil magistrate, neither do we find it countenanced by the gospel."

Seventeenthly. "That though our Saviour converted many of several conditions and employments, yet it does not appear in the holy Scripture that he ever recovered a priest."

Eighteenthly. He asserted farther in his sermons, "that for this last two hundred years, ever since these new sects of preaching friars appeared, the people had been misled into false doctrine; but that himself would retrieve them to reformation, and rescue them from the snares of these disciples of Anti-Christ."

Nineteenthly. "That he had heard these preaching friars lay blasphemous imputations upon the holy Scriptures, and charge them with heresy: the reason of this horrid assertion was, because their conduct was condemned by those inspired writings."

And lastly, he used frequently to maintain, "that scarcely one man in ten would be saved."

Knighton.
Col. 2657,
2658.

Knighton goes on with Wickliff's party, and mentions one John Purneye, a chauntry priest, a person of great appearance for sanctity and mortification. This sir John Purneye, as he calls him, maintained in the pulpit at Bristol,

First, "That our Saviour suffered when his side was pierced with the soldier's spear."

Secondly. "That every priest ought to omit matins, mass, vespers, and the other canonical hours, rather than not have time to preach the word of God; because the offices above-mentioned are only of human institution."

Thirdly. "That every priest is authorized 'jure divino' to preach the word of God without any supplemental licence from his superiors."

Fourthly. "That those bishops, and others, who discountenance the preaching of the word of God, take these measures to conceal their own misconduct and immoralities." RICHARD II.

Fifthly. "That no priest ought to forbear preaching, nor any layman forbear hearing the word of God upon the score of being excommunicated." Id. Col. 2660, 2661.

Sixthly. "That every parish priest is in a more perfect state of life, than any person under a monastic institution." Id.

Wickliff was unfortunate in another admirer, one William Smith. This man, a mean mechanic, happening to be disappointed in his courtship to a young woman, resolved against marriage, set up for devotion, and went an extraordinary length in self-denial. For he would neither take the convenience of linen, nor wear stockings nor shoes. He refused eating both flesh and fish, and would drink neither wine nor beer. During this course of mortification, he learned the alphabet and turned preacher. This Smith and others of his persuasion were supported and kept in countenance by sir Thomas Latimer, sir John Trussell, sir Lodowick Clifford, sir John Peeche, sir Richard Story, sir Reginald Hilton, &c. *The Lollards supported by persons of rank.* These gentlemen were the principal favourers of the Lollards, were their guard through the country, and protected them from punishment, and rough usage. Knighton is so kind to these abettors, as to say, they meant well, and had a zeal for God, though not according to knowledge. It was their custom, when any of the Lollards came into their neighbourhood to preach, to give the country notice of time and place, and draw a vast audience together. And here, to prevent opposition to the doctrine delivered, these gentlemen used to appear in a military figure, and plant themselves round the pulpit. And thus, as the historian relates, where they could not convince with reason, they menaced with the sword, and frightened people into their opinions. And whereas, the first preachers of Christianity made their way by meekness and gentle persuasion, this "evangelium armatum" took a quite contrary course: "these Lollards, instead of shaking off the dust of their feet against those who refused to hear them, as our Saviour commanded his disciples; these men, instead of shaking off the dust," says Knighton, "brandish their swords and their tongues against those they cannot proselyte, and are for wounding them in

COURT-
NEY,
Abp. Cant.

their limbs, or credit." He observes farther, "that they had a strong aversion to images; and that they called our lady of Lincoln, and our lady of Walsingham, the 'wiche of Lincoln,' and the 'wiche of Walsingham.'"

Ibid.

The character and doctrine of the Lollard, Swyndurby.

About this time, one William de Swyndurby, a priest, came to Leicester, and struck out into some singularities. This man had lived in the solitude and discipline of a hermit for some time. He had an unsettled fancy, and had run through a great many methods of life without satisfaction. At his first coming to Leicester, he levelled his discourses in the pulpit against pride, fine clothes, and the disorders of the female sex. These points were managed with so much indiscretion and intemperance, that the women had almost stoned him out of town. Being disappointed with the ladies, he made a trial upon the rich tradesmen, and other persons of fortune. And here, driving his doctrine to an excess of self-denial, he told them in the pulpit that it was impossible for a rich man to be saved: and being a person of a very mortified life, his preaching began to make an impression, and perplex the consciences of several people of estate. However, they got over the mistake and disentangled themselves in a little time. Swyndurby, being thus discouraged left Leicester, travelled the country, and taking William Smith along with him, made a great many proselytes. And here Knighton reports, that these new opinions spread so fast, that a man could scarce meet two people upon the road, without one of them being a Wickliffite. As for Swyndurby, he made it his business, at last, to preach against the privileges of the Church, to find fault with the conduct, and blacken the character of the clergy. This proved a very acceptable topic, and made him wonderfully valued by the common people. One thing which proved particularly serviceable to his gaining the audience was, his giving them a sort of dispensation from paying of tithes.

Id. Col.
2666, 2667.

When Buckingham, bishop of Lincoln, was informed of Swyndurby's preaching, he cited him to the cathedral at Lincoln. Swyndurby appeared, and having time given him for his defence, was at last convicted of error and heresy. He was in danger of being punished capitally for his doctrine: but at last, the bishop was prevailed with to waive this rigour, and only enjoin him to recant his tenets publicly in all the churches

He is convicted of error and heresy, and swears a recantation.

where he had preached; and not to preach for the future in the diocese of Lincoln, without the bishop's leave. Some of the tenets abjured by Swyndurby, were these :

RICHARD
II.
Id.

First. "When either the priest baptizing, or the godfathers or godmothers, are in mortal sin, the child is not truly baptised."

A further detail of his tenets.

Secondly. "That no priest who lives counter to the rule of his duty, can have the powers and privileges of the sacerdotal character, notwithstanding his canonical ordination by the bishop."

These two propositions are censured for heresy : the rest which follow, are only called erroneous.

First. "That though it is lawful for creditors to demand their debts in a friendly manner, they ought not to throw any person into prison upon that score, and that those who proceed to any such rigour are excommunicated."

Secondly. "That if the parishioners know their incumbent to be an ill or unqualified person, they ought not to pay him any tithes : and those that do not discourage him in this manner, draw the guilt of his misbehaviour upon themselves."

Thirdly. "That every priest who attempts to consecrate the body of Christ in mortal sin, does rather commit idolatry than consecrate."

Fourthly. "That no priest comes into a house unless with a design to debauch the women, and therefore married men should take care not to admit any such visitants."

There are several other odd and erroneous opinions, recanted by Swyndurby ; but these having been mentioned upon other occasions, need not to be repeated.

This year, at a parliament held at Westminster, the mayor, bailiffs, and commonalty of Cambridge were complained of, for outraging the university in the late insurrection and tumults of the peasants.

Id. Col.
2670.
The mayor and commonalty of Cambridge before the parliament to answer their outrage of the university.

To mention some particulars : they are charged with breaking up the treasury of the university, and with seizing, burning, and destroying several charters, books, and records ; and carrying away goods and chattels to a great value. The bill exhibited against them sets forth farther, that they compelled the chancellor, masters, and scholars of the said university, under the menaces of death, to resign all manner of franchises and privileges granted to them by any king whatsoever, and

COURT-
NEY,
Abp. Cant.
581.

submit to the government of the town. They likewise, by the terrors and duress above-mentioned, forced the masters and scholars to enter into bonds, under the common seal, to release to the mayor and burgesses all manner of liberties, and all actions personal and real, and farther, to be bound to them in great sums of money.

Cotton's
Abridge-
ment, p. 199.
Coke's In-
stit. p. 4.
cap. 44.

Upon this complaint, there were two writs sent down to Cambridge: one directed to the mayor, bailiffs, and commonalty, that now were; and another to the mayor and bailiffs for the last year: by the writs both these parties were commanded to appear in parliament, and answer to the articles objected. The magistrates of the present year were discharged upon their appearance: but the fact in the petition was proved upon the others. They pretended compulsion by the mutinous peasants: but this frivolous plea being overruled, they were ordered to deliver up the bond of three thousand pounds, and the two releases they had extorted from the university. These deeds being immediately cancelled in parliament, the bill was read in their hearing, and they were asked what they could say, why the liberties of the corporation should not be forfeited? To this they requested three things, a copy of the bill, counsel, and respite to answer. As to the copy of the bill it was answered, "that since they heard the same, it should suffice: for by law they ought to have no copy." As to counsel it was said, "that wherein it was to be had, they should have it, wherefore they were then appointed to answer to no crime or offence, but only touching their liberties." After many dilatory shifts and subterfuges, the said burgesses submitted themselves to the king's mercy. The king thereupon, by the assent of the parliament, seized their franchises; and afterwards made a grant of part of them to the university, within the town of Cambridge, and the suburbs of the same." The particulars granted to the university were the assize, cognizance, and correction of bread, ale, weights, measures, regraters, and forestallers, with the fines and amerciements of the same; paying a rent of ten pounds a-year into the exchequer for this privilege: the remainder of the liberties were regranted to the town, paying the king four marks yearly more than formerly in their fee-farm.

Their franchises are forfeited, and part of them granted to the university.

Rot. Parl.
5 Rich. 2.
num. 45.
Coke and
Cotton, *ibid.*

This year, as Walsingham reports, the Londoners made an invasion upon the discipline of the Church, and took the

punishing of fornication and adultery into their own hands. For instance, they imprisoned several women upon this score, and afterwards brought them out, and exposed them in the streets with their hair cut short, and trumpets and hautboys before them. "They pretended themselves forced upon these rigours by the negligence and partialities of the clergy, charging the spiritual courts with conniving at licentiousness, and taking bribes: that it was high time to exert themselves against dissolution of manners: for unless wickedness was discouraged, and the town was cleared of libertines, they had reason to fear they might draw down the judgments of heaven by their indifferency: and that the letting justice and discipline sleep any longer was the way to be destroyed either by war, pestilence, or earthquakes." It was thought the Lollards were at the bottom of this practice, and suggested these measures, on purpose to bring the bishops into disgrace.

RICHARD
II.
The Londoners encroach upon the jurisdiction of their diocesan.

The crusade undertaken by Spencer, bishop of Norwich, has been just mentioned already upon another occasion. He was encouraged to this expedition by a bull from pope Urban VI. The bishop was made his holiness's nuncio by virtue of this instrument, and had a very large authority for censure and jurisdiction: for instance, he was empowered to excommunicate, suspend, and interdict all persons, of what state or quality soever, that should obstruct the execution of his commission. He had likewise an authority to grant an indulgence to those who went in person or contributed towards the expedition, an indulgence, I say, of the same privilege as if they had served in the holy war against the infidels.

Walsingham, Hist. Angl. p. 288.
The bishop of Norwich, his crusade in favour of Urban 6.

The bishop, being thus furnished, had vast sums of money brought in to him. The ladies were particularly liberal upon this occasion, and parted with most of their jewels. In short, both men and women, rich and poor, exhausted themselves, and strained to the utmost: for by being thus hearty, they expected to get a discharge for their faults; and not only for themselves, but for their friends too, both dead and living. For the bishop's authority stretched thus far in the pardon, provided they contributed to their power. For, as Knighton tells us, the indulgence had a wonderful compass, and carried an acquittal both from guilt and punishment. Some of the bishop's agents were so hardy as to give out, that upon their application of this privilege, the angels would come down from

Id. p. 291.
et deince.
The indulgence brings in great sums of money.

COURT-
NEY,
Abp. Cant.

heaven, fetch their friends' souls out of purgatory, and convey them to the regions of bliss.

The form of the absolution runs thus :—

“ By apostolical authority committed to me for this purpose, I absolve thee, A. B., from all thy sins confessed, and for which thou art contrite; and from all those which thou wouldst confess, provided they occurred to thy memory. And, together with the full remission of thy sins, I grant thee the assurance of the reward of just persons in the life to come: I give thee, moreover, all the privileges of those who undertake an expedition to the holy land, and the benefit of the prayers of the universal Church, either met in synods, or elsewhere.”

The bishop of Norwich having his crusade allowed in parliament, and provided with a considerable army, embarked his forces, and set sail for Calais in June following.

Soon after his arrival, he opened the campaign in Flanders: his first attempt was upon Graveling; his taking this town, and defeating 12,000 Flemings near that place, brought a terror upon the whole country. The bishop pushed his success, and carried Dunkirk, Newport, Furnes, and several places of strength. Not long after, being reinforced by the Gentois, he sat down before Ipres: but Charles VI. coming down in person with a great army, obliged him to raise the siege, to quit the field, and retreat with his troops into Bourbourg. And here, the English were in danger of being made prisoners of war: but by the mediation of the duke of Bretagne, they got honourable terms, and had the liberty to march off. And thus, in the beginning of October, the bishop was obliged to give over the crusade, and return for England.

This year, the archbishop of Canterbury directed his mandate to the bishop of London for the keeping a festival for St. Anne, mother to the blessed Virgin. This order was published pursuant to pope Urban's bull, directed to Courtney for this purpose.

At a parliament held at Westminster in the beginning of November, the nobility and gentry of the northern counties requested that some part of the subsidies granted to the crown might be assigned to them: the reason of their motion was, because the guard of the country against the Scots was put

Knighton.
Col. 2671.
*The form of
the absolu-
tion.*

582.

Walsing-
ham, Hist.
Angl.
p. 295.
Sec Records,
num. 46.

*The bishop
succeeds in
his expedi-
tion at first,
but miscar-
ries after-
wards.*

A. D. 1363.

Knighton.
Col. 2671,
2672.
Mezerai.
*A festival
kept for St.
Anne.*

Specim. Con-
cil. vol. 2.
p. 636.

upon them: however, their demand was thought unreasonable: and Wickham, bishop of Winchester, replied, they were sufficiently rewarded for that service already: that by their tenures they were bound to secure the marches, and had their estates granted them chiefly upon that consideration.

RICHARD
II.

The temporalities of the see of Norwich were seized this year for disobeying the king's writ; the occasion was this: when the bishop had his expedition allowed, had raised his men, and was ready to put them on board, the king countermanded him. The bishop, it seems, took no notice of this order, but went on with his enterprize.

Walsingham, Hist. Angl. p. 307. *The bishop of Norwich's temporalities seized.*

Ibid.

The next year is remarkable for the death of Wickliff, concerning whom it will be necessary to add something to what has been said already.

A. D. 1384.

This clergyman was preferred to the wardenship of Canterbury college, by the founder, archbishop Islip. After the death of Islip, his successor, archbishop Langham, endeavoured to turn him out, in favour of one Henry Woodhull. The college appeared for Wickliff, but the monks of Canterbury made an interest for Woodhull, who was one of their order. This dispute was referred at last to the court of Rome, where, after a long debate, the cause was given against Wickliff, and himself and several other seculars turned out of their preferments in the college. In short, none but monks were made capable of the benefit of that foundation.

A farther account of Wickliff.

But here Wickliff seems to have had hard measure, even according to the principles of that age: for the founder, who, one would imagine, was a competent judge, thought him well qualified for this post, and gave him a great character in the instrument of his promotion: and, as he gained this preferment fairly, so, as far as it appears, he managed all along with an unblemished reputation, neither was there the least imputation of heterodoxy laid to his charge. But being a person of merit, and of a warm temper, it is not improbable but that his being ejected upon an unjust decision, might whet him to an opposition, and make him project a revenge. And when a controversy is pushed on by passion, like motion upon a descent, it gains strength by rolling, and seldom stops till men come to the bottom of their invention. Harpsfield allegeth this as one reason of his declaring against the established doctrine: however, this historian, as we have seen, is mistaken in

Wood. Antiquit. Univers. Oxon. p. 184. See Records, num. 47.

COURT-
NEY,
Abp. Cant.

affirming he came unfairly by his wardenship, and overbore the statutes of the founder. There are other reasons assigned for his driving against the common belief: he is said to have been carried so far by the heat of disputation, as to affirm that an accident was a substance, that quantity was compounded of parts without any dimension, and that everything was God. It seems he was driven upon these assertions to maintain his ground against his opponents in the schools; and, being apprehensive he might suffer in his reputation by retracting his mistakes, he held them to the last.

Others will have it, that his singularities were owing to his ambition, and that his missing the bishopric of Worcester made him break with the Church. But these suggestions seem to proceed from disaffection, and are not much to be regarded.

I shall now proceed to give the reader a farther view of Wickliff's opinions, omitting those which have been already mentioned.

To begin: he declared with great vehemency against the rites and ceremonies then received; declaimed against the blessing or hallowing of bread, water, salt, branches of palms, and first-fruits: he preached against the use of the paschal taper; against the consecrating of churches, and keeping an anniversary festival upon that account. He disapproved magnificence in building of churches, and affirmed that curiosity and expense upon such structures proceeded from diabolical principles. He thought religion mightily overcharged with ceremonies; would have had the canon of the mass set aside, and the mysterious rites in the holy eucharist omitted.

His next advance is against the hierarchy: and here, if he is rightly represented, he not only attacks the supremacy, but falls foul upon episcopacy itself. He affirms it blasphemy to call any person the head of the Church, excepting our Saviour. That the Church of Rome is the synagogue of Satan: that the decretal epistles were spurious records, and that the election of the popes by the cardinals was a device of the devil. That those are heretics who pretend St. Peter had more authority than the rest of the apostles; and that St. James, bishop of Jerusalem, was preferred to St. Peter: that Rome ought not to be called the seat of Christ's vicar; and that the pope is not to be styled St. Peter's successor, unless he lives by St.

Harpfield.
Hist. Wick-
liff. p. 668.

*A detail of
his opinions.*

583.

Waldensis.
tom. 3.
c. 167. *ibid.*
c. 166. 162.
143. 145.

Id. tom. 4.
lib. 2. art. 1.
c. 1.

Peter's example : and that whoever exceeds the pope in his integrity and morals, is a better and more significant representative of our Saviour.

RICHARD II.

Id. Harpsfield. Hist. Wickliff. p. 670.

Wickliff goes on in his attack against the pope, calls him Antichrist, and expounds the abomination of desolation standing in the holy place, upon the bishop of Rome : and therefore maintains that no person ought to be disturbed at the excommunications of the pope or any other bishop, inasmuch as they are no better than the censures of Antichrist. And lastly, that the pope has no authority to consecrate bishops ; to define heresy, or pronounce sentence in cases of that nature. And as for patriarchs, cardinals, archbishops, bishops, archdeacons, deans, officials, monks, canons, and preaching friars, he makes them no better than the chapter of Antichrist: he calls the hierarchy the creatures of the court, as if they had their commissions from thence: and gives Constantine the Great hard language for endowing the Church. He will not allow any person to be a bishop who is in mortal sin, and gives the flock an authority to pronounce judicially upon the probity and conduct of their pastor. He undermines the property of the religious, shakes the patrimony of the Church, and does not so much as leave one branch of her revenue unquestioned: for, as Waldensis reports, he pronounces the pope, the cardinals, and all the clergy, who have any endowments, to be heretics: and that if the emperor and the laity had not been surprised by the devil, they would never have settled estates upon the hierarchy: that the priests under the old law lived "expropriariè," or without property; that the Christian Church had no endowment or real estate till Constantine; and that it was no sacrilege to disseize the clergy, and alienate those things which were consecrated to the service of God.

Id. p. 671.

Ibid.

He goes on with his battery against the authority of the Church, and gives priests and deacons liberty to preach without a commission from their bishop; and it is said to be so hardy as to affirm that episcopacy was none of our Saviour's institution.

That those prelates who lay under a decree of reprobation were disabled by God Almighty, and suspended "ab officio et beneficio:" that the jurisdiction and character of a bishop did not depend upon election or consecration, but upon the force of being predestinated to heaven; that the giving orders, con-

Waldens. tom. 1. lib. 2. art. 3. c. 71. Id. tom. 1. lib. 3. art. 3. c. 56. Harpsfield. Hist. Wickliff. p. 672.

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NEY,
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secrating churches, confirming children, and several other acts of the episcopal function, were encroachments in the bishops, and practised only out of a principle of interest. That when the Apostles were living, the hierarchy consisted only of two orders, priests and deacons: and that a bishop and a priest were the same. That it was the king's business to provide pastors for the Church; and that in causes ecclesiastical, and even in matters of faith, it was lawful to appeal from the judgment of a synod to the civil magistrate.

Ibid.

It seems, some part of his dislike fell upon the universities; for the methods of life and study, the societies and degrees in those places, are censured as inventions of paganism; and that those seminaries were no more serviceable to the Church, than the devil.

Waldens.
tom.1. lib.2.
art. 3. c. 67.

And notwithstanding his depressing the authority of the Church, opening a new prospect of wealth to the laity, and overstraining the power of the prince; yet some of his doctrines are very unserviceable to the crown, and sap the foundations of civil government. For instance; he declares against the lawfulness of oaths, requires an exact probity to give a title to property and power; affirms that an ill man forfeits his right to dominion, and that, as long as a prince continues in mortal sin, his prerogative is lost, neither does the royal style properly belong to him.

Id. tom. 1.
lib. 3 art. 1.
c. 81.

Harfsfield.
Hist. Wick-
liff. p. 673.

Farther, though Waldensis and Harpsfield do not charge him directly with rejecting prayers for the dead, yet since he denies that particular prayers are more serviceable than those which are made for all in general; since he affirms that every one shall "receive according to his deserts:" from hence, they conclude he very much undervalues the practice of praying for the dead, and in a great measure, cuts off the communication between this world and the other. Under this head, we may range his disallowing the invocation of saints, and pressing the putting down the festivals kept in honour of their memory. Besides this, he had no opinion of the respect paid to relics, and attributed the miracles wrought at the saints' tombs to the illusions of the devil. He makes erecting monuments for persons of eminent sanctity, no better than hypocrisy. He dissuades from pilgrimages, pronounces the history of the saints legendary and romantic, charges the worshipping of them with the guilt of idolatry, and affirms it little less than a revival of

paganism. And as for the saints, whether dead or living, their praying for us, signifies nothing, unless we are under the qualifications of virtue, and the privilege of a regular life : and if we are in this condition of advantage, we need not stand to the saints' courtesy.

RICHARD
II.

He has some other notions about prayer and divine service, not all of them defensible. For instance : the prayer, says he, of a person reprobated, signifies nothing. That, provided a man lives conformably to the Divine will, devotion neither in thought nor language is required of him. He likewise disapproves of vigils, church music, and stated times for Divine worship ; and affirms that the tying people to set forms of prayer is abridging the liberty which God has given us.

Id. p. 674.

Walden and Harpsfield discover him farther to his disadvantage. They charge him with slighting the authority of the Fathers ; with saying that St. Ambrose was an apocryphal doctor, and all those ecclesiastical authors who wrote since the year of our Lord 1000, obstinate heretics ; that men of thought and discretion ought to admit no doctrinal points, unless expressly declared in holy Scripture. As for general councils, he throws them off with great disregard and contempt. And, to sink the benefit of other people's prayers, he bids us depend upon the strength of our own virtue ; which, by the way, seems to be no ill advice.

Harpsfield, from Walden, reinforces the charge, and is very tragical upon the subject of predestination. And here, Wickliff seems to have missed his way very much. For he introduces a stoical fate, and makes all things proceed from absolute necessity. And thus it is impossible for a reprobated person to repent in earnest : that is, as he explains himself, to be so far contrite as to blot out the sin of final impenitence. God, says he, determines every creature to their respective actions. Every one that will be damned, is a devil like Judas. That Judas was chosen by our Saviour's humanity only, and not by his divinity. Harpsfield falls violently upon the consequences of these opinions. By these assertions, says he, man may be a devil in his cradle, before he is grown up to the liberty of his will, and is capable of doing either good or evil. This doctrine is more crude and unaccountable than that of Origen, who only fancies bad men will become devils in the state of separation ; whereas Wickliff, continues Harpsfield, makes

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Harpfield is somewhat mistaken in this matter; for the
Manichæans suppose two independent principles, one of which was the author of good, and the other of evil.
Waldens. tom. 2. c. 161.
tom. 1. lib. 2. art. cap. 46. et alib.
Harpfield. Hist. Wickliff. p. 674.
Waldens. tom. 2. c. 107.

them fiends by predestination. This is a more horrible opinion than that of the Manichæans, who made man the author of his own miscarriage, and did not fetch the principle of evil from God Almighty. But this assertion gives a harder character of the best Being than belongs to the worst: for few people are so unreasonable as to lay all their faults upon the devil. Thus, the will is thrown out of all privilege, and we have no more choice left us than stocks and stones. In consequence of this principle, Wickliff is said to hold that an infant preordained to eternal ruin would certainly live after he was baptized: that this life was preserved to give him an opportunity of sinning against the Holy Ghost, and to prepare him for the sentence of malediction. And that if such a child was thrown into the fire, he would not be burnt till he had lived to a capacity of sinning: and thus, as a predestinated person cannot fall from grace, so it is impossible for one reprobated to continue in it. This principle led Wickliff into another mistake, and made him form the Church of none but predestinated persons. Now the people are apt to make an ill use of this doctrine; to revolt from their spiritual superiors; to disobey their injunctions, and slight their censures: and all upon a pretence they do not believe them predestinate, nor by consequence any members of the Church.

To proceed: Wickliff is blamed for want of skill in reckoning the constituent parts of the Church, making it to consist only of clergy, soldiers, mechanics, or labourers: now, by this distribution, the religious, impotent people, and others, are excluded.

And though Wickliff held the distinction between mortal and venial sin, yet he made the difference consist, not in the degrees of pravity in the will, but in the fate of election or reprobation. And, in consequence of this, he denies the distinctions of ill practice can be collected by the outward acts: and that nothing is sin, strictly speaking, but final impenitence: that Peter and David, in the commission of their worst sins, were as much in the Divine favour as they are now in heaven.

Id. tom. 2. cap. 155, 156, 158, 159.

That a person in a state of mortal sin, sins mortally in every action; and that those who are predestinated to bliss, never sin mortally; whereas the rest, who lie under reprobation, have that malignity in every action.

Harfsfield, from Walden, goes on to examine Wickliff upon the seven sacraments. And here, Wickliff makes a question whether any of the sacraments are valid and beneficial under the administration of the modern heretics: by this character of reproach, he means all but those of his own party. The reason of his doubt was, because he did not think it clear that our Saviour would assist the performance, and bless the functions of a wicked priest. For if the prayers of a devout layman are never raised to the dignity of a sacrament, we have reason to conclude, God will not co-operate with an ill priest to this purpose: and since a good man's petition is oftentimes refused because of the unworthiness of the person he prays for, how does it appear that God will consider the application of an ungodly priest,—a priest whose life is a contradiction to his devotion? Besides, reprobated persons are under perpetual suspension, and, by consequence, disabled in their character. From hence, Harfsfield observes, that since nobody is necessitated to believe himself predestinated, the next inference will be, that none can be assured the sacraments are wrought and emerged by any sacerdotal ministration.

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II.

585.

From this general scruple, those who examine Wickliff proceed to particulars, and represent his opinion with respect to baptism.

In this sacrament, Wickliff is reported to deny the forgiveness of all sins; that, when an infant dies without the benefit of baptism, this happens as a punishment for the demerit of the parents; that baptism does not confer grace, but only signifies it is already given. He denies the necessity of *pædo* baptism; and, though St. Augustine declares positively against this dangerous error,—though this father presses the administering this sacrament to all persons without exception,—yet Wickliff will needs throw in a condition, and expound him against his meaning. His wresting the words in St. John is still more remarkable: and whereas we are assured by our Saviour, that except “a man be born of water and the Spirit, he cannot enter into the kingdom of God,” Wickliff is so singular as to affirm, that, by these words, we are not to understand material water, but only the water which flowed from our Saviour's side in conjunction with the baptism of the Spirit.

August. de
Fide ad
Petrum,
cap. 60.

John iii. 5.

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NEY,
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Waldens.
tom. 2.
cap. 96, 98,
106, 108.
Harpfield,
Hist. Wick-
liff. p. 675.

He likewise makes it a mark of folly and presumption to affirm that infants unbaptized are excluded the kingdom of heaven.

Wickliff's opinion concerning the holy eucharist has been mentioned already, and therefore I shall pass it over.

As for confirmation, which is counted a sacrament by the Church of Rome, Wickliff had a slender opinion of it; neither will he allow this benediction to be a peculiar branch of the episcopal office; and, more than that, he maintains that the Holy Spirit is neither given by this administration, nor that blessing so much as ratified or confirmed by it.

Some of Wickliff's singularities about holy orders have been touched already, the rest are these:—

He disallows imposition of hands in ordination, and all other signs and ceremonies of an outward calling; and, amongst other things, maintains, that, when the antichristian and insignificant prelates fail to do their duty, our Saviour will give a mission himself, and determine the circumstances of person, time, and manner, as he shall think fit: for let but a man imitate the example of our Saviour, and he needs not question his being ordained by him, though he never received his character from a State prelate. He is likewise said to give women the privilege of the priesthood and pulpit, and to affirm that neither the civil nor canon law makes a woman incapable of the popedom. He gives every priest the liberty of marriage, of preaching where they please, and of ordaining others to their own order. But then he condemns the profession of nuns with great severity, and calls it the doctrine of devils; and, to conclude this head, he pronounces it lawful for a clergyman to throw off his profession, and return to a lay manner of living.

*Prelato
Cæsario.*

Waldens.
tom. 2.
c. 927.
tom. 3, c. 60.
tom. 2.
c. 128.
tom. 3, c. 91.
Harpfield.
Hist. Wick-
liff. p. 676.
Waldens.
tom. 3, c. 69.
Id. c. 68.

To proceed: Wickliff seems remarkably indulgent upon the subject of penance; and is not pleased the Church should make her discipline more burthensome than that prescribed by our Saviour, who only bid the adulteress "Go, and sin no more." He thought a layman had as good a commission to absolve as a priest; that the necessity of auricular confession has no foundation in Scripture; that Antichrist set this expedient on foot to make himself master of the people's secrets, and get their estates; that it is the presumption of Lucifer for a priest to pretend to absolve a man from his sins by laying his

hands upon his head ; that the privilege of the “keys” does not import a power of remitting sin ; that if a man is duly contrite, there is no need of confessing to the priest, and that the Church has no authority to enjoin confession once a-year ; and, lastly, he does not allow of any reservation of cases to the diocesan or the pope.

In extreme unction, he differs from the doctrine then received, and makes it no sacrament. As for the anointing with oil mentioned by St. James, he affirms it recommended only for the recovery of the sick person, and because there was plenty of that commodity in the country of Judæa. However, in another place he does not deny this application the significancy of a sacrament, but grants it may be advanced to this use and dignity by the devout prayers of the priest ; but then, he makes the force of the application depend upon the merit and qualification of the priest that officiates.

His novelties about matrimony are said to be these : he does not allow that for a true marriage which is engaged in without hopes of issue. It was his opinion that the consent of the parties, without any sensible signs or external appearances, was sufficient for the completing of matrimony. But here Harpsfield falls upon him for the weakness, as well as the mistake, in his assertion : “for,” says he, “which way can their mutual consent be proved without some external sign to discover it ?” Farther, he approved the form “de futuro,” contrary to the custom of the Church, better than that “de presenti :” that is, he conceived “I will take thee to my wedded wife” to be more significant and proper to the occasion than “I do take thee,” &c. He likewise disapproves the ceremony of marrying people at the church-door.

Lastly, Wickliff is charged with several heterodoxies relating to the attributes and operations of God Almighty. Beside what has been mentioned upon this head already, he is reported to have held, that God always acts to the extent of his power, and can do nothing more, nor otherwise, than what he does. “From hence it will follow,” says Harpsfield, “that it is not within the power of the Deity to shorten or prolong the life of the least insect.” Pursuant to this principle, he is said to maintain, that God could not alter the state of the creation, the order of things, or make the world greater or less than it is ; that the First Cause is limited in the creation of human souls,

RICHARD
II.
Id. c. 70.
Id. tom. 2.
c. 135. 147.

Waldens.
tom. 2.
c. 163.
Harpsfield.
Hist. Wick-
liff. p. 677.

586.

Waldens.
tom. 2.
c. 130. 132.
Harpsfield.
Hist. Wick-
liff. p. 677.

Waldens.
tom. 1. lib. 1.
c. 10.
Harpsfield.
Hist. Wick-
liff. p. 677.

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and cannot exceed such a fixed and determined number; that the Deity can annihilate nothing; that the world was not formed out of mere nothing, because the "archetypal ideas" in the mind of the First Cause were prior to creation,—now, these ideas, as Wickliff speaks, were something in the understanding, though not struck out into nature and existence.

To draw towards an end of his tenets: Harpsfield and Walden give an account of his errors relating to our Saviour. He affirms our Saviour had three natures, in a separate sense, and was all of them in a notion of mere conjunction: whereas the Scripture informs us, that Christ consists of the Deity, the human soul, and the body, in a sense of composition; and that none of these natures, singly and separately taken, complete the person of our Saviour. He asserts the humanity of our Saviour, considered apart from his Godhead, is to be worshipped with "latría," or the highest degree of adoration; and lastly, he maintains that God never gives the wicked any thing that is good, and that he is not more inclined to reward than to punish.

Waldens.
tom. 1. l. 2.
art. 3. c. 82.
Id. l. 1. c. 42.
et alib.

Harpsfield.
Hist. Wick-
liff. p. 678.

Wickliff
communicates in the
Church service at his
death.

Fuller's
Church
Hist. book 4.
p. 131. et
deinc.

Du Pin.
Ecl. Hist.
cent. 15.

Wood.
Antiquit.
Univers.

Oxon. l. 1.
p. 193.

Ex Biblioth.
Cotton.
His cha-
racter.

Knighton.
Col. 2644.

ibid.

Wickliff, notwithstanding this dissent from the doctrines received, was neither imprisoned nor otherwise punished, as far as it appears, but lived the remainder of his time at large, and died undisturbed at his parish at Lutterworth, in Leicestershire. By his being no farther taken notice of by the discipline of the Church, we may conclude he lay under shelter, and had the protection of some potent interest. And, which is somewhat remarkable, his remonstrances against the Church of that age did not carry him so far as to quit her communion: for, upon Innocents-day, being at mass in the church, he was seized with his old distemper the palsy; this fit took away his speech, which he never recovered, and died upon the last of December.

As for his parts and learning, Knighton reports him one of the most eminent divines of his time; that he was a great philosopher, and had made an unusual progress in university learning; that he was of a very penetrating and profound genius, but so unhappy as to affect distinguishing himself by his singularities, and refining upon the ages before him. That he was a person of great capacity and improvement, is owned by Waldensis, who lived in that age, and wrote so heartily against him. Wickliff wrote a great many books; and,

amongst other performances, he translated the Bible into English, for which Knighton is very much displeas'd with him.

His opinions were not only maintained in England by the Lollards, but spread very much in Bohemia. The reason of their reaching thus far was occasioned by a Bohemian gentleman's studying at Oxford in Wickliff's time. This foreigner, being one of his proselytes, carried his books with him at his return, and propagated his opinions in his own country. Not long after, one Peter Payn, an Englishman, and one of Wickliff's disciples, travelled into Bohemia, and brought over a great many people to that persuasion¹.

RICHARD
II.

Ib. Fuller's
Church

Hist. l. 4.
p. 142.

*The occasion
of his opi-
nions spread-
ing in Bo-
hemia.*

Harfsfield.
Hist. Wick-
liff. c. 14.

¹ It would seem like injustice and ingratitude to the memory of Wickliff, to pass over his name without notice. In the history of the British Church no man can be better entitled to special honour and attention. The reader will peruse with pleasure Le Bas's biography of this great man, who has been represented in very different lights by Bossuet, Heylin, Collier, and Milner. Naturally enough, his name has been enlogised or abused by his memorialists, in proportion as they coincided with his opinions. To us it appears, that if Wickliff was at all deficient in that high catholicity of soul, which embraces all that is orthodox in every Church economy, he is not the less admirable for the religious integrity and moral courage with which he assailed the corruptions and abuses of the Romanists. His mind, though not profound, was peculiarly energetic and resolute. He had less of the philosophic than the polemic temper—he resembled not Erasmus so much as he resembled Luther. The calm sphere of contemplative eclecticism did not suit his genius; and being dissatisfied with Romanism, he threw the whole force of his talents into the opposite scale of Protestantism. We say Protestantism, for *bona fide* Protestantism existed in Wickliff's day, and long before. Mosheim has well observed, that Romanism and Protestantism are the symbols of a bipolar law, and coexist as antagonist forces—their action and reaction being equal. Every development of Romanism, properly so called, produced therefore from the earliest ages a development of Protestantism. Allix has beautifully illustrated this fact in his "History of the Ancient Churches of the Albigenses;" and Rosetti, in his work "On the Antipapal Spirit exhibited in Europe before the 16th Century." Rosetti's treatise is especially valuable, since it traces much of the connexion subsisting between the early ecclesiastical reformers and the secret societies of initiation, which so extensively influenced the destinies of young Europe, and which ought to have been less trivially noticed by the pens of Sismondi and Hallam. Wickliff, conceiving that the cause of truth and liberty owed its best hopes to this rising party of Protestants, joined heart and soul in their philanthropical enterprise. His success was for a considerable period so brilliant, as to fill himself and his disciples with the astonishment they inspired. That success must in the first instance be attributed to the blessing of Divine Providence, and the favourable conjuncture of circumstances of a political nature. The pope and the papal hierarchy had latterly lost caste and credit, while the regale had been steadily rising in popular estimation. It is no wonder, therefore, that Wickliff's attempts at reformation were so well received. His exertions in translating the Bible into the vulgar tongue deserve unqualified praise, and might alone entitle him to immortality. He thereby laid the axe to the root of the first and worst error of Romanism—the prolific and inexhaustible source of all that is most deplorable in the papal establishment. It cannot be denied, however, by sound Churchmen, that Wickliff's zeal was not always according to knowledge, and that it sometimes carried him to an opposite extreme,

COURT-
NEY,
Abp. Cant.

A. D. 1385.

*The king's
expedition
against the
Scots.*

To proceed to something remarkable in the State: The Scots having made several irruptions into England in this reign, the king was now resolved to take a full revenge, and go in person against them. He raised a great army upon this occasion, and was attended with the flower of the English nation. He entered Scotland by the way of Northumberland, and, finding no resistance, marched as far as Edinburgh, and burnt the town. The Scots, though reinforced by the French, not thinking themselves strong enough to fight king Richard, projected a diversion; and, while the English entered Scotland by the East-marches, the Scots took a different route, and made an incursion into the north-west parts of England; attempted Carlisle, harassed Cumberland and Westmoreland; and, in short, made a full reprisal upon the English before their return: for king Richard, being distressed for want of provisions, was forced to countermarch his troops, and put an end to the expedition.

Knighton.
Col. 2675.
Walsing-
ham, Hist.
Angl.
p. 317.

*The duke of
Lancaster
signs away
his title to
the kingdom
of Castile.*

587.

A. D. 1386.

The articles.

The duke of Lancaster, who was king of Castile in right of his wife, being now thoroughly furnished for his expedition, embarked for Spain. He had an army of twenty thousand on board, two thousand of which were men-at-arms, and many of the general officers persons of the first quality. His queen, Constance, under whom he claimed, was eldest daughter to Peter the Cruel, king of Castile, who, dying without issue-male, the kingdoms of Castile and Leon descended upon that princess. Henry II., natural son to Alphonso VI., usurped upon Peter, as has been already observed. The duke of Lancaster, to avoid the expense and hazard of a war so remote, accepted an accommodation, and married his daughter Catharine, sole heir to the kingdom of Castile by his wife Constance, to John the son of Henry the Bastard and Usurper; and, in case there was no issue by this marriage, the crown of Castile was to descend upon the son of Edmund, duke of York, who

scarcely less dangerous than that he recoiled from. His mind, in many respects inferior to that of Roger Bacon, seems to have been betrayed into the most untenable of St. Augustine's dogmas, which overlaid the genius of the Church, as Aristotle's dialectics did that of the schools. Wickliff, therefore, while he advocated many wholesome reforms, likewise recommended certain perilous innovations of doctrine and discipline, which offended the minds of more discreet thinkers, and infinitely incensed the sticklers for antique authority. The cause of reformation, however, contained a force of truth which carried it triumphantly forward, notwithstanding the violent reverses of fortune it was doomed to sustain.

had married Isabel, younger daughter to king Peter the Cruel. Upon these articles, and a vast sum of money paid by Henry the Bastard to the duke of Lancaster, and an annuity of ten thousand pounds to him and his duchess Constance, a peace was concluded with the Usurper, and the Spanish affair settled. Knighton reports, from one who attended the duke of Lancaster in this voyage, that, for the second payment, John, king of Castile, sent his master forty-seven mules laden with gold.

RICHARD
II.

Knighton.
Col. 2666,
2667.

Walsing-
ham, Hist.
Angl. p.342.

And here I must not omit, that pope Urban, to encourage this Spanish expedition, gave an indulgence with the same latitude of privilege with that lately granted to the bishop of Norwich. The reason why pope Urban was thus free in bestowing the treasure of the Church, was, because the Castilians were in the rival interest of Clement VII.; but these favours, by growing common, were little valued, and few people assisted the enterprise upon the motive of the Crusade. Upon this occasion, the pope was particularly liberal to one Walter Disse, a Carmelite, and confessor to the duke of Lancaster. Amongst other privileges, he gave him an authority to make chaplains to his holiness; who, as Jocelin reports, were exempt from the jurisdiction of their ordinaries and superiors, and had the liberty of living at discretion. One Peter Pateshall, an Augustinian, purchased this independency of Walter Disse; but, fancying his qualification of pope's chaplain was a sort of discharge from virtue and regularity, he took check at it, and, going over to the Wickliffites, discovered several instances of theft, murder, treason, and sodomy, committed by his fraternity: but Walsingham rejects this narrative as no better than calumny.

Walsing-
ham, Hist.
Angl.
p. 321.
*Privileges
granted by
the pope to
Walter
Disse.*

Id. p. 327,
328.
Antiquit.
Brit. p. 267.

In October, this year, the parliament then sitting, the broad seal was taken from Pool, earl of Suffolk, and given to Thomas Arundel, bishop of Ely; and, at the same time, John Gilbert, bishop of Hereford, was made treasurer, in the room of John de Fordham, bishop of Durham.

In this parliament, the king, by the advice of the lords and commons, put the administration in the hands of eleven commissioners: viz. William, archbishop of Canterbury; Alexander, archbishop of York; Edmund, duke of York; Thomas, duke of Gloucester; William, bishop of Winchester; Thomas,

*The govern-
ment put
into the
hands of
eleven com-
missioners.*

COURT-
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bishop of Exeter; Nicholas, abbot of Waltham; Richard, earl of Arundel; John, lord Cobham; Richard le Scroop; and John Devereux. This committee had, as it were, unlimited power and jurisdiction in the letters-patent. They were authorized to receive the public revenue, to inspect the king's household and courts, and, in short, to direct the government and make what reformations in the kingdom they thought fit; and, if they happened to differ upon a debate, the case was to be overruled by the majority. The commission was soon afterwards passed into a statute. The best of it was, this extraordinary instrument of trust was to continue in force but one year: however, the king seems to have thought he had gone too far; and therefore, at the recess of the parliament, he made a verbal protestation for the saving his prerogative.

November
20.

Rot. Parl.
10 Rich. 2.
Brady's
Continuat.
of the Com-
plete Hist.
&c. p. 366,
367.
A. D. 1387.

The next summer, the king held a council at Nottingham, on the twenty-first of August: and here the board was managed by Alexander, archbishop of York; Robert de Vere, duke of Ireland; Michael de la Pool, earl of Suffolk; sir Robert Tresilian, chief justice of the King's Bench; and sir Nicholas Brembre, the king's principal favourites. The business of this council was to examine the force and legality of the commission and statute made the last parliament. To come to a resolution in this matter several questions were put to the judges, who were required by the king, upon their allegiance, to declare the law, and give their opinions according to the best of their knowledge. The names of the judges, besides the chief justice above-mentioned, were, sir Robert Belknap, chief justice of the Common Pleas; sir John Holt; sir Roger Fulthorp; and sir William Burgh. Some of the questions put were these:—

*The judges
give their
opinions
against the
legality of
the com-
mission.*

Whether the late commission and statute, made in the last parliament at Westminster, were prejudicial to the king's prerogative? They answered unanimously in the affirmative: their chief reason was, because they were passed against the king's inclination.

2^dly. It was demanded of them how those persons were to be punished who procured the making of that commission and statute? They all answered they ought to be punished with death, unless the king was pleased to pardon them.

3^dly. It was asked, what punishment they deserved who distressed the king so far as to oblige him to sign this commis-

sion and statute? The justices all answered, they were to be treated as traitors. RICHARD II.

The fourth question was, how those people were to be punished who extinguished the prerogative and checked the king in the administration? The answer was, that those who justly lay under so high an imputation were traitors, and should be treated accordingly.

There were several other questions of a resembling nature put to the judges, which were all answered to the king's satisfaction. These judges, and one Loketon, the king's serjeant, set their hands and seals to their opinions at the motion of the board.

The king, being thus relieved by the sages of the law, stopped the execution of the commission. Upon this, Thomas, duke of Gloucester; Richard, earl of Arundel; and Thomas Beauchamp, earl of Warwick, levy an army; and, marching up their forces near London, publish a declaration, and send a copy of it to the mayor and citizens. In this declaration they complain that the administration was greatly disturbed by Alexander, archbishop of York; Robert, duke of Ireland; Michael, earl of Suffolk; Robert Tresilian, false justice; and Nicholas Brembre, false knight of London. These five persons are charged with misleading the king into arbitrary measures, with lessening the royal revenue, granting away the crown lands, and advising his highness to prevail on the judges to deliver their opinion against the commission; and, at the end of this manifesto, the city is warned not to assist any of these traitors, as they call them, at their peril.

The king, not prepared to encounter these lords, was forced to dissemble his resentment, to admit them to his presence, and publish a proclamation to excuse their appearing in arms.

The duke of Gloucester and the lords in his interest, to strike a terror into the court favourites and prevail with the king to give them up, marched their forces to London. The city, at their demand, opened its gates, and gave them free passage. Having succeeded thus far, they requested an admission to the king, then at the Tower. His majesty sent them the keys of that fort, and gave them free access to his person. When they came into the presence, they desired all his courtiers suspected of mismanagement and treason might be

588.

Knighton.
Col. 2694.
et deinc.Brady's
Continuat.
& c. p. 379.*The duke of Gloucester, &c. appear in arms, charge the court favourites with treason, and are excused by the king.*Knighton.
Col. 2697 to
2700.Id. Col.
2701.

COURT-
NEY,
Abp. Cant.

*The judges
taken off the
the bench,
and sent to
the Tower.
Id. Col.
2704. 2706.*

seized and imprisoned. The king was forced to acquiesce, and new model his court. And, to give farther satisfaction, a parliament was called to meet on the third of February: and, on the first day of the session, sir Roger Fulthorp, sir Robert Belknap, sir John Cary, sir John Holt, sir William Burgh, all judges, and John de Loketon, serjeant-at-law, were taken off the bench, and sent to the Tower.

At the beginning of this parliament, the lords spiritual and temporal claimed, as their ancient privilege, that all weighty matters relating to the peers of the realm should be debated and tried by parliamentary methods, and not by the forms of the common law practised in the inferior courts of justice. This claim was allowed by the king, and granted in full parliament.

Brady's
Continuat.
of Complete
Hist. p. 371.

The archbishop of Canterbury summoned his suffragans and the lower clergy to London, and preached upon this text at the opening of the convocation: "Super muros Jerusalem constitui custodes." And, perceiving several noblemen would be tried for their lives, and that cases of blood would be brought into the parliament,—the archbishop, I say, perceiving trials of this nature coming on, and that the canons barred those of his order from being present at them,—entered his protestation for the saving the privilege of the lords spiritual, and left the house.

See Records,
num. 43.

*The arch-
bishop of
Canterbury's
protestation
at his with-
drawing
from the
parliament-
house.*

The purport of the protestation is to set forth, that the lords spiritual, by virtue of their baronies, and as peers of the realm, had a right to sit, debate, vote, and give judgment, with the rest of the peers, in all cases and matters transacted in parliament. But, since impeachments of high treason and trials for life were coming on, they were forbidden by the canons of the Church to concern themselves in matters of that nature; making a protestation, that, for this reason only, they were obliged to withdraw. And thus, having guarded the entireness of their peerage, they concluded by declaring, that nothing done in their absence upon this occasion should be hereafter questioned or opposed by any of their body.

This instrument, at the instance and petition of the archbishop and his suffragans, was read in full parliament, and entered upon the parliament rolls by the king's command, with the assent of the temporal lords and commons.

The bishops of Durham and Carlisle, in the province of RICHARD II. York, entered the same protestation.

To proceed: the lords impeached not appearing in parliament, their default was recorded, and they were adjudged traitors by the lords temporal. Alexander Nevill, archbishop of York, being one of the five criminals, part of his sentence was, that his temporalities should be seized to the king's use; but as for the punishment of his person, since there was no precedent for direction, the lords desired time for consultation, that, by deliberating upon the point, they might pitch upon such an expedient, that neither the privileges of holy Church, the honour of religion, or the laws of the realm, might receive any prejudice. At last they came to this resolution: that the archbishop should be imprisoned in the castle of Rochester during life. But, not being in their hands, he avoided the execution of the sentence, and made his escape into Brabant. Pope Urban, either to cherish him under his misfortune or get an opportunity to dispose of his archbishopric, translated him to the see of St. Andrew's, in Scotland: but the Scots, being in the interest of Clement, Urban's competitor, refused to receive the archbishop. In short, this prelate was so straitened in his circumstances, that he was forced to turn curate at Louvain, in which private employment he died, in 1391. He was a person very nobly extracted, but not at all happy in his conduct, or acceptable to his province.

Cotton's Abridgement, p. 322. Rot. Parl. 11 Rich. 2. N. 9. *The five lords impeached judged traitors.*

Brady's Continuat. of Complete Hist. p. 335. Feb. 19. *The archbishop of York makes his escape, and lives poorly beyond sea.*

589.

Sir Robert Tresilian, another of the five favourites impeached, being apprehended, was brought into parliament, and demanded if he had anything to plead in arrest of judgment? but making no satisfactory defence, was sent to the Tower, and executed at Tyburn the same day.

Harpfield, Hist. Eccles. sec. 14. c. 30. Godwin in Archiepisc. Eborac. Brady's Continuat. &c. p. 585. Feb. 19. *The judges called to answer in parliament.*

About a fortnight after, sir Robert Belknap, chief justice of the Common Pleas, and the other judges above-mentioned, were impeached by the commons in parliament for putting their hands and seals to the questions and answers concerning the late statute and commission.

Sir Robert Belknap pleaded that he was overawed into this compliance by the menaces of the archbishop of York, of the duke of Ireland, and earl of Suffolk, and prayed for gracious and merciful judgment. The rest of the judges made the same excuse, and begged the same favour.

COURT-
NEY,
Abp. Cant.

*Their de-
fence dis-
allowed.*

*They are
condemned
for high
treason.*

The commons, not satisfied with this defence, urged the prosecution. They alleged that the judges' function and skill in their profession was a great aggravation of their crime; that it was the king's desire they should have been true to the constitution, and answered the questions according to the law: but since their practice had been counter to the rule of justice; since they had misled the king, and made their character instrumental to oppression and violence; the commons pray they may be adjudged guilty of high treason.

The lords temporal, after a full examination of the case, adjudged them, by the assent of the king, to the forfeitures and punishment of traitors.

*They are
rescued from
execution by
the bishops.*

On the sixth of March they were brought again into the parliament-house, and had their sentence repeated. Being under this near prospect of death, they were rescued by the mediation of the bishops, who desired the execution might be stopped till they could procure their pardon. The temporal lords yielding thus far, the prelates immediately applied to his majesty, who granted the judges their lives: but as for the other part of the sentence, it was to remain in force during the king's pleasure.

Id. p. 333.

The same day, Thomas, bishop of Chichester, was impeached by the commons for being present when the questions were put the justices, and threatening them into the answers above-related. Though the bishop denied the charge, the lords temporal found him guilty of treason, and pronounced the same sentence as they had lately done in the case of the archbishop of York. And afterwards it was ordered by the lords in parliament, that this bishop, and the judges above-mentioned, should be banished into Ireland during their lives.

Ibid. et.
p. 339.

At the close of this parliament, the commons petitioned the king, for the greater satisfaction of his subjects, to repeat his coronation oath. The reason of this request seems to be, because his highness was so deep in his minority at his coming to the crown. The king granted this request, and renewed the oath with great solemnity at the abbey church in Westminster. Upon this occasion, the prelates and temporal lords repeated their oaths of fealty and homage.

*The king
repeats his
coronation
oath.*

June 3rd.
Brady's
Continuat.
of Complete
Hist. p. 390.
Rot. Parl.
2 Rich. 2.
N. 46, 47.

Now in regard there is some difference in the form of these solemn securities, and that not to the disadvantage of the lords spiritual, I shall lay them before the reader.

The bishops' fealty or homage runs thus :—

RICHARD II.

“ I, A. B., shall be faithful, and true faith and troth bear unto you, our sovereign lord, and to your heirs, kings of England: and I shall do, and truly acknowledge the service of the lands which I claim to hold of you as in the right of the Church, as God help me.”

The bishops' oath of homage different from that of lords temporal.

After this, they salute the king upon the right cheek.

The temporal lords swear their homage in these words:—

“ I, N. N., become your liege man of life and limb, and of earthly worship; and faith and troth I shall bear unto you, to live and die, against all manner of folk: so God me help.”

After this, they lay their hands upon the crown on the king's head, and promise to support it to the utmost of their power.

Spelman. Glossar. p. 296.

After the lords spiritual and temporal had performed their homage, there was a new oath drawn up and passed in Parliament in the tenor following:—

“ You shall swear that you will not consent, nor suffer, as much as in you lies, that any judgment, statute, or ordinance, made or given in this present parliament, shall be in any manner made void, reversed, or repealed at any time to come. And, on the contrary, you shall, to the utmost of your power, uphold and maintain the laws and usages of the realm heretofore made and practised, and shall inviolably keep, and cause to be kept, the public peace, without giving any manner of disturbance to the kingdom: so help you God and the saints.”

A new oath passed in parliament.

Rot. Parl. 2 Rich. 2. N. 48.

This oath was imposed upon the magistracy, and all other persons of distinction, both clergy and laity: and the archbishop of Canterbury, and the other bishops, excommunicated all such as should act contrary to it. The lords and commons of this parliament having received a complaint of the spreading of the opinions of the Lollards, put the king in mind of the danger which might thence accrue to the Church and kingdom: the king, upon this suggestion, enjoined the archbishop of Can-

Ibid. N. 49. The parliament complains against the Lollards.

COURT-
NEY,
Abp. Cant.
590.

terbury, and the rest of the bishops, to be vigilant in their respective jurisdictions, to examine the writings of the Lollards, and put the canons in execution: and to fortify the discipline of the Church, the king immediately constituted inquisitors, by his letters-patent, to peruse the Lollards' books, and make inquiry into those that abetted their doctrine. The copy of the inquisitors' commission runs thus:—

*A commis-
sion to sup-
press the doc-
trines of
Wickliff, &c.*

“ Richard, by the grace of God, king of England and France, and lord of Ireland, to his well-beloved Mr. Thomas Brightwell, doctor in divinity, dean of the new college at Leicester, and William Chesulden, prebendary of the same college; and to our trusty and well-beloved Richard de Barowe, knight, and Robert Langham, greeting. Being certainly informed that several books and treatises of Mr. John Wickliff, Nicholas Hereford, John Ayshton, and others of their unsound and extravagant persuasions, containing manifest errors and heresies to the prejudice of the Catholic faith, and in opposition to the holy doctrine of the Church, are frequently transcribed, published and dispersed, written both in English and Latin; from whence wicked opinions, contrary to sound doctrine, are preached, spread, and presumptuously maintained, to the weakening of the orthodox faith, and the subversion of holy Church; and which, by consequence, tend to infidelity, and the apparent hazard of the salvation of great numbers: we, in consideration of the danger aforesaid, being moved, as we are bound, with a zeal for the Catholic faith, of which we are, and always intend to be, the defender in all points, and being willing to suppress the growth of these errors and heresies within our dominions to our power, assign you jointly and severally to seize all the books, treatises, and libels of the aforesaid John, Nicholas, John, and others of their persuasion; which books containing any unsound tenets, you are authorised to seize, in whose hands, possession, or custody soever they are found, either within liberties or without, and to send them up with all possible speed to our counsel, that we may take such farther order about them as to us and our said counsel shall seem convenient. You are likewise to make proclamation, strictly requiring in our name, that no person, of what degree, condition, or quality soever, under the penalty of being imprisoned, and forfeiting whatever they are liable to

forfeit, do presume to maintain, teach, or obstinately defend, publicly or privately, any of these wicked or scandalous opinions; or to keep, transcribe, buy or sell, any such books, treatises, and libels, in any manner whatsoever. But to deliver without delay all and every such books in their custody to you, upon their being thereunto required. And all those who shall be found not to submit to our proclamation, and continue to maintain their wicked opinions, notwithstanding our prohibition, our will and pleasure is, that they be summoned by you, Thomas and William, above-mentioned, and diligently examined by you, and being convicted upon any of the articles above-mentioned, they are to be committed by our ministers of justice to the next gaol, there to be detained till such time as they shall either renounce their heresies, errors, and unsound opinions, or that we shall think fit to resolve otherwise, and send an order for their discharge: and therefore we command you to use your utmost diligence concerning the premises, and execute our orders in the manner and form above-mentioned. And we likewise strictly command all and singular, ecclesiastics, high sheriffs, mayors, bailiffs, and others our ministers and liege subjects, as well within liberties as without, to aid and assist you, and every of you, in the performance of the premises. In witness whereof, we have caused our letters to be made patent. Witness ourself at Westminster, the three-and-twentieth day of May, and the eleventh year of our reign."

RICHARD
II.

Knighton.
Col. 2708,
2709.

This commission, as Knighton reports, notwithstanding the strictness of it, was but faintly executed, because the time for discipline, as he continues, was not yet come.

Ibid.

This year, after Whitsuntide, Richard, earl of Arundel, putting to sea with a considerable force, engaged the French fleet; took, sunk, and burnt about eighty ships, and gained an entire victory. After this success, he made a descent upon the Rochellois, upon Rhe and Oleron, where he harassed and burnt the country, and returned with great booty and reputation.

A. D. 1368.
*The earl of
Arundel
beats the
French at
sea.*

In the beginning of August, this summer, the Scots, immediately upon the expiration of the truce, made an incursion into England with a great army: and finding the English not prepared to receive them. they overran the country with fire

Walsing-
ham, Hist.
Angl.
p. 334.

COURT-
NEY,
Abp. Cant.

*Hotspur
Percy fights
the Scots near
Newcastle,
and kills
earl Doug-
las.*

Id. p. 335.

*A parlia-
ment at
Cambridge.*

591.

Id. p. 335.
Knighton.
Col. 2729.
*Antiq. Brit.
in Courtney
p. 268.
A truce with
France and
Scotland,
A. D. 1389.*

Brady's
Continuat.
p. 391.
*The arch-
bishop of
Canterbury's
visitation
and contest
with the
bishop of
Exeter.*

*The dioc-
eses' juris-
diction sus-
pended of
course
during
the arch-
bishop's
visitation.*

and sword almost as far as Newcastle. By this time, Henry Percy, called Hotspur, eldest son to the earl of Northumberland, had drawn some troops together. With this body, though much inferior to the enemy, he attacked the Scots, broke into their camp, and killed earl Douglas, as it were in single combat, with his own hand. At last being overborne by numbers, himself, his younger brother, and several other persons of condition, were taken prisoners. Soon after this battle, the Scots having intelligence that the English were coming down upon them with fresh forces, retreated into their own country.

This year, upon the 9th of September, there was a parliament held at Cambridge, where, amongst other things, an act was passed, "That in case any person travelled beyond the sea to procure himself a benefice, either with cure or without; unless he had the king's license, should be put out of the protection of the law." At this parliament, the laity granted the king a fifteenth, upon condition the clergy should give a tenth. But the archbishop and his suffragans, looking upon this precedent as a new incumbrance upon their property, refused to be tied by it. Upon this exception, the conditional clause was thrown out of the bill.

The earl of Arundel's late success against the French disposed them to a cessation of arms. The truce was concluded between the two crowns at Leu Linghame, a place between Calais and Boulogne. It was to commence upon the first of August, 1389, and to continue to the sixteenth of the same month, 1392. The allies of the French, and particularly the Scots, were comprehended in this treaty.

This year, the archbishop of Canterbury began a provincial visitation, and made his progress through the dioceses of Rochester, Chichester, Bath and Wells, and Worcester, without any opposition; but when he came to Exeter, and adjourned his visitation from time to time, Thomas Brentingham, bishop of that see, thinking this delay a hardship upon him, commanded his diocese not to take notice of the archbishop's visitation, nor receive institution or collation to benefices, confirmations of elections to abbacies, commissions for administration, or any other authorities and powers of that kind, from any other person but himself, or those who acted under him. The penalty of disobeying this order was excommunication.

On the other side, the archbishop set forth a counter-mandate, and declared the bishop of Exeter's censure void and of none effect. The bishop appealed to the pope, and affixed his instrument upon the doors of his cathedral. The archbishop went on in his visitation, summoned the bishop of Exeter to appear before him, and at last obliged him to acquiesce and submit.

RICHARD
II.

Antiq. Brit.
in Courtney,
p. 268, 269.

This year some Wickliffite priests exceeded the commission of their rank, presumed to hold ordinations, and prefer others to their own order. To justify this innovation, they pretended a parity of jurisdiction with the bishops, as has been observed in some of them already.

Antiq. Brit.
in Courtney,
p. 269.

Pope Urban VI. died this year, in October, and was succeeded by Boniface IX. Walsingham commends Urban for the strictness and austerities of his private life; but then, the stiffness of his humour, and the rigour of his government, was more than an overbalance to this commendation, and proved unfortunate to himself and others. This pope instituted the festival of the nativity of the blessed Virgin, and ordered it to be observed in England.

This festival is kept on the eighth of September.
Walsingham, Hist. Angl. p. 341.
Lyndwood. Edit. Oxon. ad Calc. p. 60.
A remarkable oath sworn to the king by the pope's collector.

This year, the king obliged James Dardain, the pope's collector, to swear himself to an inoffensive unprejudicial management. By this oath, which was a very remarkable one, "he engaged to be true to the king and his crown; that he would not act, permit, or procure to be done, any thing detrimental to the prerogative royal, or the laws of the kingdom; that he would not execute any papal bulls or mandates, or suffer them to be executed, that were prejudicial to the king, to the rights of the crown, or the constitution of the realm; that he would not receive or publish any of the pope's letters, but such as he should deliver to the king's council as soon as was possible; that he would not remit or export any money or plate out of the kingdom, without special license from the king or his council, nor introduce any new usages without the king's leave; and, lastly, that he would inviolably keep the king's laws." This oath was taken before the council on the twenty-second of August, in the twelfth of Richard II.

Rot. Claus.
12 Rich. 2.
M. 39. Dors.

And since the pope was over busy, like some of his predecessors, in taxing the English clergy, and exporting the treasure of the realm, the king was resolved to check these foreign exactions, and prevent the impoverishing the country. To this

COURT-
NEY,
Abp. Cant.

purpose he wrote to the archbishop of Canterbury by way of precept. The writ sets forth, "that the archbishop could not be ignorant of the king's being bound by oath to maintain the rights and customs of the kingdom; to govern impartially by the laws, and secure the subject from damage in their property; and that no impositions should be charged or levied upon the people without the common consent of the kingdom." The king suggests farther, "that the commons, lately assembled in parliament at Westminster, had addressed him for a remedy against the impositions upon the clergy, at that time exacted by the court of Rome." His highness adds, "he had likewise been petitioned, by the said commons, that if any one should bring in any 'papal bulls,' to levy such impositions, or set on foot any such uncustomary practices, which might turn to the damage of himself or his kingdom,—or should publish, collect, or levy such new impositions,—should be adjudged and suffer as a traitor to him and his kingdom. And that it was granted by him, with the assent of the same parliament, that nothing should be levied or paid which might tend to the burthen or damage of the subject and kingdom. That, notwithstanding this legal provision (as the writ continues), he was informed of a new papal imposition upon the clergy, which, by his (the archbishop's) authority, or the authority of the suffragans by his order, was to be levied without the common advice and assent of the kingdom: which he (the king) could not suffer with any consistency with his said oath." And, therefore, in the close, he commands the archbishop, upon his allegiance, and under the highest forfeitures, "to revoke his orders for the levying this tax, and to return what had been already paid, enjoining him not to pay or contribute any thing to this subsidy, under the penalties above-mentioned. Witness the king, at Westminster, the tenth day of October."

The king's writ to the archbishop of Canterbury not to countenance or contribute any thing towards a subsidy for the pope.

A. D. 1390.

592.

Rot. Claus.
13 Rich. 2.
part 1. M. 17.
*De decimis
Pape non
solicendis.*

Writs of the same purport and date were directed to the archbishop of York, to all the other bishops of both provinces, to the guardians of the spiritualities of the vacant sees, and to the several collectors of this tax. The same writ was directed to James Dardain, the pope's nuncio, "to desist from exacting this subsidy, 'sub forisfactura vitæ et membrorum,'—'under the forfeiture of life and limb,' and every thing he was liable to forfeit."

This imposition was the payment of a tenth, laid upon the clergy by the pope, as appears by the title of the record: "De decimis Papæ non solvendis."

RICHARD
II.
A. D. 1391.

In the fourteenth year of this prince's reign, there was a proclamation published, to call such persons from Rome who went thither to procure "the avoiding of divers statutes, made by him and his progenitors, with consent of parliament, for the common benefit of the kingdom." These persons, as the proclamation farther sets forth, "went to Rome to do a great deal more mischief there in contempt and prejudice of his person, to the great damage of the kingdom, and to the manifest defeating and annulling the laws and customs thereof: they are therefore commanded to return into England by the feast of St. Martin (or eleventh of November) at farthest: and all under the penalties of forfeiting life and estate. And that no person, of what condition or degree whatsoever, should bring any pope's bulls, processes, or instruments, for nulling or voiding any of the statutes or customs aforesaid, or execute or obey any such bulls, &c., under the forfeiture above-mentioned. Witness the king, at Westminster, the third day of May."

Rot. Claus.
14 Rich. 2.
M. 13.
Dors. de
Proclamatione.

The statutes designed to have been made void at Rome, by the persons recalled by this proclamation, were the statute of "provisors" last made, the statute of "quare impedit," and "præmunire;" which the pope declared against, as encroachments upon the liberties of the Church.

Walsingh.
Hist. Angl.
p. 344, 345.
Brady's
Continuat.
p. 448. et
deinc.
A. D. 1390.

These writs, proclamations, and acts, of government, being all of a similar purport, I have laid them together, and must now go backward to the year 1390; in which year, at a parliament held at Westminster, Wickham, bishop of Winchester, lord chancellor, and John, bishop of St. David's, resigned their places in the parliament-house. When they delivered the king the great seal and the keys of the exchequer, they made a public challenge, that, if any persons could complain of their management, they were ready to justify themselves. The commons desired till next day to consider this matter: at which time, both commons and lords declared the bishops' conduct unexceptionable. Thus, having offered themselves to this test, and come off to advantage, they were put into their former posts.

Cotton's
Abridg. &c.
p. 329.

In this parliament, the "Statute of Provisors," made 25th

COURT-
NEY,
Abp. Cant.

*The statute
of provisors
confirmed
with a new
penalty.*

Statutes 13
Rich 2. c. 2,
3.

*The clergy's
protestation.*

Cotton's
Abridg. &c.
p. 332.

*Swinderby
complains of
being mis-
represented.*

Fox's Acts
and Monu-
ments,
p. 610.
et deinc. to
618.
593.

Edward III., was confirmed; and it was further enacted, "that if any man bring or send within the realm, or the king's power, any summons, sentence, or excommunication, against any person, of what condition soever, for the cause of making motion, assent, or execution, of the said statute of provisors, he shall be taken, arrested, and put in prison, and forfeit all his lands and tenements, goods and chattels, for ever, and incur the pain of life and of member. And if any prelate make execution of such summons, sentences, or excommunications, that his temporalities be taken and abide in the king's hands, till due redress and correction be thereof made," &c.

The foreseeing the passing this bill, and, it may be, not knowing how far the matter might reach, was probably the occasion of the clergy's protestation. For now, the archbishops of Canterbury and York, for themselves and the clergy of their respective provinces, made their solemn protestation in open parliament, "that they no wise meant or would assent to any statute or law made in restraint of the pope's authority." This protestation, at their request, was entered upon the parliament-roll.

This year, William Swinderby, above-mentioned, being cited before John, bishop of Hereford, declared he submitted to his late recantation for want of resolution, and that several of the articles charged upon him were none of his tenets. For instance, he disowns his affirming that it was unlawful to imprison any person for debt; and that he only maintained it was not lawful for the creditor to be cruel and unmerciful to a poor debtor who was willing to pay according to his power. He complains that he was misrepresented in other articles too long to mention, and qualifies several of his propositions to a milder sense; but, as to the main, his apology came short of satisfaction, neither indeed is it defensible in all points. In fine, the bishop of Hereford pronounced him a heretic, and warned all Christians to avoid his company.

Swinderby appealed from the bishop's sentence to the king and parliament. To give the reader a farther account of Swinderby's temper and tendency, I shall transcribe some part of his letter to the lords and commons, as it stands in Fox.

*A letter sent to the nobles and bourghesses of parliament, by master
William Swinderby.*

RICHARD
II.

“Jesus, that art both God and man, help thy people that love thy law, and make known through thy grace thy teaching to all Christian men. Dear sirs, so as we have seen by many tokens that this world draws to an end, and all that ever have been brought forth of Adam’s kind into this world shulen come together at domesday, rich and poor, schone to give account, and receive after his deeds, joy or paynen for evermore: therefore make we our works good, ye while that God of mercy abides, and be ye stable and true to God, and ye shulen see his help about ye. ‘Constantes estote et videbitis auxilium Domini super vos.’ This land is full of ghostly cowards; in ghostly battle few dare stand. But Christ, that comforter of all that falleth against the fiend, the doubty duke comforts us thus; ‘estote fortes in bello,’ &c. ‘Be ye strong in battle,’ he says, ‘and fight ye with the old adder: ‘state in fide, viriliter agite,’ &c. ‘Wake ye, and pray ye, stond ye in belief, do ye manly and be ye comforted, and let all your things be done with charity.’——Awake ye that been righteous men, be ye stable and immoveable: awake ye quickly and sleep nought, and stond now strongly for God’s law: for St. John, in the Apocalyps, says, ‘Blessed be he that awakes: for nought to sleepers, but to wakers God has behite the crown of life.’

*His letter to
the parlia-
ment.*

“‘Be not ashamed, says St. Paul, ‘of the true witness of Jesus Christ; for Christ our God says in his gospel, he that shames me and my words, him shall man’s Sonne ashame when he shall come for to set in the siege of his majesty. And each man, he says, that knows me and my words before men in this sinful generation and whorish, man’s Son shall knowledge him before my Father, says Christ himself, when he shall come with angels in the glory of his Father.’ Sith ye therefore been Christen men, that is to say, Christ’s men, shew indeed that ye been such as yee daren shew you the king’s men; for ‘hit had been,’ as St. Peter says, ‘better not to have known the way of truth, than after the knowing thereof, to be converted backward therefrom.’ Wee knowen Christ that is trought, wee sain all through our belief, if we turn from him for dread, truly we deny the troth. And therefore sith our time is short, how short no man knows but God, do we the good that we

COURT-
NEY,
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may to God's worship when we have time. 'Be true,' says God, 'to the death, and you shall have the crown of life.' And think on Judas Maccabæus, that was God's true knight, that comforted heartily God's true people, to be the followers of his law. 'And geve ye,' he said, 'your lives for the testament of your fathers. And yee shulen win,' he said, 'great joy and a name for evermore.'"

And after a great deal of exhortation to this purpose, intermixed with Scripture threatenings, in case they fell short of what he conceived their duty, he subjoins thus towards the close.

"Therefore turn wee us to him, and leave sin that he hates, and over all things maintain his law that he confirmed with his death. For other laws that men had made, should be deemed at that day by the just law of Christ, and the maker that them made."

After having mentioned the happiness in following this advice, he concludes thus:—

"Dear worshipful sirs in this world, I beseech you for Christ's love as yee that I trow loven God's law and trowth, (that in these days is greatly born a back) that they wollen vouchsafe these things that I send you written to God's worship, to let them be shewed in the parliament as your wits can best conceive, to most worship to our God, and to shewing of the trowth, and amending of holy Church. My conclusions and mine appeal, and other true matters of God's law (gif any man can find therein error, falsness, or default, provet by the law of Christ clearly to Christen men's knowledge), I shall revoke my wrong conceit, and by God's law be amendet; ever ready to hold with God's law openly and privily with God's grace, and nothing to hold, teach, or maintain, that is contrary to his law."

Fox's Acts
and Monu-
ments,
p. 619, 620.

To dismiss Swinderby. He seems to have been a man of spirit and good meaning, and to have had a zeal for God, though not altogether according to knowledge: but then, by the course of the story even in Fox, he discovers something of sourness in his temper, something of prejudice, and disaffection to the clergy. He continues entangled in several mispersuasions, and does not appear to have had a due regard to the ancient usages, and authority of the Church.

This year, pope Boniface IX. granted a very remarkable indulgence to sir Gerhard Braybroke, and his lady Elizabeth: by virtue of this bull, these two persons had a remission of all their sins upon the condition of contrition, and confession to a priest, at the point of death. However, there were some restrictions upon the indulgence: for if they recovered after a sickness, which they expected would prove mortal, they were obliged to such penance and satisfaction, as their confessor had enjoined them. And lastly, if they should pervert the design of this indulgence, and take any unlawful liberties, the bull was to be altogether void and unserviceable.

About this time, Adam Cunningham, bishop of Aberdeen, departed this life. He was extracted from an honourable family, and made a great figure both in Church and State. His character, both for ability and good faith was such, that the council-board was always governed by his opinion. He had been employed in several embassies at the French court, which he always discharged to the satisfaction of the king his master. At last, as it often happens, his merit created him enemies. In short, he was misrepresented to king Robert II., as if he had concerted a scheme with some noblemen to set aside the hereditary right of the royal family, and make the kingdom elective. Notwithstanding this information was pure calumny, the king, it seems, had given some credit to it. The bishop perceiving he stood ill at court, retired to his diocese, where, in a little time, he fell under a new misfortune. The occasion was this: Alexander, the king's natural son, having a pique against the bishop for reproving his licentiousness and oppression, took advantage of his discountenance at court, seized the revenues of the see, and turned out the bishop's tenants. The bishop complained of this usage to the king; but finding no redress, excommunicated Alexander: who, being enraged at the censure, drew a company of ruffians and libertines together, and marching at the head of them to Aberdeen, resolved to assassinate the bishop. Cunningham being advertised of his design, went to meet him upon the road, and when he saw him, he uncovered his head, and pointing to it, told him, "If this be that you seek, I have brought it to you: take head, life, and all." The company admiring the bishop's courage, and affected with his grey hairs and venerable aspect, prevailed with Alexander to forbear the intended mur-

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II.

594.

Dugdale's
Hist. of St.
Paul's
Cathedral,
p. 46.
See Records
Second, 48.
*Cunning-
ham, bishop
of Aberdeen,
his death and
character.*

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NEY,
Abp. Cant.

der. Not long after the report of this outrage was carried to the king, who sending for his son Alexander, committed him to prison, ordered him to make the bishop satisfaction for the damages sustained, and give security for his good behaviour for the future. This prelate sat ten years.

Spotswood's
History of
the Church
of Scotland,
book 2.
p. 103.
A. D. 1392.

Upon the octaves of Hilary there was a parliament held at Winchester. And here, the archbishop of Canterbury being probably suspected of abetting the pope's encroachments upon the Church and State, delivered in his answer to certain articles in the tenor following.

*Archbishop
Courtney's
protestation
against the
pope's en-
croachments.*

“To our dread sovereign lord the king in this present parliament, his humble chaplain, William, archbishop of Canterbury, gives in his answer to the petition brought into the parliament by the commons of the realm, in which petition are contained certain articles.

“That is to say, first. Whereas our sovereign lord the king and all his liege subjects ought of right to be, and had been always accustomed to sue in the king's court, to recover their presentations to churches, to maintain their titles to prebendaries and other benefices of holy Church, to which they have a right to present. The cognizance of which plea belongs solely to the court of our sovereign lord the king by virtue of his ancient prerogative, maintained and practised in the reigns of all his predecessors, kings of England. And when judgment is given in his highness's said court upon any such plea, the archbishops, bishops, and other spiritual persons, who have the right of giving institution to such benefices within their jurisdiction, are bound to execute such judgments, and used always to make execution of them at the king's command, (since no lay person can make any such execution), and are also bound to make execution of many other commands of our lord the king: of which right, the crown of England has been all along peaceably possessed: but now of late, divers processes have been made by the holy father the pope, and excommunications published against several English bishops for making such executions, and acting in pursuance to the king's commands in the cases above-mentioned, and that such censures of his holiness are inflicted in open disherison of the crown, and subversive of the prerogative royal, of the king's laws, and his whole realm, unless prevented by proper remedies.”

To this article, the archbishop promising his protestation,

“ that it was none of his intention to affirm our holy father the pope has no authority to excommunicate a bishop, pursuant to the laws of holy Church, declares and answers, that if any executions of processes are made or shall be made by any person ; if any censures of excommunication shall be published, and served upon any English bishops, or any other of the king’s subjects, for their having made execution of any such commands, he maintains such censures to be prejudicial to the king’s prerogative, as it is set forth in the commons’ petition : and that so far forth he is resolved to stand with our lord the king, and support his crown in the matters above-mentioned, to his power. RICHARD
II.”

“ And likewise, whereas it is said in the petition, that complaint has been made that the said holy father the pope had designed to translate some English prelates to sees out of the realm, and some from one bishopric to another, without the knowledge and consent of our lord the king, and without the assent of the prelates so translated, (prelates who are very serviceable and necessary to our lord the king, and his whole realm) which translations, if they should be suffered, the statutes of the realm would be defeated, and made in a great measure insignificant, and the said lieges of his highness’s council would be removed out of his kingdom without their assent and against their inclination, and the treasure of the said realm would be exported : by which means, the country would become destitute both of wealth and council, to the utter destruction of the said realm :” and thus, the crown of England, which has always been so free and independent, as not to have any earthly sovereign, but to be immediately subject to God in all things touching the prerogatives and royalty of the said crown, should be made subject to the pope, and the laws and statutes of the realm defeated and set aside by him at pleasure, to the utter destruction of the sovereignty of our lord the king, his crown and royalty, and his whole kingdom, which God forbid.

595.

The said archbishop, first protesting “ that it is not his intention to affirm that our holy father aforesaid cannot make translations of prelates according to the laws of holy Church, answers and declares, that if any English prelates, who by their capacity and qualifications were very serviceable and necessary to our lord the king and his realm, if any such prelates were

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translated to any sees in foreign dominions or the sage lieges of his council were forced out of the kingdom against their will, and that, by this means, the wealth and treasure of the kingdom should be exported; in this case, the archbishop declares that such translations would be prejudicial to the king and his crown: for which reason, if any thing of this should happen, he resolves to adhere loyally to the king, and endeavour, as he is bound by his allegiance, to support his highness in this and all other instances, in which the rights of his crown are concerned; and, lastly, he prayed the king this schedule might be made a record, and entered upon the parliament-roll: which the king granted."

Rot. Parl.
16 Rich. 2.
N. 20.
Cotton's
Abridgem.
p. 348.

From this declaration of the archbishop, it is evident he was no vassal to the court of Rome. He did not assert the pope's supremacy so far as to weaken his allegiance, or to make him an ill subject.

We may observe farther, that this schedule of the archbishop's seems to have led the way to the statute of "præmunire," passed in this parliament: for the preamble and introductory part of the act is but a copy, as it were, of this declaration. The bill, it is true, was brought in by the commons by way of petition, who prayed the king to examine the opinions of the lords spiritual and temporal upon the contents. The question being put, the lords temporal promised to stand by the king against the pope's encroachments: neither were the engagements of the lords spiritual less loyal and satisfactory; for they concurred in all points with the common petition, and renounced the pope in all his attempts upon the crown.

*The three
estates
engage to
stand by the
king against
the excesses
of the pope's
supremacy.*

Statute
Book,
16 Rich. 2.
cap. 5.

After this preambulatory remonstrance, together with the engagement of the three estates to stand by the crown in the cases above-mentioned, the enacting part of the statute follows: viz.—

*The statute
of Præmunire.*

"Whereupon our said lord the king, by the assent aforesaid, and at the request of his said commons, hath ordained and established, that, if any purchase or pursue, or cause to be purchased or pursued, in the court of Rome or elsewhere, any such translations, processes and sentences of excommunications, bulls, instruments, or any other things whatsoever, which touch the king, against him, his crown, and his regalty, or his realm.

as is aforesaid, and they which bring within the realm, or them receive, or make thereof notification, or any other execution whatsoever, within the same realm or without, that they, their notaries, procurators, maintainers, abettors, fautors, and counsellors, shall be put out of the king's protection, and their lands and tenements, goods and chattels, forfeit to our lord the king: and that they be attached by their bodies, if they may be found, and brought before the king and his council, there to answer to the cases aforesaid, or that process be made against them by 'præmunire facias,' in manner as it is ordained in other statutes of provisors, and other which do sue in any other court in derogation of the regality of our lord the king." RICHARD II.

Ibid.

Sir Edward Coke observes, that this statute is more strict and comprehensive than that of the 27th of Edward III., that it reaches not only procurors, abettors, maintainers, counsellors, &c.—which are known words in law,—but fautors, which word was largely extended in the reign of Henry VIII. Upon which he remarks how dangerous it is to bring new or unusual words into any act of parliament: and, farther, he takes notice, that all application to a foreign jurisdiction, either in the court of Rome or elsewhere, to the prejudice of the king's crown and regality, falls within the penalty of the statute. And here he stretches the word "elsewhere" to a very large sense, and points it against the ecclesiastical courts in the realm. He brings several precedents to support this construction, which, whether they are well founded or not, will be examined afterwards.

This statute more comprehensive than that of 27 Edw. 3.

And here it may not be improper to put the reader in mind that sir Robert Cotton observes this act is not to be found in the original records in the Tower; neither is it to be met with in the copy of the parliament-rolls in the Cotton library; and, which is still somewhat more surprising, sir Edward Coke, in his chapter of "præmunire," cites the 27th Edward III. cap. 1, in the original, and takes notice of its agreeing with the record; but when he comes to mention the 16th Richard II. cap. 5, which he owns to be a more comprehensive statute, he neither quotes the record nor vouches the print: which is a shrewd sign he could not meet with this act upon the parliament-rolls. It is true it is printed in the statutes at large, in Pulton and

Coke's Institut. part 3. cap. Præmunire, fol. 119. et deinc.

596.

Cotton's Abridgement, fol. 349. Biblioth. Cotton. Titus, E. 3.

Coke's Institut. part 3. fol. 119.

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other editions ; but it is not the print, but the attestation, of the original record which gives it the force of a law.

On the other side, this statute seems pretty plainly referred to in 25th Henry VIII. cap. 20, and 1, 2 Ph. and Mar. cap. 8. Upon the whole, I by no means pretend to deny the authority of this act, but only am somewhat at a loss about the evidence of its authenticity, and the grounds it stands upon.

Pope
Martin 5th's
bull against
the statute of
Præmunire.

This act of "Præmunire," or possibly the 27th Edward III. we may imagine, was looked on as a great grievance at the court of Rome ; however, we do not find any censures pronounced in form, till Martin V. This pope, who was contemporary with king Henry VI., directed a warm bull against this act to the duke of Bedford. It seems his nuncio had been lately imprisoned in England for delivering his holiness's letters. We may suppose, though the bull does not own it, they were thought to contain matter prejudicial to the crown. Upon this unexpected usage, the pope breaks out into a vehement and satirical expostulation, calls the act an " execrable statute ; that it was contrary to all reason and religion ; that, in pursuance of this act, the law of nations and the privilege of ambassadors was violated, and his nuncios much more coarsely used in a Christian country than those of that character among Saracens and Turks ; that it was a hideous reproach to the English to fall thus short of infidels in justice and humanity ; and that, without speedy reformation, it was to be feared some heavy judgment would be drawn down upon them. At last he desires the duke of Bedford, then regent of France, to use his interest to wipe off the imputation from the government, to retrieve the honour of the Church, and chain up the rigour of these persecuting statutes."

See Records,
num. 49.

This bull, though not sent till the year 1429, I have mentioned in this place to make the story more entire.

William
Smith, a
Lollard,
recants.

This year, the archbishop of Canterbury visited the diocese of Lincoln, where he excommunicated the Lollards, and prevailed with one Maud, a nun at Leicester, to recant their tenets ; there were likewise several of the Lollards cited to Oxford and other places, where they renounced their opinions. About this time, William Smith, above-mentioned, returned to the communion of the Church, delivered his expositions in English upon some parts of the New Testament to the arch-

bishop, and submitted to the discipline enjoined; and thus, by the activity and vigour of the archbishop, the growth of Wickliff's doctrine was checked, and the Lollards were not so public in maintaining their persuasion.

Archbishop Arundel, translated from Ely to York, being now lord chancellor, removed the term from London to his own see. This was done, as it was thought, to mortify the Londoners for their misbehaviour to the king. The archbishop had a precedent for this removal of the seat of justice in his predecessor Corbridge, who sat about eight years before.

The next year, upon the seventh of June, queen Anne died at Shene, now Richmond. The king's grief for the loss of her was so excessive, that he cursed the place, and pulled down the palace.

In September, the eighteenth year of this reign, the king, attended by the duke of Gloucester, the earls of March, Nottingham, and Rutland, set sail for Ireland, to quiet the commotions there. The Irish petty princes, having stood out for some time, at last cast themselves upon the king's clemency, and submitted.

During his highness's stay in this country, the archbishop of York, the bishop of London, and other agents of the clergy, waited on him at Dublin. Their business was to entreat him to return speedily into England, to the rescue of religion: for now, the Lollards and their abettors had formed a strong conspiracy against the doctrine, discipline, and revenues of the Church.

This address was occasioned by the Lollards affixing several libels upon the churches of St. Paul's, and St. Peter's in Westminster, containing scandalous imputations upon the clergy, together with several conclusions destructive of the hierarchy, and contrary to the doctrine of the sacraments then received. These Lollards were countenanced by several persons of figure and quality among the laity, some of whom have been already mentioned.

The king, being thus informed of the attempts of this party, resolved to break their design, and returned forthwith into England.

While the king was in Ireland, the duke of York, being regent in his absence, summoned a parliament to meet at Westminster, upon the quindenens of St. Hilary.

RICHARD
II.

Knighton.
col. 2736,
2737.

*The Chan-
cery and
King's
Bench re-
moved from
London to
York.*

Walsing-
ham, Hist.
Angl. p. 349.
Godwin in
Archiepisc.
Eborac.

Walsing-
ham, Hist.
Angl. p. 350.
Stow's An-
nals, p. 308.
*The king
goes into
Ireland,
and settles
that king-
dom.*

A. D. 1395.

Id. p. 351.

*Libels
against the
clergy fixed
upon St.
Paul's.*

1bid.

COURT-
NEY,
Abp. Cant.
597.
*The Lollards' re-
monstrance
delivered in
parliament.*
Ibid.

It was during this session that the Lollards pasted up their papers against the clergy; and, what was more, they delivered a remonstrance into the parliament-house against the Church of England, couched in twelve conclusions or articles.

First. "That when the Church of England began to mismanage her temporalities in conformity to the precedents of Rome, and the revenues of churches were appropriated to several places; Faith, Hope, and Charity began to take their leave of her communion."

Secondly. "That the English priesthood derived from Rome, and pretending to a power superior to angels, is not that priesthood which Christ settled upon his apostles."

They offer to prove their proposition thus:—"Because," say they, "the priesthood of the Church of Rome is conferred with outward signs, rites, and pontifical benedictions; which signify little, having no warrant in holy Scripture. And, besides, people in mortal sin can neither convey nor receive any authority from the Holy Ghost."

Thirdly. "That the enjoining the clergy celibacy was the occasion of scandalous irregularities in the Church. They offer to make good this charge by affirming, that the ecclesiastics generally eat well, and that this plentiful way of living, considering the restraints of the canons, must terminate in licentiousness."

Fourthly. "Their fourth conclusion, or head of complaint, is, that the pretended miracle of transubstantiation implicates the greatest part of Christendom in idolatry."

Fifthly. "That exorcisms and benedictions pronounced over wine, bread, water and oil, wax and incense; over the stones for the altar, the church walls; the holy vestments, the mitre, the cross, and the pilgrims' staff, have more of necromancy than religion in them. They prove their proposition by this method, because, by such exorcising, the creature, as is pretended, rises above its natural virtue and force; and yet, as the Lollards argue, we cannot discover any change in the things thus solemnly blessed: we cannot discover, say they, any such improvement, unless we are under the impressions of delusion and mistaken belief, conveyed into us by diabolical suggestion. To prove the absurdity of these solemn rites farther, they argue, that if these forms of benediction could

perform what they seemed to promise, the bare reading them in the church would be the best cure for all diseases: but the efficacy of this remedy is disproved by daily experience.”

RICHARD
II.

Sixthly. “That the joining the offices of prince and bishop, prelate and secular judge, in the same person, and making the rector of a parish a civil officer, ‘Facit quod labet regnum extra bonam regionem,’ is a plain mismanagement, and puts a kingdom out of the right way.”

The proof of this Lollard proposition is as extraordinary as the assertion, the conclusion being drawn from these premises, viz. :—

“Because,” say they, “the division between temporal and spiritual takes in the whole Church and State, and no man can be qualified to serve two masters: and that men under such double capacities are to be called hermaphrodites.”

Having proved this point, as they fancy, they petition the parliament, “That all churchmen entrusted with cure of souls might be confined to their own functions, and discharged from secular employment.”

Seventhly. “That prayer made for the dead, in which one person is often named and preferred to another, is a wrong ground for charity and religious endowments; and therefore all the chantries in England stand upon a wrong bottom.”

They infer this conclusion, “First, because all prayer which has any merit or significancy in it, ought to proceed from motives of charity. Now perfect charity excepts no person out of her devotions, in conformity with that command, ‘Thou shalt love thy neighbour as thyself.’ From whence it is clear to us,” say they, “that the present made to a priest or a religious house, is that which principally prevails with them to pray for the deceased. Now, in our opinion, such mercenary devotions are little better than simony.

Another of their reasons against praying for the dead is, “because prayer for the damned is displeasing to God Almighty. Now, though this punishment,” continue these Lollards, “is uncertain, yet it is probable that most of the founders of these religious houses, by reason of their venemous endowments, are gone the broad way. They infer, farther, that prayer rightly qualified, is without any views of interest or secular advantage; and that a hundred religious houses, as has been lately

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NEY,
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proved in a treatise presented to the king, would be sufficient for the spiritual occasions of the whole realm."

Eighthly. "That pilgrimages, prayers, and offerings made to images and crosses, have nothing of charity in them, and are near of kin to idolatry. And here they complain, not without reason, against making a picture of the Trinity. Against offering to images and crosses they argue thus: God has commanded us to relieve the indigent, because all mankind are made in the Divine image: but no one can pretend that stocks and stones have this advantage, or come up to any representation of the Deity. Farther, that the supreme degree of worship, called latria, belongs only to God; and that the lower kind, called dulia, is proper to angels and men, and ought not to be paid to any creatures of a lower class. From hence, it follows, that the religious worship paid twice a-year to the cross in our Church, is plainly idolatrous; for if the nails and spear, upon the score of their touching our Saviour's body, ought to have had so much religious respect, then, for the same reason, Judas's lips, if we could get them, would be precious relics."

598.

Ninthly. "They declare against auricular confession, because it makes the priests proud, lets them into the secrets of the penitent, gives opportunities for intrigues, and other mortal offences. And here, they deny the power of sacerdotal absolution, rally the commission of the clergy, and are too light in their reflections upon the privilege of the keys. In the close of this article, they fall upon the pope for pretending to have a bank of the saints' merits, and the disposal of the treasure of the Church: they likewise pass a jest upon him, for laying too much stress on his indulgences, and that since he has so full an authority to cancel the obligations to punishment, and discharge offenders from their guilt, they call him an uncharitable person, for suffering anybody to miscarry the least in his condition, and continue in purgatory."

Tenthly. "They except against the practice of the Church of England, and maintain that taking away any man's life, either in war or courts of justice, upon what account soever, is expressly contrary to the New Testament, which, say they, is a dispensation of grace and mercy."

One of their arguments to prove this paradox is, "That

most commonly, when men fall a fighting, ‘post primum ictum charitas rumpitur,’ i. e. charity is knocked on the head at the first blow, and that whosoever dies out of charity, goes directly to hell. They urge farther, that our Saviour has taught us to love our enemies, to deal gently with them, and not to kill them. Farther, they challenge the clergy to prove, either by Scripture or sound reason, that it is lawful to punish a man capitally for one mortal sin, and not for another; inasmuch as the evangelical law of mercy absolutely forbids all manner of homicide; for we read in the Gospel, say they, ‘It has been said to them of old time, thou shalt not kill.’ Their last inference from this article is, that the business of war is altogether unlawful: and to prove this point, they misapply the meaning of our Saviour’s reproof of St. Peter, that ‘all they that take the sword shall perish with the sword.’”

RICHARD
II.

St. Matt.
xxvi. 52.

The eleventh conclusion is, “That the vow of single life, undertaken by women of the Church of England, is the occasion of horrible disorders, betrays those nuns to infamous correspondences, tempts them to procure abortions, and to murder their children unbaptized. From hence, they draw a censure upon widows, and those who live plentifully, in case they take the veil upon them.”

Twelfthly. “In their twelfth and last conclusion, they except against unnecessary trades, as the occasion of pride and luxury. They add, that a few employments are sufficient for the support of human life: and since St. Paul has commanded us to be contented with food and raiment, we ought to stop within that liberty. And, from the force of this precept of the apostle, they except particularly against goldsmiths and sword-cutlers; which, though they were allowed under the economy of the Mosaic law, yet the New Testament has superseded the use of these, and many others, and made them unlawful.”

This is the substance of the Lollards’ embassy, as they call it; and for which they pretend a commission from our Saviour. They let the parliament know they had been very brief in this remonstrance; and that they had a great deal more matter in other treatises written in English; for we are to take notice that this petition was drawn up in Latin. At the end of their address these verses follow:—

*The Lollards
pretend a
commission
from our
Saviour.
In nostro
proprio
linguagio.
Spelm. Con-
cil. vol. 2.
p. 646. et
decine.*

COURT-
NEY,
Abp. Cant.

*Plangunt Anglorum gentes crimen sodomorum,
Paulus fert horum sunt idola causa malorum.
Surgunt ingrati Grezita Simone nati,
Nomine praelati hoc defensare parati.
Qui reges estis, populis quicunque præestis,
Qualiter his gestis gladios prohibere potestis ?*

*Their re-
monstrance
contains
false doc-
trine.*

By the style, assertions, and way of arguing in this remonstrance, it is evident these Lollards were men of no great learning or judgment: for though they are sometimes in the right, and point out the errors in the Roman Church, yet part of their conclusions are plainly heterodox. However, they are so unfortunate as to defend them with the utmost assurance, and pretend their plan drawn up by the directions of heaven: for instance, they declare war, and capital punishments by the civil magistrate, utterly unlawful. Now to publish false doctrine, and vouch a divine commission for their warrant, is a sign their credentials were by no means satisfactory. To take them at the best, they seem to have had more heat than light, and to have been governed by a spirit of enthusiasm. However, I shall determine nothing against the honesty of their intentions: though, if the rhyming invective was part of their address, it would almost make one suspect their integrity. For notwithstanding they had positively declared against the lawfulness of taking away any man's life, they are so charitable as to provoke the government to destroy the clergy.

599. This vigorous push of the Lollards gave them some trouble upon the miscarriage, and awakened the prelates to a defence. It was probably upon this alarm that an oath was tendered to them, by virtue of which they were obliged to recant their opinions, and make a kind of implicit submission to the then Church. This test was put to several Lollards of Nottingham, when archbishop Arundel, who had the custody of the broad seal, presided over the province of York. The form of the submission runs thus:—

“*Memorandum.*—That, upon the first day of September, in the nineteenth year of the reign of king Richard II., William Dynot, Nicholas Taylleur, Richard Poucher, and William Stoyour, of Nottingham, appearing in person in the king's

court of Chancery, took every one by himself the oath following :—

RICHARD
II.

“ I, William Dynot, before yow worshipfull fader and lord archbisshop of Yhork and your clergie, with my free will and full avysed, swere to God and to all his seyntes, upon this holy Gospel, that, fro this day forthward, I shall worship ymages, with praying and offeryng unto them, in the worschop of the saints that they be made after ; and also, I shall never more despise pylgremage, ne states of holy Chyrche, in no degre ; and also, I shall be buxum to the laws of holy Chyrche, and to yhowe, as to myn archbishop, and myn other ordinaries and curates, and keep the laws up my power, and meyntein them : and also, I shall never more meyntein, ne techen, ne defenden, errours, conclusions, ne teching, of the Lollards, ne swych conclusions and techings that men elopeth Lollards’ doctrine ; ne I shall her books, ne swych books, ne hem, or ony suspect or diffamed of Lollardary, resceyve or company with all wittingly, or defend in tho matters : and if I knowe any swych, I shall, with all the hast that I may, do yhowe or els your ner officers, to wyten, and of ther bokes. And also, I shall exeyte and stirre all tho to good doctrine that I have hindred with myn doctrine up my power ; and also, I shall stonde to your declaration, wych is heresie or errour, and do thereafter : and also, what penance yhe woll for that I have don for mayntaining this fals doctrine enjoyn me, I shal fulfill it, and I submit me thereto up my power ; and also, I shall make no other glose of this myn oth but as the words stonde. And if it be so that I come agayn or do agayn this oth, or any party thereof, I yelde me here cowpable as an heretyk, and to be punished by the law as an heretyk, and to forfeit all my godes to the king’s will, withouten any other process of law. And thereto I require the notarie to make of all this, the which is my will, an instrument agayn me.”

*The oath of
submission
sworn by
several
Lollards.*

“ And moreover, the same William Dynot, the same day, granted and acknowledged that all his goods and chattels were forfeit to us, in case he any ways contravened the said oath, or did any thing against what was contained in it.”

Spelman.
Concil.
vol. 2.
p. 655.

From the tenor of this oath, which enjoins the worship of images, we may observe how much the Church of England was altered from her first belief. For, as has been already remarked,

Claus.
19 Rich. 2.
*Remarks
upon this
oath.*

COURT-
NEY,
Abp. Cant.

pope Gregory the Great, who sent Augustine the monk to convert the Saxons, declares positively against this practice; and afterwards, when the second council of Nice had settled image-worship, the Church of England was shocked at the innovation, and remonstrated publicly against it. But then, not to lay a harder imputation upon the Church of this century than the case will bear, we may take notice,—

Spelm. Con-
cil. vol. 2.
p. 647.

In the second place, that the image-worship enjoined by this oath was of an inferior degree, and by consequence must not be mounted to a charge of idolatry. That this religious regard was not of the highest kind, appears by the confession of the Lollards: for these men, in their remonstrance, tell us, that the clergy distinguished religious worship into “latria” and “dulia;” and that, whereas the first was appropriated to the Supreme Being, the latter might be paid to saints and angels. Now, if no more than an inferior degree of worship was to be paid to the saints, according to the doctrine of the Church of this age, it will follow that images were not to be worshipped in any higher degree: for no person ever pretended to pay a greater regard to the representation than to the thing represented by it.

We may observe, in the third place, that this oath does not seem to have been a general test: for we do not find it imposed either by any synod, or tendered to any persons within the province of Canterbury, nor indeed to any others under the jurisdiction of the archbishop of York, excepting those already mentioned. This oath, therefore, seems to have been enjoined by the particular warmth of this prelate against some remarkable Lollards.

A. D. 1396.
July 31.

*The death
of Courtney,
archbishop of
Canterbury.*

Dr. Barns,
Hist. Ed. 3.
p. 904.

The next year, Courtney, archbishop of Canterbury, departed this life, at Maidstone. He was fourth son to Hugh Courtney, earl of Devonshire, by Margaret, daughter to Humphry Bohun, earl of Hereford and Essex, by his wife Elizabeth, daughter to king Edward I. He had his education in Oxford, where he made a great progress in the civil and canon law. He was three years chancellor in this university; which office, at that time, was not only a title of honour, but discharged in person, and required residence. He continued in this post till his promotion to the see of Hereford; from whence, after five years, he was translated to London, in the year 1375; and from thence to Canterbury, where he sat almost fifteen years. He founded

a college at Maidstone for secular priests, which, at the dissolution of the abbeys, was valued at a hundred and forty pounds per annum. He was likewise a benefactor to his own cathedral. His advantages of birth, learning, and station, did not swell his imagination, or give him any unserviceable impressions. We have one instance of his humility in his last will and testament, in which he ordered his corpse to be buried in Maidstone church-yard, not thinking himself worthy to lie in a church. Pope Urban VI. took upon him to grant several favours to this archbishop. For instance: he gave him the privilege to appoint public notaries, to collate to benefices in the disposal of the see of Rome, to make doctors, to give a faculty for pluralities to twelve such persons as he should think fit, and to dispose of one prebend in every cathedral within the province.

The ratification of the peace, concluded the last year between England and France for twenty-eight years, was exchanged about this time; and, on the twenty-eighth of October, king Richard and Charles VI. had an interview near Calais, and swore the articles. And, to make the treaty more firm, king Richard was married to Isabel, the French king's daughter, a princess about eight years of age.

Upon the vacancy of the see of Canterbury, Thomas Arundel, archbishop of York, was translated thither by a papal provision. The bull was published at Canterbury the eleventh of January; and, upon the tenth of February following, he received the pall of Wickham, bishop of Winchester. Upon the nineteenth of this month, there was a convocation held at London, where eighteen articles, extracted from Wickliff's "Trialogus," were condemned.

The second censured article stands thus:—

"As John the Baptist was Elias only in a figure, and not in person, so the consecrated bread is figuratively the body of Christ: for, without all doubt, the words, 'This is my body,' are a figurative expression, no less than that other passage where our Saviour affirms John Baptist to be Elias."

The eleventh article reports, as a precedent for the Christian Church, "that, in the eighteenth of Numbers and forty-fourth of Ezekiel, the Aaronical priests and Levites are forbidden to have any property in lands among the rest of the tribes, and to subsist only upon tithes and offerings."

"The twelfth article holds forth a similar conclusion, and

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II.

600.

Antiquit.
Britan. in
Courtney.
Godwin, in
Archiepisc.
Cantuar.
Angl. Sacr.
pars 1.
Harpfield.
Hist. Eccles.
p. 537.
*A peace
between
England
and France.*
Walsing-
ham, Hist.
Angl. p. 352.
353.

*Several of
Wickliff's
tenets con-
demned at a
synod at
London.*

ARUN-
DEL,
Abp. Cant.

is a kind of inference from the eleventh. It is very crudely and extravagantly expressed. It affirms, "that a clergyman cannot give a greater proof of his being Antichrist than by maintaining it is lawful for Christian priests to have estates settled upon them: and if any persons are guilty of heresy, apostacy, or blasphemy, they are those who teach such doctrine." The rest of the propositions have been already mentioned.

Concil.
Labbe, et
Cossart.
tom. 11.
p. 2. col. 20.
80, 81.
*The arch-
bishop's
authority for
visiting the
university of
Oxford.*

These articles were brought into the convocation by the canonists and civilians of Oxford. This faculty, being uneasy at some statutes made to the disadvantage of their profession, preferred a complaint against the university: Michael Sergeaux, doctor of law, was their delegate for this business. This doctor set forth in the convocation, that the university of Oxford had procured a bull to exempt themselves from the jurisdiction both of their diocesan and metropolitan; that this bull was rather a disservice than a privilege to that learned body: for whereas formerly, in case the students had any hardship put upon them by the chancellor, they had a remedy against this injustice, and the liberty of an appeal to the archbishop; but that now being under the arbitrary jurisdiction of a single governor, and tied up from any farther application, they were fallen under perfect slavery. This faculty, therefore, entreated the archbishop, that since he had a right to visit their university, and a precedent to support that claim in his immediate predecessor,—his authority being thus unquestionable,—they entreated him to revoke the chancellor's pretended exemption: it was called a pretended exemption, because, as Sergeaux alleged, the bull had neither the pope's seal, nor the subscription of any public notary to prove it authentic. Notwithstanding this objection, Dr. Hyndman, the chancellor, insisted upon the instrument, and, making his protestation against any farther process, withdrew from the convocation.

Wood. Hist.
et Antiquit.
Univers.
Oxon. l. 1.
p. 197. et
deinc.
*The arch-
bishop pro-
nounces the
university's
exemption
void.*

Joceline reports, that the chancellor went off without leave, and misbehaved himself, upon this occasion; that the archbishop, citing him before the synod, reprimanded him for his presumption, and pronounced the papal exemption void. But Wood gives somewhat a different account of this matter. This historian relates, that when the archbishop, after the breaking up of the convocation, designed to visit the university of Oxford, he was informed the chancellor and the proctors were resolved to insist upon the pope's bull, and oppose the

visitation. The archbishop acquainting the king with their RICHARD
incompliance, there was a writ immediately directed to the II.
chancellor and students, strictly commanding them not to
except against the jurisdiction of their ordinary or metro-
politan, nor insist upon any papal exemption: that such
privileges were of ill consequence, and tended to the encou-
raging of the Lollards. They were farther commanded to
renounce the bull in form, and send the king their renunciation
attested under their hands and seals. Notwithstanding this
order, Wood is of opinion the writ was never obeyed, nor the
bull given up. However, that something of a submission was
made, is pretty evident by the archbishop's going to Oxford
with a design to visit the May following. But, upon his
offering to enter upon this function, the heads of the university,
waiving their former privilege, urged a new plea, pretending
they were visitable by the crown, and not by the archbishop.
This created a new dispute, which being at last referred to the
king, his highness gave the cause against himself for the arch-
bishop. Notwithstanding this sentence, the visitation, it
seems, did not go on at this time.

A. D. 1397.
601.

The archbishop, at his visitation in London, revived an old
constitution about the payment of tithes, first set on foot by
Simon Niger, formerly bishop of London. By this constitu-
tion, the inhabitants of the respective parishes were obliged to
pay their rector one half-penny in the pound, out of the rent
of their houses.

Id. l. 1.
p. 199, 200.
*The arch-
bishop re-
vives an old
constitution
for the pay-
ment of
tithes in
London.*

After the archbishop had gone through his province, and
finished his visitation, there was a parliament held at West-
minster, upon the fourteenth of September.

Antiquit.
Britan. in
Arundel.

At this session, in regard several judgments were heretofore
annulled, because the clergy were not present, the commons
prayed the king that the clergy might appoint some person for
their common proxy, with sufficient authority to represent
them. The bishops therefore, and the clergy of both provinces,
constituted sir Thomas Percie their proxy, as appears by their
instrument for that purpose.

To proceed; in this parliament, the commission and sta-
tute made upon it, in the 11th year of this reign, was repealed
at the petition of the commons, as being traitorously procured
against the king's will, and in prejudice of his crown and
dignity.

Cotton's
Abridge-
ment, p. 368.
Rot. Parl.
21 Rich. 2.
N. 9, 10.
Statutes at
Large,
printed A. D.
1618.

ARUN-
DEL,
Abp. Cant.

The pardons granted to the duke of Gloucester, and the earls of Arundel and Warwick, in the parliament above-mentioned, are made void, being extorted against the king's will by force and compulsion. The pardon likewise granted to the earl of Arundel, at Windsor, in the seventeenth year of this reign, is likewise revoked.

Rot. Parl.
21 Rich. 2.
N. 12, 13,
14.

*The arch-
bishop of
Canterbury
impeached
by the com-
mons in
parliament
for high
treason.*

On the twentieth of September, the commons having the king's leave, impeached Thomas Arundel, archbishop of Canterbury, of high treason.

The chief article of the charge was, for that being bishop of Ely and lord chancellor, he was traitorously aiding, procuring, and advising in making a commission directed to Thomas, duke of Gloucester, Richard, earl of Arundel (the archbishop's brother) and others, in the tenth year of the king's reign, and procured himself as one of the chief ministers of state to be put into the said commission; which commission was apparently prejudicial to the king's prerogative and dignity; and that the said Thomas put the said commission into execution.

Cotton's
Abridge-
ment, 368.
*His peerage
is owned.*
Ibid.

To this the king answered, that in regard the impeachment touched so great a person, and a peer of the realm, he would be farther advised.

The commons resolving not to give over, pressed the prosecution the next day, and prayed the king that he would please to order such judgment against the archbishop as the case required. The king replied, the archbishop had confessed to him before several lords, that he was mistaken in executing the commission above-mentioned, and cast himself upon the king's mercy.

Ibid. et
Rot. Parl.
21 Rich. 2.
N. 16.

Brady's
Continuat.
Hist. p. 398.
*He is tried
by the lords,
found guilty,
and ban-
ished.*
Ibid.

Upon this, the king, the lords temporal, and sir Thomas Piercy, proxy for the bishops and clergy, declared the article confessed by the archbishop to be treason, and adjudged him a traitor: whereupon it was ordered, that the said archbishop should be banished, his temporalities seized, and his goods and chattels forfeited to the king, who was to appoint the time for his quitting the kingdom.

Cotton's
Abridge-
ment,
fol. 368.
*Remarks
upon the
case.*

This case affords another precedent of a bishop's being tried by his peers, it being plain by the record that judgment was given by the house of lords; and that the lords proceeded not in a legislative, but in a judicial way, is evident by the commons being only prosecutors in the case; whereas, had the archbishop been found guilty by a bill of attainder, the votes

of the commons would have been necessary: and, whereas none of the commons are concerned as judges in this trial, excepting sir Thomas Percie, who represented the bishops and clergy; we may observe from hence in the second place, that the bishops withdrawing from the house of lords in causes of blood, was only a voluntary absence, occasioned by the restraint of the canons. Their retiring, I say, was a compliance with the discipline of the Church, and not any necessity forced upon them by the civil constitution. For now we see, since they had appointed a lay-proxy, their right of judging in criminal matters is not questioned. For the record informs us, that sir Thomas Percie, the prelate's proxy, gave judgment with the temporal lords against the archbishop. Now, this gentleman was no more than a commoner, and acted only upon the strength of his representation. If, therefore, the bishops had been barred by the constitution from being judges in capital causes, sir Thomas Percie's powers would have been contested, neither would he have been allowed an equal share with the temporal peers in pronouncing this sentence; for a delegation cannot reach beyond the right of the principal, nor can any proxy have more authority than the person he represents.

Before I proceed farther, it will not be improper to observe, that archbishop Arundel, though in the parliament house, at his first impeachment, and offering to make his defence, yet was absent the next day when sentence was pronounced against him. It seems, the king had commanded him not to come into the house, having first made him a promise of his friendship, and given him his oath that the lords should do nothing to his prejudice.

Upon the twenty-first of September, Richard, earl of Arundel, the archbishop's brother, was brought into parliament, and tried for high treason, and levying war against the king in the eleventh year of his reign. The earl pleaded a general pardon given in the parliament of that year, and likewise another pardon passed in form at Windsor. To this it was urged, that these pardons were gotten from the king, either by force or surprise, and so the plea being over-ruled, the lords found him guilty, and gave judgment upon him to suffer as a traitor. At this trial sir Thomas Percie, the bishop's proxy, was one of the earl's judges, and joined in the sentence with the tem-

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II.

Holinshed,
p. 490.

602.

The bishop's proxy one of the judges at the trial of the earl of Arundel.

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Rot. Parl.
21 Rich. 2.
Brady's
Continuat.
Hist. p. 407.
Cotton's
Abridgement,
fol. 377.
Walsingham, Hist.
Angl.
p. 354.
*The earl of
Warwick
tried, and
found guilty.*

poral lords. Thus we see again the bishops by their representative assisted in capital causes. Walsingham tells us, that the parliament, at their first opening, foreseeing some peers would be tried for their lives, desired the bishops to make a lay proxy: that since the canons would not allow them to appear in person, they might convey their authority to a layman, and be present in construction of law.

To proceed: the earl of Arundel was beheaded upon this sentence, and soon after the earl of Warwick was brought into the house, and tried for the same crime. But this nobleman confessing the treason, and behaving himself in a submissive manner, the king pardoned him his life after judgment, and contented himself with keeping him confined.

Brady's
Continuat.
p. 408.
*The duke
of Gloucester
smothered at
Calais.*

The same day the earl of Arundel was tried, the king ordered the earl marshal to bring the body of the duke of Gloucester to the house, to answer to a charge of high treason. The earl marshal answered, that the duke being in his custody in the king's prison at Calais, died there. By the way, the duke of Gloucester had been seized in England by the king's order, carried to Calais, where, without being brought to his answer, he was afterwards strangled or smothered, by the contrivance, as it was said, of the earl of Nottingham. His death, it seems, did not satisfy the commons, who prayed the king, and the lords, to declare him guilty of high treason, which was done accordingly by the temporal lords, and the bishop's proxy, sir Thomas Percie.

Ibid.

*The arch-
bishop goes
to Rome,
and is well
received by
the pope.*

To return to the Church. The archbishop, after judgment, had forty days allowed to prepare for his exile, within which time he was obliged to depart the kingdom under the penalty of losing his head. He went first into France, and from thence retired to the court of Rome, where pope Boniface IX. gave him a friendly entertainment, and wrote to the king to pass over the offence, and re-admit him to his favour. But the king, not being disposed to reverse the sentence and drop his resentment, the pope promoted Arundel to the see of St. Andrew's, in Scotland; and, which was a more disobliging stroke, he designed to give the archbishop several preferments in England, by way of provision. The king being informed of the pope's intentions, wrote an expostulatory letter to his holiness in the form following:—

Antiquit.
Britan. in
Arundel.

“ Thomas, for his treasonable conspiracy against our crown and royal dignity, has only been sentenced to perpetual banishment; whereas, had he been dealt with answerably to his demerits, he ought to have suffered the punishment of high treason; but in consideration of his character, and out of regard to religion, we have thought fit to grant him his life, and abate of the rigour of the law. But since his going beyond sea, both ourself and our subjects are much surprised at the turn of his fortune: for we understand he has been invited to your holiness’s court, countenanced under his misbehaviour, taken into your protection, and an expectation given him of recovering his see, or, at least being promoted in our kingdom to more preferments in value than he enjoyed before. How destructive such unaccountable favours as these must be to our dignity and government, and into what apparent danger it might bring our affairs, is easy to imagine: for which reason, we are resolved never to endure such usage, though the whole world were of a different opinion. For we are thoroughly acquainted with this man: we know him to be of a turbulent seditious temper: who, were he permitted to live in our dominions, would return to his old practices, poison our subjects with misreporting the administration, and work against us in the dark: for it is probable he would use sufficient precaution not to fall under the lash of the law. We desire, therefore, your holiness would prevent these opportunities of mischief, and not shock our interest and inclinations by such favours: for should such measures be put into execution, it is possible they might create such misunderstandings between the crown and mitre, as might prove difficult to remove. For, to speak plainly, we cannot take that person for our friend, who caresses our enemies, and takes them by the hand in so loving a manner. However, if you have a mind to provide for him otherwise, we have nothing to object, only we cannot allow him to dip in our dish. We heartily desire you would take this matter into serious consideration, as you tender our royal regards, and expect a compliance with any future request your holiness may make to us.”

RICHARD
II.
*The king's
expostu-
latory letter
to the pope.*

This letter made an impression upon the pope, and brought him to a thorough compliance. For he not only retained in his hand the favours designed for Arundel, but at the king's

603.
*The pope
complies
with the*

ARUNDEL,
Abp. Cant.

king, and
declares
Walden
archbishop
of Canter-
bury.

Antiquit.
Britan. in
Arundel.
Wharton,
de Episc.
Londin.

instance promoted Roger Walden, lord treasurer of England, to the see of Canterbury. Of the consecration of this Roger, and the history of his affairs, we have no particular account; his register being razed and destroyed after Arundel recovered the archbishopric. However, we have an account of his being installed upon the 25th of March, in the year 1398. But then the learned Jocelin takes notice, in general, that he performed all the functions of an archbishop, held synods, and made provincial constitutions.

This year, John de Trevisa departed this life. He was extracted from an ancient and considerable family in Cornwall, was bred to learning, entered into priests' orders, and was vicar of Berkeley. He translated several considerable authors into English. Ranulphus of Chester his Polychronicon, Bartholomæus de Rerum Proprietatibus, &c. But his most remarkable performance was the translation of the Old and New Testament. He was no great friend to a monastic life, if it is true, what Bale reports of him, that he used to say, "That our Saviour sent apostles and priests into the world, but never any monks, or begging friars." However, neither these freedoms, nor the translation of the Bible, brought him under any prosecution: for notwithstanding he lived almost ninety years, we do not find him disturbed for any singularities of opinion, as they were then counted. Pits observes, that he added a supplement of five-and-fifty years to the Polychronicon, and assigns his death to the year 1399.

Carew's
Survey of
Cornwall,
p. 114.
Balæus de
Scrip. Angl.
cent. vii.
num. 13.
Pits de
Illust. Angl.
Script.
p. 567.

The pope, having gratified the king in the promotion of Walden, imagined his provisions would be connived at in England. In confidence of this success, he translated the bishop of Lincoln to the see of Chester, and gave the bishopric of Lincoln to Henry Beaufort, son of John duke of Lancaster by Catharine Swinford: but the bishop of Lincoln chose rather to resign his see, and retire to a cloister, than accept the translation. Upon his refusal, the king's confessor, a Dominican, was removed from Landaff to Chester. When the king perceived the pope thus overbusy in disposing of the bishoprics in his dominions, he summoned the clergy before him, and put this question: whether it lay within the pope's authority to make and translate bishops at pleasure? The clergy giving no direct answer to this question, requested the king to write to the pope, and desire his holiness to forbear

A. D. 1398.

*The pope
attempts to
practise his
provisions,
which are
disrelished
by the king
and clergy.*

such translations for the future. By this answer, his highness understanding that the pope had gone too far, declared solemnly, that if the clergy had made a bold stand against these encroachments, he would have supported them in the dispute. The pope, in the mean time, resolving not to give up his pretensions, sent his nuncio, Peter de Bosco, to persuade the king to permit his subjects to receive provisional preferments from his holiness, and to repeal the statute of provisors, and some others, which put a restraint upon the court of Rome. And though the nuncio did not succeed in this negotiation, he was well received by the king, and had a large present made him in money and jewels.

RICHARD
II.

This year, there happened a quarrel between Henry, duke of Hereford, son to the duke of Lancaster, and Thomas Mowbray, duke of Norfolk, which, as it was managed, proved very unfortunate to king Richard. These two noblemen being in private conversation, the duke of Hereford began to complain of the management of the state: that the ministry were unqualified for their respective posts; that the king was governed by his favourites; that neither the civil nor military list was well filled; that by the pride and avarice of those in power, and the ill directions at court, the kingdom was sunk in its reputation, the country was harassed, and the subject suffered extremely; adding, withal, that this was not spoken out of disaffection to the government, but only because the duke of Norfolk, being one of the privy council, and having the king's ear, he thought him the proper person to lay this matter before his majesty, and persuade him to more serviceable measures.

Walsingham, Hist. Angl. p. 356.
A quarrel between the duke of Hereford and the duke of Norfolk.

The duke of Norfolk, who seemed to like the discourse, instead of answering the confidence reposed in him, represents the duke of Hereford as a mal-content, and reports his complaint to the king in a very unfriendly manner; giving an ill turn to the expression, and making an addition to the substance of the story.

The king, giving too much credit to this information, sent for the two dukes into the council-chamber, and asked the duke of Norfolk if he was ready to make good the discourse he had lately told him in private. This nobleman, being a person of courage and resolution, and perceiving he had gone too far to make an honourable retreat, repeated his own story,

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DEL,
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and vouched the truth of it. Upon this, the duke of Hereford entered upon his defence, made a relation of what passed between them, mentioned the occasion and design, marked the additions in the duke of Norfolk's report, flatly denied the malignant part of the charge, and offered, with the king's leave, to maintain his innocence by single combat. The duke of Norfolk stood to every point of his first information, and accepted the challenge. The king, though inclinable to have taken up the quarrel, yet finding nothing but fighting would satisfy the dukes, allowed them the combat, appointed Coventry for the place, and ordered the lists to be prepared. Thus sir John Hayward relates the matter; but Walsingham, Holinshed, and the learned Dr. Brady report, the duke of Norfolk began the complaint against the government; for which reason the duke of Hereford informed against him to the king, and offered to fight him for his disloyalty.

*The king
allows the
combat.*

604.

Idem, p. 356.

Sir John
Hayward's
Life of Hen.

4. p. 42. et
deine.

Holinshed,

p. 493.

Brady's

Continuat.

p. 415.

But let this be as it will, the battle was settled, the king went down to Coventry, and the dukes appeared and entered the lists at the time appointed. In short, all the preparatory circumstances to the combat being gone through, they were ordered to address themselves to the encounter. Upon which, they both mounted, closed their beavers, and lodged their lances in the rests. And now, the trumpet sounding a charge, they began to advance upon each other, when, to the great surprise of the field, the heralds ordered them to stop, and the king took the battle into his own hands; and, by the advice of his council, banished the duke of Hereford for ten years, during which term he was not to return to England, without leave, upon pain of death. As for the duke of Norfolk, he was adjudged to perpetual banishment.

*But forbids
it when they
were ready
to fight.*

*And banish-
eth both the
dukes.*

Walsing-
ham, *ibid.*

The king's conduct, it was thought, was somewhat exceptionable in this affair; and that it would have been more advisable either to have denied them the combat at first, or when it was once allowed, not to have hindered the dispute after such a solemnity of preparation. Besides, the sentence was looked upon as over-rigorous, without a trial by combat, or some other legal course. And as for the duke of Hereford, this unexpected usage enraged him to the last degree, made him contrive a revenge, and probably put him upon the project of dethroning the king.

At the latter end of this year, the Churches of England and

France endeavoured to close the schism occasioned by the competition between Boniface IX. and Benedict XIII. A design of this kind had been set on foot about three years before by the French. For this purpose, Charles VI. convened the clergy of that kingdom to examine the elections of Urban VI. and Clement VII. The French clergy declared for Clement VII. Their reasons being drawn up, and the approbation of their decision signed by the university of Paris, were transmitted by king Charles to king Richard; who, at the request of this prince, ordered the most eminent divines to meet at Oxford, and consider the question. They met accordingly, but determined counter to the French Church, pronounced for pope Urban VI., and sent their decision, sealed with the University's seal, to the French king. But here, we are to observe that Knighton, who reports this matter, mistakes in the chronology: for Urban and Clement were both dead before the year 1395. However, the substance of the story needs not be questioned.

RICHARD
II.
*An attempt
of the Eng-
lish and
French
Church to
close the
schism in the
Roman sec.*

Knighton.
Col. 2742.

This first attempt proving unsuccessful, and the schism continuing under Boniface and Benedict above-mentioned, the French king revived the healing project, and wrote to king Richard to give his assistance.

The king approving the design, issued out writs in January to several of the most learned English divines, commanding them to repair to Oxford to consult about an expedient to put an end to the schism. John Trefnaunt, bishop of Hereford; John Trevaux, bishop of St. Asaph; Henry Beaufort, bishop of Lincoln; Thomas Chillinden, prior of the church of Canterbury; Thomas Montague, dean of Salisbury; and several other eminent divines and religious, met at Oxford, and made part of the assembly.

These divines, at the conclusion of the debate, came to this resolution, "That a general council would prove the most effectual means to unite Christendom," and promised to lay down two conclusions of great importance before such a synod. The Parisian divines were somewhat disgusted to find themselves, as it were, challenged to a dispute. And therefore, that they might not seem to distrust their own strength, they desired twelve English doctors might be sent to Paris, to argue the point with that university. This proposal was accepted,

ARUN-
DEL,
Abp. Cant.

the Oxford divines went to Paris, and brought over the French to agree to the expedient of a general council.

Wood.
Univers.
Hist. Oxon.
l. 1. p. 200,
201.

But notwithstanding their agreement in this matter, they differed upon another point. The French endeavoured to bring the English off from their adherence to pope Boniface, and proposed a state of neutrality; suggesting it would be most for the interest of Christendom to withdraw their obedience from both the rivals, and that these measures had been already resolved on by the French Church. But the English clergy could not be prevailed on, as Spondanus reports, to consent to this motion, and desert Boniface. From hence, it appears that the learned Mr. Wood is mistaken in saying the English held for Benedict XIII. That this is a mistake, I say, is plain from Walsingham, Joceline, and Spondanus, who all agree in Boniface's being owned by the Church of England. Indeed, if these historians had been silent, we might conclude that the English who owned Urban VI. would continue firm to that succession, and not renounce Boniface IX., who was elected by pope Urban's party.

Spondan.
Annal. ad
an. 1398.

Wood.
Hist. Uni-
vers. Oxon.
l. 1. p. 201.
Walsing-
ham, Hist.
Angl.
p. 342. 344.
Antiquit.
Britan.
p. 271.

*The death of
John, duke
of Lancas-
ter.*

605.

After the death of John, duke of Lancaster, which happened the next year, the king is said to have put some farther hardships upon his son, the duke of Hereford, who now succeeded to his father's title and fortune. In short, the king seized the estate descended upon the duke, and revoked his letters-patent, by virtue of which, he had the privilege of having his homage respited during his absence, and of suing by an attorney for the livery of his estate. This usage, we may imagine, heightened the duke's disaffection, and made him more susceptible of dangerous impressions. And here, to give him a nearer prospect of revenge, and bring him to the resolution of an invasion, archbishop Arundel, another exile in France, is said to have addressed him in the following manner:—

Walsing-
ham, Hist.
Angl. p. 357.

A. D. 1399.

*Archbishop
Arundel's
treasonable
address to
the duke of
Lancaster.*

He told the duke "that his relations of the royal blood, and the rest of the English nobility, were deeply afflicted with the sense of their country's misfortune; that the oppressions were of the hardest kind, and had been of a long continuance; that they had neither life nor fortune secure; that the constitution was wholly overborne by the arbitrary sway of the court favourites; that the kingdom was in the lowest declension, miserably

impoverished, and almost buried under the administration ; that the case being thus desperate, there was a necessity of coming to extreme remedies ; that the nobility could think of no other expedient to relieve the kingdom than by setting another person at the helm,—for, as for the king, he had neither capacity, nor any other qualifications for that post,—a station of that importance and public concern, that it required a person of the greatest experience, probity, and temper, to manage it ; that, after a long deliberation upon the matter, the nobility and commons had made choice of the duke for so great an undertaking.

RICHARD
II.

“ You, my lord,” says he, “ are the only person that can break our chains, and retrieve our constitution : it is from you only we can expect to be rescued from the arbitrary conduct of a weak and dissolute prince ; from the pride and avarice of an intolerable ministry, who govern their master and abuse his authority at pleasure. Being thus impoverished and enslaved by the tyranny and extravagance of the court, we can be patient and passive no longer ; we hope therefore, my lord, you will neither be surprised at the application, nor refuse your assistance : for what can be more serviceable to your honour, and convey your name with more advantage to posterity, than to interpose for the miserable, and restore the happiness of your country ? Let not the difficulty of the enterprise make you distrust the success : for you will certainly find both the quality and bulk of the nation ready to concur with you, and second the attempt. Indeed, the whole body of the English are heartily disposed to venture their lives and fortunes in this bottom ; so that, in short, you are likely to meet with no opposition, unless it be from a few desperate courtiers, generally hated. Now, since all things are thus happily disposed,—since honour and interest have given you so strong an invitation,—we hope you will not refuse the offer, nor be wanting to your country ; which must now, as you are pleased to determine, either recover or be wholly lost.”

Harfsfield,
Eccles. Hist.
p. 617.

That this treasonable harangue was not ill relished, will appear by and by. To proceed : Harpsfield and the councils from him mention the holding of a synod this year at Canterbury ; that this synod was summoned by the prior and chapter of Christ’s church, during the exile of archbishop Arundel ; that

*Harfsfield
mistaken
in some cir-
cumstances
concerning a
synod.*

ARUN-
DEL,
Abp. Cant.
Id. p. 618.
Concil.
Labbe et
Cossart.
tom. 11.
pars 2.
col. 2081.

king Henry sent the earls of Northumberland and Westmoreland to this convocation, not to press any subsidy, but only to desire the prayers of the clergy. This historian adds, that the clergy complained of their being much oppressed by the king's officers and the pope; that, amongst other things, it was moved that a holy day might be instituted in honour of St. George; that the revenue of hospitals might be brought under a better regulation for the advantage of the poor; that the bishops might not entrust their jurisdiction relating to matrimonial causes and the clergy, excepting to persons of learning and skill in the laws; and that those who were guilty of adultery, or of any other notorious or scandalous crime, should not be suffered to commute and buy off the shame, but be brought to corporal punishment.

To the matter handled in this synod I have nothing to object,—though, by the way, it is not mentioned in Spelman's collection; but as to its being convened by the prior and chapter of Canterbury, during Arundel's exile,—as to this circumstance, I say, Harpsfield is undoubtedly mistaken: for,—

First, Walden being archbishop of Canterbury this year till Arundel's return, there could be no vacancy in the see; and, by consequence, the prior and chapter could have no pretence to summon a convocation.

Secondly, Harpsfield informs us, that king Henry IV. sent the earls of Westmoreland and Northumberland to this synod. From whence it is evident archbishop Arundel was restored: for this prelate returned from France with Henry, duke of Lancaster, and crowned him upon his seizing the government.

King Richard goes into Ireland.
606.

This year, the king, receiving intelligence that Roger, earl of March, lieutenant of Ireland, was slain by the Irish, he levied a considerable force, and embarked for that island, to revenge the outrage upon the government. Towards the furnishing this expedition, he is said to have raised money by illegal methods, and to have taken up carriages and provisions without paying for them. These, and some former strains upon the constitution, lost him the affections of the people, and disposed them to a revolt.

The duke of Lancaster, informed of the king's being in Ireland, took the advantage of the juncture, embarked with archbishop Arundel, with his nephew, the earl of Arundel's

son, and a very small force, and landed at Ravenspur, in Yorkshire.

RICHARD II.

Upon his coming ashore, he was immediately joined by Henry Percy, earl of Northumberland, the lord Percy's son; by the earl of Westmoreland, and several others of the disaffected nobility; insomuch that in a little time his army was threescore thousand strong. The ministry, perceiving the people generally inclined to a rebellion, quitted their posts, and retired to Bristol. The duke of Lancaster gave them no time to recollect or recover their spirits; but, marching up to the place of their retreat, stormed the castle, and beheaded the lord treasurer Scroop, sir John Bushy, and sir Henry Green, without trial.

Walsingham, Hist. Engl. p. 358. The duke of Lancaster lands in England in the king's absence.

Ibid.

The king, hearing of these commotions in England, embarked with all expedition to oppose the revolt; but upon his landing, finding himself deserted by the greatest part of the nobility, and that the duke's forces were so formidably increased, he threw up the contest, dropped his sword, and dismissed his family. And thus, having made a bad condition worse for want of resolution, and hovering about the country in a solitary manner, he retreated at last to Conway-castle; and, being closely pursued by the duke's army, he desired archbishop Arundel and the earl of Northumberland might come to him. When these lords came, he told them he was ready to resign the crown on condition of security for his life, and an honourable maintenance. These articles being granted, he surrendered himself to the duke of Lancaster, was brought up to London, and confined in the Tower.

The king disbands his forces, and surrenders himself.

Ibid.

While the king was at Chester, in the hands of the duke of Lancaster, there were writs issued out on the nineteenth of August, for the meeting of a parliament upon the thirtieth of September following.

During this interval, the instruments of resignation, and the articles of his misgovernment, were drawn up and concerted.

Brady's Continuat. p. 419.

Upon the feast of St. Michael, Richard le Scroop, archbishop of York; John, bishop of Hereford; Henry, earl of Northumberland; Ralph, earl of Westmoreland; with several other lords, abbots, judges, doctors of law, knights, and public notaries, too long to mention, went to the Tower to king Richard, and put him in mind of his promise to quit the government. The king told them he was ready to make good

He is committed to the Tower, and resigns the crown.

ARUN-
DEL,
Abp. Cant.

Rot. Parl.
1 Hen. 4.
N. 2. decem
Scriptores,
vol. 2.
col. 2743.
Id. Col.
2745.

his engagement, and desired a copy of the resignation. This instrument, containing a renunciation of all right, and a full discharge of his subjects from their allegiance, was read by himself, sworn upon the Gospels, and subscribed.

After the king had thus formally resigned, he told the lords, that, were it in his power, the duke of Lancaster should be his successor: and, as a sign of his inclination, pulled a ring off, and put upon the duke's finger.

The next day, the parliament meeting in Westminster-hall, the archbishop of York and the bishop of Hereford being constituted the king's proxies for declaring his renunciation, performed that office. The instrument was read in the house, both in English and Latin; and the lords and commons being asked if they would admit the cession, they answered in the affirmative.

Ibid. et
col. 2746.

And here, to cover the defection, and give a better colour to their proceedings, they drew up a charge of mal-administration, digested into three-and-thirty articles. These articles were publicly read in the parliament-house, and alleged as a ground for deposing the king. Four of these relating to the Church, I shall transcribe them for the reader.

*Articles of
his mis-
government
drawn up
and read in
parliament.*

The two-and-twentieth sets forth, "that, notwithstanding the king at his coronation swore to maintain the liberties granted to the Church of England, yet the said king, at his last embarking for Ireland, strictly commanded several abbots and priors to furnish him with horses and carriages; or else to send him great sums of money in lieu of them, the sums being mentioned in his letters to them: and that the greatest part of these religious were frightened into a compliance with the king's demands, to the great oppressing and impoverishing of their houses, and in manifest prejudice of the liberties of holy Church: and that, by this stretch of the prerogative, the said king Richard was guilty of perjury."

In the twenty-ninth it is objected, "that, when one of the parties suing in the spiritual court in causes merely ecclesiastical, endeavoured to procure the king's prohibition to stop the legal proceedings of the court, and being justly refused upon application to the lord chancellor, the said king frequently granted such prohibitions under the signet: scandalously intrenching upon the liberties of holy Church, guarded by

Magna Charta ; and plainly incurring the guilt of perjury, and the sentence of excommunication, pronounced by the holy fathers against such violations of ecclesiastic privilege.”

RICHARD
II.

The thirtieth article complains, “ that the said king having persuaded Thomas Arundel, archbishop of Canterbury, and his spiritual father, to absent himself from the parliament-house, dealt insincerely with the said archbishop, took advantage of his absence, and, without any legal process of law, adjudged him to perpetual banishment.”

607.

The thirty-third article reports this grievance more at large, and declares—

“ That after one of the knights for the county had wrongfully impeached the archbishop of Canterbury of high treason, the said archbishop immediately stood up, and offered to answer to the charge in Parliament, and desired the king would permit him the liberty to make his defence. The king, out of a design to ruin the archbishop, advised him to waive his defence, to reserve himself for a better opportunity, and forbear coming to the house five or six days, promising him, withal, that he should receive no prejudice by his absence ; and yet the said king, in the parliament above-mentioned, procured a sentence of banishment against the said archbishop, without calling him to his answer, or allowing him the benefit of the law.”

The king is charged with farther instances of insincerity in this article. For instance, he is said

“ To have promised the archbishop, that, upon his going down to Southampton, in order to quit the kingdom, the queen should intercede for the reversing the sentence. And in case the said archbishop should be forced to depart the kingdom, the king engaged to recall him before Easter following, and that his archbishopric should be certainly secured for him : notwithstanding which promise, solemnly sworn upon the cross of St. Thomas of Canterbury, the king, forcing the said archbishop to quit the kingdom, immediately wrote to the pope to translate him to another see.”

Decem
Scriptores,
col. 2752.
et deine.
*The duke of
Lancaster
claims the
crown.*

And now, the throne being vacant, as they said by king Richard's resignation, Henry, duke of Lancaster, rising up and crossing himself, claimed the crown by lineal descent, in the form following :—

ARUN-
DEL,
Abp. Cant.

“ In the name of the Fader, Sonne, and Holy Gost, I, Henry of Lancastre, chalenge this rewme of Ynglond, and the croune, with all the members and the appurtenances, als that I deseendit be ryht lyne of the blode comeng fro the gude lorde, king Henry therde ; and throghe that ryght that God of his grace has sent me, with help of kyn and of my frends, to recover it ; the which reueme was in poynt to be ondone, for default of governance, and undoying of the gude laws.”

Id. Col.
2757.

Cotton's
Abridge-
ment, p. 389.
*His title
acknow-
ledged.
This signet
was the ring
king Richard
gave the
duke as a
token he
desired him
for his suc-
cessor.*

After the making this claim, and showing king Richard's signet, the lords and commons were asked their opinions of the duke's title, who, declaring themselves satisfied, the archbishop of Canterbury took him by the hand, and led him to the throne: at which, after the new king had kneeled, and made a short prayer, the two archbishops placed him in a sitting posture; the people shouting at a great rate for the success of the revolution. Upon this, silence being made, and the acclamations ordered to cease, the archbishop of Canterbury began a short discourse upon the occasion, taking this text for his subject: “ Vir dominabitur populo;” the English translation runs thus:—“ And when Samuel saw Saul, the Lord said unto him, Behold the man whom I spake to thee of, this same shall reign over my people.”

1 Sam. ix.
17.

*Archbishop
Arundel's
sermon.*

“ In these words,” says the archbishop, “ God Almighty describes the qualifications of a governor: and since they may be truly applied to our present prince, they afford us a very comfortable prospect: for now we have no reason to fear that threatening denounced against the Jews, by the prophet Isaiah, ‘ I will give children to be their princes.’ For God has been pleased to remember mercy in his wrath, to visit his people, and not, as formerly, to suffer babes to rule over us. To those princes who have lately governed us, those words of St. Paul may be applied, without any strain in the comparison: ‘ When I was a child, I spake as a child, I understood as a child, I thought as a child.’ First, as to speech, it is certain a child is very insignificant and variable: truth and falsehood are almost indifferent to him. He is forward to promise, but quickly forgets the performance. These qualities are very unfortunate in a prince; neither is it possible for a kingdom to be happy, where the crown is no better furnished. But ‘ cum vir dominatur populo,’ when the people

Is. iii. 4.

Ibid.

1 Cor. xiii.
11.

have a man to reign over them, there will be none of these defects in the administration: for it is the property of a man to govern his tongue, and guard his language. This is our case, we have now a man to reign over us; of whom, I hope that saying of the son of Sirach may be verified, ‘Happy is the man that hath not slipped with his tongue.’”

RICHARD
II.

The archbishop proceeds, and comments upon the text above-mentioned of St. Paul; and upon these words, “I understood as a child,” he observes, “That a child relishes nothing but what pleases his humour, and flatters his weakness; but as for remonstrance and plain dealing, such freedoms are always unacceptable. But such has formerly been the misfortune of this kingdom; for truth was in a manner clapped under hatches, and no man had the courage to deliver his thoughts: from whence it is plain the sceptre was in a child’s hand: for a man thinks farther, and is more absolute over his passions. And to come forward to the advantage of our present circumstances; now, by God’s assistance, that of the son of Sirach may be reasonably affirmed of this royal person (meaning king Henry), ‘Blessed is the man who is stayed upon wisdom:’ for, as a child is fond of trifles and flattery, so a man loves truth and prudent advice. In the last place, the Apostle tells us, ‘I thought as a child;’ and what are the thoughts of a child? a child makes it his business only to follow the solicitations of appetite. Thus, when a child governs, reason is discarded, humour is absolute, and will carries all before it: but where fancy reigns, and reason is forced to retire, the administration must needs be unsteady and ill directed. But now, having a man at the helm, we are rescued from the danger of so unhappy a conduct. This prince we have now, being a man, both in age and understanding, will readily acknowledge the business of his station, and make no scruple to say, ‘I come not to do my own will; but the will of Him that sent me.’ That is, God’s will. And therefore we may promise ourselves, that he will be stayed upon wisdom; that he will seriously consider the providence of God, and govern his practice by the rules of religion; and, in short, manage the administration in such a manner, that the promise in Holy Scripture may not be unapplicable to his government, ‘A king shall reign in righteousness, and do judgment and justice in the earth.’”

608.

Cotton’s
Abridge-
ment, p. 389.
Fabian.
Chron.
fol. 154.

ARUN-
DEL,
Abp. Cant.

To sum up the evidence, the design of this short sermon was to make a satire upon the late reign, and flourish upon the happiness they might expect from king Henry; that whereas before right was oppressed, and the constitution overborne, now the estates would recover their interest, the laws would revive, and justice have the ascendant. In a word, this harangue was suited to the taste of the new court, helped to convey the violence out of sight, and did the business for which it was designed.

THE END OF THE SIXTH BOOK.

AN
 ECCLESIASTICAL HISTORY
 OF
 GREAT BRITAIN.

BOOK VII.

THE reign of king Richard being thus terminated, and the throne declared vacant, in the manner above-mentioned, the parliament, by consequence, determined with the old government; but the members of both houses being all in town, it was not thought necessary, it seems, to issue out writs for anew election. All that was done by king Henry was the publishing a proclamation, that a parliament should be held in the same place, on the Monday following.

HENRY
 IV. }
 609.
A new parliament summoned.
 Cotton's Abridgement, p.384.

Brady's Continuat. p. 435.

The lords and commons met accordingly upon the sixth of October: the session being opened with a speech made by the archbishop of Canterbury. He took these words for his subject: "Incumbit nobis ordinare pro regno;" or, as it is in the English version, "The affairs of the realm depend upon us." His discourse being much to the same purpose as his sermon above-mentioned, I shall waive the repeating it: only that at the close, he acquainted the houses that the king was resolved to maintain the liberties of holy Church, to do justice to all his subjects, and make the law the measure of his government. The Monday following, the solemnity of the coronation was performed. And here, amongst other particulars, Fabian observes, that, at a dinner, the archbishop of Canterbury and three other bishops sat at the king's table, on his right hand, and the archbishop of York and four other bishops at his left.

1 Macc. vi. 57.

Cotton's Abridgement, p.384. October 13.

Fabian, fol. 163. *A convocation at London.*

While this parliament was sitting at Westminster, arch-

ARUNDEL,
Abp. Cant.

Antiquit.
Britan. in
Arundel,
p. 273.

*The pope
revokes Wal-
den's bull,
and restores
Arundel to
the see of
Canterbury.*
Walsing-
ham, Hist.
Angl. p. 354.

bishop Arundel summoned a convocation, which sat at St. Paul's. This was the synod which Harpsfield mistook for one held at Canterbury, in the vacancy of the see.

And here, by the way, we must observe, that after the pope understood king Richard was deposed, and that Arundel was a favourite of king Henry IV., he discharged Arundel from his engagements to the see of St. Andrew's, and revoked the bull given to Roger Walden, by virtue of which he had acted as archbishop of Canterbury for about two years, pretending this bull was gained surreptitiously. And thus, by the prevarications of the court of Rome, who moved with the revolutions in the state, Arundel both lost and recovered his archbishopric.

610.

Wharton de
Episc. Lon-
diniens.
p. 149.

This prelate, who was resolved to mark the injustice of his being displaced, and return to his charge with honour, solicited the king to move the pope for a full reparation. Pope Boniface, not willing to disgust the king and the English clergy, was forced to comply. To give satisfaction, therefore, he published a decretal epistle, that, since no bishop could be translated to another see against his will, therefore the translation of Thomas Arundel from the see of Canterbury to the see of St. Andrew's, in Scotland, was altogether void. Walden, thus thrown out with the blemish of an intruder, lived privately for about five years; but, being a person of great abilities, learning, and probity, he was at last, at the instance of archbishop Arundel, preferred to the see of London, where he died in the year 1406.

Ibid.

To return to the parliament: the archbishop of Canterbury, upon the twenty-third of October, received an order from the king, to charge the lords spiritual and temporal, and the other members, upon their allegiance, not to discover what should be then moved to any person living. The house, being thus engaged to silence, the earl of Northumberland asked them, "What was to be done for the security of the king and kingdom, and how the late king Richard was to be disposed of?" The lords' answer was, "That it was requisite to keep him under safe custody, and that none of his servants should be suffered about his person, and that the whole affair was to be managed with all imaginable secrecy."

Thomas Merks, bishop of Carlisle, who was by no means pleased with the revolution, took occasion, from this question, to deliver his opinion upon the whole matter. His speech being

somewhat remarkable, I shall transcribe it as it stands in sir John Hayward:—

HENRY
IV.

“ This question, right honourable lords, concerns a matter of great consequence and weight ; the determining whereof will assuredly procure either safe quiet, or dangerous disturbance, both to our particular consciences, and also to the common State. Therefore, before you resolve, I pray you call to your considerations these two things : first, whether king Richard be sufficiently deposed, or no ; secondly, whether king Henry be with good judgment or justice chosen in his place. For the first point, we are first to examine, whether a king, being lawfully and fully instituted by any just title, may, upon imputation either of negligence or of tyranny, be deposed by his subjects ; secondly, what king Richard has omitted in the one, or committed in the other, for which he should deserve so heavy a judgment. I will not speak what may be done in a popular state, or in a consular : in which, although one beareth the name and honour of a prince, yet he hath not supreme power of majesty : for, in the one, the people have the highest empire ; in the other, the nobility and chief men of estate : in neither, the prince. Of the first sort was the commonwealth of the Lacedæmonians, who, after the form of government which Lycurgus framed, oftentimes fined and oftentimes fettered their kings, and sometimes condemned them to death. Such were also, in Cæsar’s time, the petty kings of every city in France ; who were many times arraigned upon life and death, and (as Ambiorix, prince of the Leodienses, confessed) had no greater power over the people than the people had over them. Of the second condition were the Roman emperors at the first : of whom some—namely, Nero and Maximinus—were openly condemned ; others were suddenly surprised by judgment and authority of the senate. And such are now the emperors of Germany ; whom the other princes, by their aristocratical power, do not only restrain, but sometimes also remove from their imperial state. Such are also the kings of Denmark and Swedeland ; who are many times by the nobility dejected, either into prison or into exile. Such likewise are the dukes of Venice, and of some other free states in Italy. And the chiefest cause for which Lewis, earl of Flanders, was lately expelled from his place, was for drawing to himself cognizance

Hayward’s
Life and
Reign of
King Henry
4, p. 101. et
deinc.
printed an.
1599.
*The bishop
of Carlisle’s
speech in
defence of
king
Richard.*

ARUN-
DEL,
Abp. Cant.

in matters of life and death, which high power never pertained to his dignity. In these and such like governments, the prince hath not legal rights, but is himself subject to that power which is greater than his, whether it be in the nobility or in the common people. But if the sovereign majesty be in the prince, as it was in the three first empires, and in the kingdoms of Judea and Israel, and is now in the kingdoms of England, France, Spain, Scotland, Muscovia, Turkey, Tartaria, Persia, Ethiopia, and almost all the kingdoms of Asia and Africa,—although, for his vices, he be unprofitable to the subjects,—yea, hurtful,—yea, intolerable,—yet can they lawfully neither harm his person, nor hazard his power, whether by judgment or else by force : for neither one nor all magistrates have any authority over the prince, from whom all authority is derived, and whose only presence doth silence and suspend all inferior jurisdiction and power. As for force, what subject can attempt, or assist, or counsel, or conceal violence, against his prince, and not incur the high and heinous crime of treason ? It is a common saying, ‘ Thought is free : ’ free indeed from punishment of secular laws, except by word or deed it break forth into action ; yet the secret thoughts against the sacred majesty of a prince—without attempt, without endeavour—have been adjudged worthy of death : and some, who, in auricular confession, have discovered their treacherous devices against the person of their prince, have afterwards been executed for the same. All laws do exempt a madman from punishment ; because their actions are not governed by their will and purpose ; and the will of man being set aside, all his doings are indifferent ; neither can the body offend without a corrupt or erroneous mind : yet if a madman draw his sword upon his king, it hath been adjudged to deserve death. And lest any man should surmise, that princes, for the maintenance of their own safety and sovereignty, are the only authors of these judgments, let us a little consider the patterns and precepts of Holy Scripture. Nebuchadnezzar, king of Assyria, wasted all Palestine with fire and sword, oppugned Jerusalem a long time, and at the last expugned it, slew the king, burnt the Temple, took away the holy vessels and treasure ; the rest he permitted to the cruelty and spoil of his unmerciful soldiers, who defiled all places with rape and slaughter, and ruined to the ground that flourishing city. After the glut of this bloody

butchery, the people which remained he led captive into Chaldea; and there erected his golden image, and commanded that they which refused to worship it should be cast into a fiery furnace.

HENRY
IV.

“What cruelty, what injustice, what impiety is comparable to this? And yet God calls Nebuchadnezzar his servant, and promises him hire and wages for his service; and the prophets Jeremiah and Baruch did write unto the Jews to pray for the life of him, and of Balthazar his son, that their days might be upon earth as the days of heaven: and Ezekiel, with bitter terms, abhorreth the disloyalty of Zedekiah, because he revolted from Nebuchadnezzar, whose homager and tributary he was. What shall we say of Saul? Did he not put all the priests to execution, because one of them did relieve holy and harmless David? Did he not violently persecute that his most faithful servant and dutiful son-in-law? During which pursuit, he fell twice into the power of David; who did not only spare, but also protect the king, and reprov'd the pretorian soldiers for their negligent watch, and was touched in heart for cutting away the lap of his garment, and afterwards caused the messenger to be slain, who upon request and for pity had lent his hand (as he said) to help forward the voluntary death of that sacred king*. As for the contrary examples: as that of Jehu, who slew Jehoram and Ahaziah, kings of Israel and Judah; they were done by express oracle and revelation from God, and are no more set down for our imitation than the robbing of the Egyptians, or any other particu- lar and privileged commandment: but in the general precept, which all men must ordinarily follow, not only our actions, but our speeches also, and our very thoughts are strictly charged with duty and obedience unto princes, whether they be good or evil; the law of God ordaineth, ‘that he which doth presumptuously against the ruler of the people shall die:’ and the prophet David forbids to touch the Lord’s anointed, ‘Thou shalt not,’ saith the Lord, ‘rail upon the judges, neither speak evil against the ruler of the people.’ And the apostles do demand farther, ‘that even our thoughts and souls be obedient to higher powers.’ And lest any should imagine that they meant of good princes only, they speak generally of all; and farther, to take away all doubt, they make express mention of the evil. For the power and authority of wicked princes is the ordinance

**So did Domitian put to death Epaphroditus, Nero’s libertine, because he helped Nero (although in love) to kill himself.*

So did Severus kill all the killers of Pertinax, his predecessor: and likewise Vitellius did put to death all the murderers of Galba.

Theophilus, emperor of Grecia, caused all those to be slain who made his father emperor by killing Leo Armenius. And Alexander the Great put to cruel execution those that had slain Darius his mighty and mortal enemy.

Dent. xvii.

12.

Ps. cv.

Exod. xxii.

13.

Acts. xxiii. 5.

Rom. xiii. 1.

Tit iii. 1.

1 Pet. ii. 13,

14.

2 Tim. ii. 2.

Rom. xiii. 2.

ARUN-
DEL,
Abp. Cant.
John xix. 11.
Isa. xlv. 1.
2 Chron.
xxxvi. 22.
2 Chron.
xix. 6.
Ps. 28.

of God; and therefore Christ told Pilate, 'that the power which he had was given him from above:' and the prophet Isaiah calls Cyrus, being a profane and heathen prince, 'the Lord's anointed.' For God stirreth up the spirit even of wicked princes to do his will; and, as Jehoshaphat said to his rulers, 'they execute not the judgment of man, but of the Lord:' in regard whereof, David calleth them gods, because they have their rule and authority immediately from God; which, if they abuse, they are not to be adjudged by their subjects, for no power within their dominion is superior to theirs: but God reserves them to the sorest trial; 'horribly and suddenly,' saith the wise man, 'will the Lord appear unto them, and a hard judgment shall they have.'

Sap. 6.

Quintil. in
Declam.

"The law of God commands, 'that the child should be put to death for any contumely done unto the parents:' but what if the father be a robber? If a murderer? If for all excess of villainies, odious and execrable both to God and man? Surely he deserves the highest degree of punishment, and yet must not the son lift up his hand against him, for no offence is so great as to be punished by parricide: but our country is dearer unto us than our parents; and the prince is pater patriæ, the father of our country; and therefore, more sacred and dear unto us than our parents by nature, and must not be violated, how imperious, how impious soever he be: doth he command or demand our persons or our purses, we must not shun for the one, nor shrink for the other. For, as Nehemiah saith, 'kings have dominion over the bodies, and over the cattle of their subjects, at their pleasure.' Doth he enjoin those actions which are contrary to the laws of God? We must neither wholly obey, nor violently resist, but with a constant courage submit ourselves to all manner of punishment, and shew our subjection by enduring, and not performing: yea, the Church hath declared it to be an heresy to hold that a prince may be slain, or deposed by his subjects for any disorder or default, either in life, or else in government: there will be faults so long as there are men; and as we endure with patience a barren year, if it happen, and unseasonable weather, and such other defects of nature, so must we tolerate the imperfections of rulers, and quietly expect either reformation or else a change.

Cic. Off.
lib. 1.

Nehem. ix.
37.
*The text of
Nehemiah
misapplied
to the Eng-
lish constitu-
tion.*

612.

Alphons. a
Cast. in lib.
de Hæresi
in verb.
Tyranus
Dom. Soto.
lib. 5. de
Just. et Jur.
q. 1. artic. 3.

"But, alas! good king Richard, what such cruelty? what

such impiety hath he ever committed? Examine rightly those imputations which are laid against him, without any false circumstance of aggravation, and you shall find nothing objected, either of any truth, or of great moment. It may be that many errors and oversights have escaped him, yet none so grievous to be termed tyranny; as proceeding rather from unexperienced ignorance, or corrupt counsel, than from any natural and wilful malice. Oh! how shall the world be pestered with tyrants, if subjects may rebel upon every pretence of tyranny? How many good princes shall daily be suppressed by those by whom they ought to be supported? If they levy a subsidy, or any other taxation, it shall be proclaimed oppression: if they put any to death for traitorous attempts against their persons, it shall be proclaimed cruelty: if they do anything against the lust and liking of the people, it shall be proclaimed tyranny.

“But let it be, that without authority in us, or desert in him, king Richard must be deposed: yet what right had the duke of Lancaster to the crown? Or what reason have we (without his right) to give it to him? If he make title as heir unto king Richard, then must he yet stay until king Richard’s death; for no man can succeed as heir to one that liveth; but it is well known to all men, who are not either wilfully blind, or grossly ignorant, that there are some now alive lineally descended from Lionel, duke of Clarence, whose offspring was by judgment of the high court of parliament, holden the eighth year of the reign of king Richard, declared next successor to the crown, in case king Richard should die without issue. Concerning the title from Edmund Crouchback, I will pass it over, seeing the authors thereof are become ashamed of so absurd abuse, both of their own knowledge and our credulity; and therefore all the claim is now made by right of conquest, by the cession and grant of king Richard, and by the general consent of all the people. It is a bad wool that can take no colour; but what conquest can a subject pretend against his sovereign, where the war is insurrection, and the victory high and heinous treason? As for the resignation which king Richard made, being a pent prisoner for the same cause; it is an act exacted by force; and therefore of no force and validity to bind him: and seeing that by the laws of this land, the king alone cannot alienate the ancient jewels and ornaments

ARUN-
DEL,
Abp. Cant.

pertaining to the crown, surely he cannot give away the crown itself, and therewithal the kingdom.

“ Neither have we any custom that the people at pleasure should elect their king: but they are always bound unto him, who by right of blood is right successor, much less can they confirm and make good that title, which is before by violence usurped: for nothing can then be freely done when liberty is once restrained by fear. So did Sylla, by terror of his legions, obtain the law of Velleia to be made, whereby he was created dictator for fourscore years: and by like impression of fear, Cæsar caused the law Servia to be promulged, by which he was made perpetual dictator: but both these laws were afterwards adjudged void. As for the deposing of king Edward II. it is no more to be urged, than the poisoning of king John, or the murdering any other good and lawful prince: we must live according to laws, and not examples, and yet the kingdom was not then taken from the lawful successor: but if we look back to times lately past, we shall find that these titles were more strong in king Stephen than they are in the duke of Lancaster. For king Henry I. being at large liberty, neither restrained in body, nor constrained in mind, had appointed him to succeed: (as it was upon good credit certainly affirmed), the people assented to this designation; and thereupon without fear, and without force, he was anointed king, and obtained full possession of the realm. Yet Henry (son of the earl of Anjou), having a nearer right by his mother to the crown (notwithstanding his father was a stranger, and himself born beyond the seas), raised such rough wars upon king Stephen, that there was no end of spoiling the goods, and spilling the blood of the unhappy people, besides the ruins and deformities of many cities and holds, until his lawful inheritance was to him assured. It terrifies me to remember how many flourishing empires and kingdoms have been by means of such contentions, either torn in pieces with intestine division, or subdued to foreign princes, under pretence of assistance and aid: and I need not repeat how sorely this realm hath heretofore been shaken with these several mischiefs; and yet neither the examples of other countries, nor the miseries of our own, are sufficient to make us to beware.

613.

“ O, Englishmen, worse bewitched than the foolish Galatians! Our unstaied minds and restless resolutions do nothing

else but hunt after our own harms: no people have more hatred abroad, and none less quiet at home: in other countries the sword of invasion hath been shaken against us; in our own land, the fire of insurrection hath been kindled among us: and what are these innovations but whetstones to sharpen the one, and bellows to blow up the other?

“Certainly I fear that the same will happen unto us which Æsop fableth to have been fallen unto the frogs, who being desirous to have a king, a beam was given unto them: the first fall whereof did put them in some fear, but when they saw it lie still in the stream, they insulted thereon with great contempt, and desired a king of quicker courage: then was sent unto them a stork, which, stalking among them with stately steps, continually devoured them. The mildness of king Richard hath bred in us this scorn, interpreting it to be cowardice, and dulness of nature: the next heir is likewise rejected. I will not say, that with greater courage we shall find greater cruelty; but if either of these shall hereafter be able to set up their side, and bring the matter to trial by arms, I do assuredly say, that which part soever shall carry the fortune of the field, the people both ways must go to rack. And thus have I declared my mind concerning this question, in more words than your wisdom, yet fewer than the weight of the cause doth require: and do boldly conclude, that we have neither power nor policy, either to depose king Richard, or to elect duke Henry in his place; that king Richard remaineth still our sovereign prince, and therefore it is not lawful for us to give judgment upon him: that the duke, whom you call king, hath more offended against the king and the realm than the king hath done either against him or us; for, being banished the realm for ten years by the king and his council, (amongst whom his own father was chief,) and sworn not to return again without special licence, he hath not only violated his oath, but with impious arms disturbed the quiet of the land, and dispossessed the king from his royal estate, and now demands judgment against his person, without offence proved, or defence heard. If this injury and this perjury doth nothing move us, yet let both our private and common dangers somewhat withdraw us from these violent proceedings.”

The revolution had gone too far to pass over so shocking a

ARUN-
DEL,
Abp. Cant.

*The bishop
of Carlisle
imprisoned
for his
speech.
Godwin in
Episc. Car-
holens.
The king of
France
raises an
army to re-
store king
Richard,
but desists
upon the
news of his
death.*

Brady's
Continuat.
p. 452. et
Append.
p. 133.
*Several
lords at-
tempt to cut
off king
Henry and
restore king
Richard.*

*The bishop
of Carlisle
concerned in
the attempt.
His death.*

Walsing-
ham, Hist.
Angl. p. 362,
363.
Godwin in
Episc. Car-
holens.
Ibid.

speech: the bishop, therefore, was arrested in the house by the earl-marshal, and committed to prison in the abbey of St. Alban's.

King Richard, after the resolution of the house for keeping him in safe custody, was immediately conveyed to the castle of Leeds, in Kent, and from thence to Pontefract castle, in Yorkshire.

Charles VI., king of France, whose daughter king Richard had married, equipped a great fleet, and embarked an army to restore his son-in-law. Upon the news of this invasion, king Henry directed his writ to the archbishop of Canterbury, to command all the ecclesiastics, abbots, and priors of his province, to arm, muster and march, what force they could, to oppose the descent. This writ is dated on the 17th of January, in the first year of this reign: but the king of France receiving intelligence of king Richard's death, gave over the expedition, entered upon a treaty with king Henry, and confirmed the truce, made about three years since, for twenty-eight years.

That which seemed to hasten king Richard's death was, an attempt of the earls of Kent, Salisbury, and Huntingdon for his restoration. These lords, and some others, designed to seize king Henry at Windsor, where they pretended the diversion of a Christmas mask: when they came to Windsor castle, they found the plot discovered, and king Henry withdrawn to London. In short, after some little struggle, they were all crushed. The bishop of Carlisle, who had recovered his liberty, was tried for being concerned in this attempt, and found guilty: however, king Henry, either out of regard to his character, or his constancy, did not take the forfeiture of his life: but that a person of such incomppliance might give no farther disturbance to king Henry, the pope forced him to quit his see and submit to a translation to Samœ, in the island of Cephalonia: but the bishop dying soon after, disappointed the pope, and escaped the rigours of the revolution.

When king Richard heard of the miscarriage of the attempt, and the execution of the lords who appeared for him, he was so deeply affected with the misfortune, that he fasted himself to death. Thus Walsingham, who tells us he died on St. Valentine's-day. But Fabian relates it, as the opinion of

most writers, that king Richard was destroyed by king Henry; that sir Pyers of Exton was dispatched from court with eight men to Pontefract castle; where these assassins assaulted king Richard; after he had killed four of them with his own hand, and was fighting with the rest, sir Pyers Exton, from whom the blow was not expected, murdered him with a pole-axe.

HENRY
IV.

King Richard murdered,
Fabian,
fol. 165.

614.

The next summer the king made an expedition into Scotland, to take a revenge for some late hostilities of that nation: but the Scots declining the hazard of a battle, the English army harassed the country, and marched home.

While the king was in Scotland, Owen Glendour, a private Welsh gentleman, took advantage of his absence, and raised a rebellion in Wales. The king receiving intelligence of this commotion, marched thither with his forces: but the Welsh retiring to the shelter of the Snowdon hills, the English could correct them no farther than by burning the country, and bringing off their cattle.

CENT. XV.
A. D. 1400.

About this time, the emperor of Constantinople arrived in England, to move for succour against the Turks. The king, with a splendid retinue, met him at Blackheath on St. Thomas's-day; from whence, being brought to London, he was nobly entertained and presented. But whether the design of his voyage was answered or not, is unmentioned by the historian.

Walsingham.

After the feast of Epiphany, there was a parliament held at Westminster, at which there were several statutes made with relation to the Church. For instance, there was an act passed, "That all persons, both religious and seculars, who either purchase or execute any bulls to be discharged from the payment of tithes, shall incur the pains and forfeitures contained in the statute of provisors, made in the thirteenth year of king Richard II."

Several statutes relating to the Church.

2 Henry 4.
cap. 4.

It was likewise enacted, "That if any provision be made by the bishop of Rome to any persons of religion, or to any other person, to be exempt of obedience regular, or of obedience ordinary, that such provisors, who, from henceforth, do accept or enjoy any such provision, shall incur the pains comprised in the statute of provisors, made in the year above-mentioned."

2 Henry 4.
cap. 3.

ARUN-
DEL,
Abp. Cant.

2 Hen. 4.
c. 15.

*The statute
against the
Lollards.*

But the most remarkable statute is that made against the Lollards. The preamble sets forth, "That divers false and perverse people of a certain new sect of the faith of the sacraments of the Church, and the authority of the same, damnably thinking, and against the law of God and the Church usurping the office of preaching, do perversely and maliciously, in divers places within the realm, under the colour of dissembled holiness, preach and teach divers new doctrines and wicked heretical and erroneous opinions, contrary to the same faith and determinations of holy Church. And of such sect and wicked doctrine, they make unlawful conventicles and confederacies; they hold and exercise schools; they make and write books; they do wickedly instruct and inform people, and, as much as they may, excite and stir them to sedition and insurrection, and make a great strife and division among the people, and other enormities horrible to be heard, daily do perpetrate and commit, in subversion of the said Catholic faith and doctrine of the holy Church, in diminution of God's honour, and also in destruction of the estate, rights, and liberties of the Church of England,—that the said false and perverse people do go from diocese to diocese, and will not appear before their respective diocesans; but the said diocesans and their jurisdiction spiritual, and the keys of the Church, with the censures of the same, do utterly contemn and despise, to the utter destruction of order and good rule."

In remedy of this mischief, it is enacted, "That none within the said realm, or any of the dominions subject to his royal majesty, presume to preach openly or privily, without the licence of the diocesan of the same place first required and obtained: curates in their own churches, and persons hitherto privileged, and other of the canon law graduated, only except. Nor that none from henceforth anything preach, hold, teach or instruct, openly or privily, or make or write any book contrary to the Catholic faith, or determination of holy Church, nor of such sect and wicked doctrines and opinions, shall make any conventicles, or in any wise hold or exercise schools. And, also, that none from henceforth in any wise favour such preacher or maker of any such-like conventicles, writers of such books, &c., nor any of them maintain, or any wise sustain. And that all and singular having such books, or any writings of such wicked doctrines and opinions, shall deliver,

or cause to be delivered, all such books and writings to the diocesan of the same place, within forty days from the time of the proclamation of this ordinance and statute. And if any person or persons, of whatsoever condition they be, from henceforth do, or attempt against the royal ordinance and statute aforesaid in the premises, or in any of them, or such books, in the form aforesaid, do not deliver; then the diocesan of the same place in his diocese, such person or persons in this behalf defamed or evidently suspected, and every of them, may, by the authority of the said ordinance and statute, cause to be arrested, and under safe custody in his prisons to be detained, till he or they of the articles laid to him or them in this behalf do canonically purge themselves, or else such wicked sect, preachings, doctrines, and heretical and erroneous opinions do abjure, according as the laws of the Church do require; so that the said diocesan, by himself or his commissaries, do openly and judicially proceed against such persons so arrested, and remaining under his safe custody to all effect of the law.—And if any person, in any case above-expressed, be, before the diocesan of the place or his commissaries, canonically convict; then the same diocesan may doom to be kept in his prison the said person so convict, for the manner of his default, and after the quality of the offence, according and as long as to his discretion shall seem expedient.—And if any person within the said realm and dominions, upon the said wicked preachings, doctrines, &c., be, before the diocesan or his commissaries, sentimentally convict, and the same wicked sect, preachings, doctrines, &c., do refuse duly to abjure, or by the diocesan or his commissaries, after the abjuration made by the same person pronounced, fall into relapse, so that, according to the holy canons, he ought to be left to the secular court, whereupon credence shall be given to the diocesan of the same place, or to his commissaries in this behalf; then the sheriff of the county of the same place, and mayor and sheriffs, or bailiffs of the city, town, or borough of the same county, shall be personally present in preferring of such sentences, when they, by the same diocesan or his commissaries, shall be required: and they, the same persons, and every of them, after such sentence promulgate, shall receive: and them before the people in an high place doom to be burnt, &c.”

HENRY
IV.

*The diocesan
authorized
to arrest and
imprison
persons sus-
pected of
heresy.*

615.

ARUN-
DEL,
Abp. Cant.

From this statute it appears that the bishops are the proper judges of heresy, and that the business of the sheriff in this matter was only ministerial to the sentence of the spiritual court.

Coke's
Instit.
part 2. cap. 5.
fol. 39.
*Remarks
upon the
punishment
of heresy.*
Britton,
lib. 1. c. 9.

The learned Fitzherbert, in his remarks upon the writ, "De heretico comburendo," informs us, that burning was the punishment of heresy, by the common law; but then, such persons ought first to be convicted of heresy by their diocesan: and if, after abjuration, they should relapse into the same heresy, or any other, and be convicted of it by their diocesan, that then the bishop was to apply to the secular power to dispose of such heretics as the king should think fit, &c. In which case, this reverend judge is of opinion the king might grant his pardon if he pleased; but if no pardon was granted, the writ "De heretico comburendo" was to be directed to the sheriff, or mayor and sheriff. From hence it is evident this writ was grounded upon the common law. I shall transcribe part of it, to show the declaration and judgment of heresy was wholly lodged in the Church.

"Rex, &c. majori et vic', London salut'. Cum venerabilis pater Thom' archiep' Cantuar', totius Angliæ primas, et apostolicæ sedis legatus, de consensu et assensu ac consilio coepiscoporum et confratrum suffragan. suorum, nec non totius cleri provinciæ suæ in consilio suo provinciali congregat' juris ordinibus in hac parte requisit', in omnibus observat. W. Sawtre aliquando capellanum in heresin damnatum, et per ipsum Will'm, preantea in forma juris abjuratum et ipsum Will' in heresim pred' relaps' per suam sententiam definitivam hæreticum manifestum pronunc', et declarat', et degradandum fore decreverit," &c.

By the form of this writ, as Fitzherbert proceeds, "the person was to be convicted of heresy by the archbishop and all the clergy of the province, and to abjure it; and, after such abjuration, to be farther convicted of a relapse by the clergy of the province, in their general synod or convocation. But now, by the act of the 2nd of Henry IV. cap. 15, (that is, the statute before us,) it is enacted, that every bishop, in his diocese, may convict a person of heresy, and put him upon his abjura-

tion; and being afterwards convicted by him of a relapse, the said diocesan is farther authorized to give notice to the sheriff or other officer to receive him, and to commit him to the fire, &c.; and that the sheriff or such other officer is bound to execute the bishop's order, and that without any necessity of applying to the king for farther direction. And for this reason it is probable this writ 'De heretico comburendo' is omitted in the new registers; because there is no occasion to move for this writ: it being, as it were, made insignificant and void in law by the making of this act.

"But now, by the statute of the 25th of Henry VIII. cap. 14, the act made the 2nd of Henry IV. is repealed, (at least as to some branches;) and by this last statute it is ordained, that whosoever shall abjure his heresy, and shall be afterwards convicted of a relapse by his ordinary, the said ordinary ought not to deliver him to the lay power without the king's writ first obtained for that purpose." Thus far the learned Fitzherbert.

To say something farther upon this argument: Sir Edward Coke lays a hard imputation upon the bishops, and charges them with foul dealing, and stifling records to carry on their cruelty.

To make good this charge, he "takes notice of a statute made the 5th of Richard II., in which it was enacted, that commissions should be, by the lord chancellor, made and directed to sheriffs and others to arrest such as should be certified in the Chancery, by the bishops and prelates, to be preachers of heresies and notorious errors, and to hold them in strong prison until they will justify themselves to the law of holy Church."

"This provision," sir Edward Coke affirms, "was never any act of parliament, notwithstanding its being entered upon the parliament-rolls." His reason is, "because it was never assented to by the commons: and therefore, in the next parliament, held in the 6th of Richard II., the commons preferred a bill reciting the said supposed act, denying their assent, and therefore desiring it might be declared void." To which request the king gave his royal assent. He objects farther against the authority of the 5th of Richard II. from the style, because the commons are not mentioned in the enacting clause.

HENRY
IV.

Fitzherbert,
N. B. fol.
269.
Brook's
Abridg. Tit.
Heresy.
*Sir Edward
Coke's
charge
against the
bishops.*
Coke's
Instit.
part 3. c. 5.
fol. 39.
Rep. part 12.
fol. 58.

ARUN-
DEL,
Abp. Cant.
*The ancient
custom of
proclaiming
acts of par-
liament.*

From hence he proceeds, and observes, “that of ancient time, when any acts of parliament were made, to the end the same might be published and understood, especially before the use of printing came into England, the acts of parliament were engrossed in parchment, and bundled up, together with a writ in the king’s name, under the great seal, to the sheriff of every county, sometimes in Latin, and sometimes in French, to command the sheriff to proclaim the statutes within his bailiwick, as well within liberties as without. And this was the course of parliamentary proceedings till the reign of king Henry VII.

“Now, at the parliament holden in the 5th of Richard II., John Braibrook, bishop of London, being lord chancellor of England, caused the said ordinance of the king and lords to be inserted into the parliamentary writ of proclamation, and proclaimed amongst the acts of parliament. But in the parliamentary proclamation of the acts passed in the 6th of Richard II., the said act of the 6th of Richard II. whereby the said supposed act of the 5th of Richard II. was declared to be void, is omitted; and afterwards, the said supposed act of the 5th of Richard II. was continually printed, and the said act of the 6th of Richard II. hath by the prelates been ever from time to time kept from the print.” Thus far sir Edward Coke.

Coke, *ibid.*

Now, if we examine his charge against the bishops, we shall find much more weight laid on this omission than the case will bear: for,—

The imputation upon the bishops unreasonable.

First, If the lord chancellor Braibrook had stifled the proclaiming the 6th of Richard II., it is probable this prevarication would have been taken notice of by the commons: it is probable, I say, that the commons, who were so earnest for the passing this act, would have complained of Braibrook for not doing his duty in the publication: but we do not find any complaint preferred against the bishop upon this score.

Secondly, The 5th of Richard II. is owned for a statute by two acts of parliament.

25 Hen. 8.
cap. 14.
1 Edw. 6.

Thirdly, This act of the 5th of Richard II. extended no farther than to the imprisonment of heretics: for they were to be tried by the Church, and burnt by the common law, as we have seen already.

Fourthly, After the making the act of the 2nd of Henry IV.,

which was but nineteen years from the 6th of Richard II., the prelates could lie under no manner of temptation to conceal this last statute, and revive the 5th of Richard II.: for, by the 5th of Richard II. cap. 5, the power of arresting and imprisoning those suspected of heresy was only lodged in the sheriffs, and other ministers of justice; but, by the 2nd of Henry IV. cap. 15, every diocesan had authority to imprison and try the Lollards.

HENRY
IV.

Since, therefore, this latter statute gave the prelates much more power to punish than the former, they had no manner of reason to stifle the printing the repeal of the 5th of Richard II. made in the following year of that prince's reign: they had no reason, I say, to suppress the printing of the 6th of Richard II., supposing they had always had the command of the press, which is very unlikely. To which we may add, that the art of printing was not invented till after the year 1420, which was twenty years after the making the statute of the 2nd of Henry IV. From whence it appears plainly the prelates could have no manner of interest to apply to such foul dealing as sir Edward Coke charges upon them.

*The calumny
against the
bishops
further dis-
proved.*

Now, after this tragical complaint against the bishops, one might expect sir Edward Coke should have all the tenderness imaginable for those who are so unhappy as to fall into heresy; but, upon a view of his writings, we shall find the case quite otherwise: for, instead of mildness and mercy, he pleads for the execution at the stake, and justifies the severity of the law. And that the reader may not think him misrepresented, I shall transcribe the passage as it stands.

Coke's
Instit.
part 3. cap. 5.
fol. 43.

“The reason,” says he, “wherefore heresy is so extremely and fearfully punished, is, for that ‘gravius est æternam quam temporalem ledere majestatem:’ and ‘hæresis est lepra animæ.’ The party duly convicted of heresy may recal and abjure his opinion, and thereby save his life; but a relapse is fatal: for, as in case of a disease of the body after recovery, recidivation is extremely dangerous, so in case of heresy—a disease of the soul—a relapse is irrecoverable. And as he that is a leper of his body is to be removed from the society of men, lest he should infect them, by the king’s writ ‘de leproso amovendo,’ so he that has ‘lepram animæ’—that is, to be convicted of heresy—shall be cut off, lest he should poison others, by the king’s writ ‘de heretico comburendo.’”

ARUN-
DEL,
Abp. Cant.

617.

Tertullian.
The primitive fathers disallowed the inflicting capital

punishments for heresy.

Baron. Annal. Eccles. tom. 4.

p. 523. 526.

But notwithstanding these sanguinary reasons of sir Edward Coke, the ancient Fathers were of a different sentiment: they thought such methods of extremity were by no means agreeable to the Christian institution: "Non est religionis religionem cogere:" misbelief in religion was no forfeiture of life by the doctrine of the primitive Christians; it was their persuasion, "to let the tares alone till the harvest came." Thus St. Martin and St. Ambrose refused to communicate with those who moved for the execution of the heretic Priscillian. This roasting men into orthodoxy, and enlightening them with fire and faggot, was a discipline not understood in those early ages. Wrong opinions in religion should be gently dealt with, because people oftentimes believe themselves in the right; they act to the best of their knowledge; their will is good, though their understanding is misled. The case is quite otherwise in murder and theft; for here the malefactors are conscious of their own misbehaviour. To burn a man, only because he will not renounce an important truth, (for such he thinks his error,) because he is afraid of offending God, and destroying his own soul, is very hard measure. Baronius himself owns, that a great part of the catholic bishops, contemporary with St. Ambrose, declined the communion of Ithacius and his party, for their prosecuting the Priscillianists. They looked upon them as men of an over-vindictive and sanguinary temper, and that they had renounced the lenity and good-nature required in Christian bishops. To take off the force of this precedent, Baronius observes, that St. Augustine, and other Christians of character, had applied to the secular power to restrain the Donatists; but then, the cardinal grants this was not done till they found these schismatics incorrigible: and which is more, he owns, that when the Fathers made use of this remedy, they always desired the emperors and governors of provinces not to proceed to extremities, but stop short of capital punishment: and for this moderation of rigour, St. Augustine is vouched as an instance. From hence, continues the cardinal, it is a custom in the Catholic Church, that when any person has recourse to the secular magistrate for the suppressing of heresy, he throws in a clause for mercy and moderation. And that, though he is willing the misbelieving person may undergo correction; yet he desires the severity may be tempered, and not carried on to capital punishment:

Id. p. 525.

Baronius's excuse for the inquisition inconclusive.

or, as it is expressed, to the drawing of blood : and that this proviso for clemency is always mentioned to prevent the Church's falling under the imputation of the cruelty of the Ithacians.

But, under favour, this endeavour of the cardinal to excuse the Roman clergy from being concerned in the burning of heretics, is but weak and trifling : for,

When the inquisition or ordinary delivers a heretic convict to the secular magistrate, the execution follows as certainly, as it does from the sentence of a judge when he condemns a malefactor for felony. And therefore to desire the heretic may be gently used, is little better than jest and grimace ; and signifies just as much, as if the judge should desire the sheriff to use a man condemned for murder kindly, when he knows it is not in that officer's power to over-rule the sentence, and stop the execution of the law.

And here I cannot but observe the inconsistency of the restraints laid upon the bishops, with this liberty of delivering a heretic up to the secular magistrate ; the restraint, I mean, which barred the bishops from assisting in capital causes : for the clergy of the Church of Rome own themselves bound by the council of Toledo, not to judge any person to the loss of life or limb ; which is the only reason why our bishops used to absent themselves from the parliament house at the trial of a peer. Now, I desire to know how the practice of the inquisition can be reconciled with this council ; for the process of the inquisition does certainly imply a sentence for the loss of life and limb : and the delivering a heretic after conviction to the lay power, makes the spiritual court as much concerned in his death, as if they had tied him to the stake, and kindled the fire.

But, on the other side, if the certifying the conviction of a heretic, when burning is the necessary consequence ; if this, I say, is consistent with the character of a bishop, I cannot see why he should scruple sitting upon the bench in capital causes : for if it be no blemish in him to send a man to the stake, why should he be blamed for condemning him to the block or gallows ? To proceed :—

During the session of the parliament above-mentioned, one A. D. 1400. sir William Sawtre, parish priest of St. Osyth, in London, desired to be heard before the lords and commons upon some

HENRY
IV.

*Ut tamen
citra pœnem
sanguinis
pœniantur.*
Ibid.

XI. Concil.
Tolitan.
can. 6.

ARUN-
DEL,
Abp. Cant.
*Sawtre
brought
before the
convocation
for a
Lollard.
His tenets.*

points of religion. This Sawtre, who was formerly rector of St. Margaret's, in Lynn, had, about a year since, been converted by the bishop of Norwich, and brought to a recantation of the following tenets:—

First. “He maintained, that he would not worship the cross on which Christ suffered; but only Christ, that suffered upon the cross.”

Secondly. “That he was bound rather to worship a man predestinated to happiness, than an angel of God.”

Thirdly. “That if any man had engaged himself to visit the graves of St. Peter and St. Paul, or go in pilgrimage to the tomb of St. Thomas, or elsewhere, for the procuring of any temporal advantage, he is not bound to keep his vow, but may distribute the expenses of his journey in charities to the poor.”

618. Fourthly. “That every priest and deacon is more bound to preach, than to say the canonical hours, or perform divine service.”

He likewise denied transubstantiation, and was charged with holding three other propositions much to the same sense with the first, which therefore need not be repeated.

Fox's Acts
and Monu-
ments, vol. 1.
p. 671, 672.

This Sawtre, by his attempt to address the parliament, and his other behaviour, being suspected for his old opinions, the bishops thought it proper to take the matter into their own cognizance.

On the twelfth of February he was brought before the convocation, the articles above-mentioned were read, and his answer required; and here he had a copy of the charge delivered, and four or five days given to prepare for his defence.

Feb. 18. At his second appearing before the convocation, he made an offer towards satisfaction, and qualified some of his propositions. For, first, though he refused to worship the matter of the cross, yet he owned himself ready to worship it “*adoratione vicaria*,” that is, as an emblem, and representation, of our Saviour's passion.

*Sawtre
qualifies
some of his
propositions:*

He endeavoured to defend his second proposition, “that a man predestinated is rather to be worshipped than an angel;” because our Saviour assumed the nature of man, and not of angels. However, to soften this conclusion, he declared him-

self willing to worship both of them as far as the divine law would give him leave. Being interrogated upon the sacrament of the altar, he affirmed, the nature of bread remained after consecration: but then, he calls it the "bread of life," and grants it to be the very body of Christ after the pronouncing the sacramental words.

HENRY
IV.
*But is cast
upon the
article of
transubstan-
tiation.
Ibid.*

This question about transubstantiation, was what he could not get over; this was the burning article: for being pressed home upon this point, he was forced at last to discover his belief, and brought to a downright confession, that after the words of consecration, the same bread remained which was there before the words spoken.

Upon this, the archbishop asked him if he would stand to the determination of the Church in this matter: he answered, yes; provided that determination was agreeable to the will of God. In short, not giving satisfaction upon this article, denying his former recantation, and being somewhat provoking in the manner of his defence, he was declared a heretic convicted.

Id. p. 673.

Some few days after, he was brought before the convocation again, at which time the instrument of his recantation was produced from the registry of the bishop of Norwich. This record being attested beyond contradiction, he was pronounced a heretic relapsed.

Feb. 24.

After this sentence, he was solemnly degraded in the following manner:

From the order of	}	1. Priest.	}	By taking from him,	}	1. The paten, chalice, and pulling off his chasuble.	<i>The form of degrading a priest.</i>
		2. Deacon.				2. The New Testament and the stole.	
		3. Sub-deacon.				3. The alb and the maniple.	
		4. Acolyth.				4. The candlestick, taper, urceolum.	
		5. Exorcist.				5. The office for exorcismus.	
		6. Reader.				6. The lectionarium, or legend-book.	
		7. Ostarius, or sexton.				7. The keys of the church-doors, and surplice.	

After this, his ecclesiastical tonsure was shaven off, and the

ARUN-
DEL,
Abp. Cant.

form of his degradation pronounced by the archbishop : and being thus deprived of his sacerdotal character, and dressed in a lay habit, he was put into the hands of the secular court, with the insignificant request, that he might be favourably received.

Ibid.

March 2.

*The writ for
the burning
of Sawtre.*

Soon after this process was over, the writ "de heretico comburendo" was made out for the burning of Sawtre. If it be demanded what occasion there was for the king's writ, since, by the 2nd of Henry IV. the bishop's precept was a sufficient warrant to the sheriff for the burning of a heretic relapsed: to this it may be answered, that the parliament which made this act being now sitting, it is probable the bill might not have passed the royal assent; or, it may be, the session being not ended, and the act by consequence not proclaimed, it might not be thought fit to proceed upon it.

*He was the
first who was
burnt for
heresy in
England.*

Fox, p. 675.
Dr. Burnet,
Hist. Re-
form. vol. 1.
p. 24.

As far as it appears, this Sawtre was the first in England who suffered for heresy in this severe manner; and therefore Fitzherbert takes his precedent of a writ "de heretico comburendo" from this case. Fox is positive for this point, and affirms, that king Henry IV. who deposed king Richard II. was the first of all English kings that began the unmerciful burning of Christ's saints.

As for Sawtre, notwithstanding the mistakes in some of his conclusions, he was certainly a man of principles, and had great strength of mind to act up to them. He that voluntarily encounters the king of terrors, must be strongly penetrated with the belief of another world. Nobody will part with an interest in hand, and throw up his present being, without the prospect of a consideration. To submit to extremity of torture, is a fair proof of sincerity and good earnest. Hypocrisy and pretence will seldom stand the fiery trial. These qualities may shine till they are examined; but bring them to the touch-stone, and they are easily discovered counterfeit.

619.

To proceed: about two years afterwards, the Scots invading England, and harassing the country, were intercepted in their retreat by the Percies, and forced to come to a battle at Hallidown-hill. After an obstinate dispute, the victory fell to the English, earl Douglas and the flower of the Scottish nation being taken prisoners.

A. D. 1402.
*The Scots
beaten at
Hallidown-
hill.*

Walsing-
ham, Hist.
Angl.
p. 366.

This summer there was another conspiracy discovered. To encourage the plot, it was given out king Richard was living.

This cloud upon the government was quickly dispersed, by seizing a priest at Ware. This man, who was privy to the design, and knew the strength of the party, had made a list of those who intended to rise, and set down a great many more than were really concerned: for, being examined whether he knew several persons entered upon his roll, he confessed he did not. And being asked farther, for what reason then he had put them in the list? his answer was, that he believed they would appear against king Henry upon the encouragement of an insurrection, because they had formerly been preferred and grown wealthy under king Richard. Upon this confession, a great many suspected persons were discharged, and the priest executed. Not long after, the prior of Laune had the same fate: not that any overt act was proved upon him, but because he had kept the conspirators' counsel, and confessed himself guilty of misprision of treason.

About this time, some of the Franciscans, who were tampering against the government, were apprehended before they could bring their design to bear. One of these monks being interrogated what he would have done if king Richard had been living and in the field, boldly answered he would have ventured his life for him against any person whatsoever. Upon this declaration he was brought in guilty, and hanged and drawn in his habit. However, his fraternity prevailed so far as to get his body, and give it Christian burial.

About this time, as Walsingham reports, the Lollards went off to a farther distance from the Church, and privately maintained the following opinions:—

First. "That the seven sacraments are no better than dead unprofitable symbols, and signify nothing in the form made use of by the Church."

Secondly. "That virginity, and tying priests to a single life, are restraints not allowed by God Almighty; that marriage, being God's ordinance, is by consequence the most eligible condition; that therefore virgins, priests, monks, and other people, if they desire to be saved, ought to be actually married, or at least to have an intention and disposition for that state; that otherwise they are guilty of murder, and prevent the holy posterity which should people the new Jerusalem; and lastly, that

HENRY
IV.

Walsingh.
Hypodigm.
Neustr.
p. 557.

More of the
Lollards'
opinions.

ARUN-
DEL,
Abp. Cant.

by such monastic impositions they do what in them lies to lessen the number both of the happy and unhappy."

Thirdly. "That if a man and a woman come together with an intention to marry, this mutual agreement is a sufficient marriage, without passing through the forms of the Church; and that more people cohabited in this manner than the world was aware of."

Fourthly. "That the Church is no better than the synagogue of Satan: and, for this reason, they declined going thither, either to say their prayers or receive the sacraments, especially the sacrament of the altar; which," as they expressed themselves, "was no better than a morsel, without life or signification, and the very top or pinnacle of Antichrist."

*Buccella
panis
mortui.*

Fifthly. "That they would by no means bring an infant to Church to be baptized by the parish-priests: because, in their opinion, the Holy Trinity would be profaned by the sinfulness of such a ministry, and the child be in a worse condition by being put into the priest's hands."

Sixthly. "That neither the Lord's-day nor any other festival ought to be kept holy, or particularly regarded; but that a man may take the liberty to eat, and drink, and work, upon one day as well as another."

Seventhly. "That there is no such thing as purgatory in the state of separation."

Eighthly. "That there is no necessity of submitting to a course of penance for the greatest sins; but that a private dislike of our faults, and not repeating them, is sufficient for procuring pardon: because," as they say, "faith is the main requisite in this matter." They bring their proof from the saying of our Saviour to Mary Magdalen, "Thy faith has made thee whole."

These conclusions, which had been hitherto palliated, and not so crudely delivered, were discovered by sir Lewis Clifford to the archbishop of Canterbury, as the real opinion of the Lollards.

Walsing-
ham, Hist.
Angl.
p. 356. et
Hypodigma
Neustrie,
p. 558.

This sir Lewis, who had formerly been an abettor of this persuasion, gave the archbishop a list of the names of those who maintained the propositions above-mentioned.

About this time, the duchess dowager of Bretagne came into

England. She was married to the king soon after her arrival, and crowned by the archbishop of Canterbury.

The next year, Thomas Percie, earl of Worcester, and Henry, lord Percie his nephew, broke out into a rebellion. They pretended they had no intention to do any harm to the king's person, but only to get their grievances redressed, and reform the government. They took care at last to spread a report, that king Richard was living, and amongst them: the credit given to this story increased their forces to a formidable body.

The king levied an army with all expedition, and came up with the enemy near Shrewsbury. The battle was fought with great resolution on both sides, but at last the victory fell to the king: Henry Hotspur, lord Percie, was killed, his uncle, the earl of Worcester, earl Douglas, who served under him, and several other persons of quality taken prisoners. The earl of Northumberland, not knowing the event of the battle, was marching with a strong body, either to reinforce his son, or solicit for a peace with the king; but his motion was stopped by the forces of the earl of Westmoreland. He was afterwards obliged to disband his men, and address the king for his pardon, who granted his life, but refused him his liberty.

The king having marched his army into Yorkshire, and settled the north parts, projected an expedition against the Welsh, who had lately broken out into disorder, and made depredations upon the English; but his exchequer being low, he wanted money to subsist and pay his troops.

That the design might not be dropped upon this account, some of the officers suggested an expedient to the king. They told him, that there were several bishops in the army, in a condition to supply his highness. That these prelates ought to be sent home on foot, and their equipage and money taken from them for the public service. The archbishop of Canterbury being present when this motion was made, replied, "that if any of the soldiers offered to plunder his retinue, they might expect to be well drubbed for their pains." This resolution of the archbishop checked the outrage, and made the officers desist.

The next year, upon the sixth of October, the king held a parliament at Coventry. In the writs of summons, the sheriffs were commanded not to return any serjeants or bar-

HENRY
IV.

Walsingham, p. 367.
A. D. 1403.
A rebellion raised by the Percies.

620.

They are defeated near Shrewsbury.

Ibid. 369.

The archbishop of Canterbury preserves the bishops from being plundered.
Walsingham, Hypodigm. Neustrie, p. 561.
A. D. 1404.
Lawyers excluded sitting in the house of commons.

ARUN-
DEL,
Abp. Cant.

risters at law; which order was accordingly obeyed. When the parliament met, the lord chancellor laid before them the necessities of the public; that the nation was threatened with a war on all sides: that the Scots and Welsh, the French and Flemings, were ready to invade, and rise upon them; that the exchequer was low in cash, and the king's revenues by no means proportioned to furnish a defence. The knights and burgesses being willing to save their own purses, and make prize of the Church, remonstrated, that the clergy had engrossed a great part of the estates of the kingdom; and therefore, unless they were obliged to refund, and stripped of their temporalities, the supplying the king's occasions would be wholly impracticable. That the laity had not only exhausted their fortunes, but undergone the fatigues of the campaign, and hazarded their persons in the service of their country: whereas the clergy lived idly at home, and contributed little to the public advantage.

The commons move for taking the church revenues.

This motion crushed by the archbishop of Canterbury.

To this, the archbishop of Canterbury replied: "That the clergy had always been more serviceable to the exchequer than the laity, and granted the crown a tenth more frequently than the others had done a fifteenth. And notwithstanding the monks and secular clergy did not serve in the field in person, yet they always sent their servants and tenants well appointed in proportion to the bulk of their estates. Neither were they idle and insignificant at home, as it was invidiously suggested, but made use of their character for the benefit of their country, addressed God Almighty for success in the field, and served the public with their prayers."

And when the speaker of the house of commons seemed to smile at what was offered, and publicly declared, he thought the prayers of the Church a very slender supply, the archbishop checked him very seasonably for his profaneness: "I perceive," replied this prelate, "how the kingdom is likely to thrive, when the aids of devotion and the favours of heaven are thus slighted and ridiculed. I never knew any national prosperity continue long without the supports of religion: and as for you, Sir, who take the liberty to rally the functions of the clergy, I believe you will find it no easy undertaking to invade the Church." This speaker was one sir John Cheney, who having, as it was said, taken deacon's orders, had deserted his character, and turned soldier.

Walsingham, Hist. Angl. p. 371, 372.

The archbishop perceiving the king dubious, and hanging, as it were, in a balance of thought, rose up, and kneeling to his highness, "entreated him to consider his declaration to preserve every man's property at his first coming to the crown: that he had solemnly sworn to maintain the rights of the Church, and afford the clergy his favour and protection. He farther entreated his highness to recollect the danger and dishonour of violating his oath. That he would please to permit the Church the privileges in which she was settled by the constitution, and had all along enjoyed in the reigns of his predecessors: and, lastly, that, above all things, he would be careful to avoid incurring the Divine displeasure, and the censures consequent upon sacrilege." The king bid the archbishop rise and go to his place, assuring him, that he was fully resolved not to hearken to these new measures, but to leave the Church rather in a better condition than he found it.

HENRY
IV.

*The king
promises not
to suffer any
encroach-
ments upon
the church.*

621.

The archbishop, perceiving the danger over, turned to the commons, and let them understand he saw through the whole design. "You, gentlemen, says he, and others governed by the same views, have persuaded the king and his predecessors to seize the revenues of the cells belonging to foreign monasteries; suggesting that this project would augment the royal revenues, and keep the treasury well furnished: but now since the experiment has been made, it is evident the king is not twenty shillings the richer for this seizure; you have taken effectual care to defeat the crown of those estates, and beg them away for yourselves; from whence nothing can be more plain, that it is not the king's interest, but your own, which makes you thus earnest to impoverish the Church. For should the king go into this execrable project, which God forbid! he would not be a farthing the richer in a year's time."

This courage in the archbishop, together with the king's declaration, silenced the commons, and stopped them from pushing at present: but Arundel, being apprehensive the matter might be brought upon the board again, made an interest with the lords, who very honourably declared the Church should never be rifled in their time. At last the commons themselves asked the archbishop's pardon, admired his courage, and confessed the injustice of their expedient.

In this parliament there was a statute made against the

ARUN-
DEL,
Abp. Cant.
6 Hen. 4.
cap. 1.

See Statutes
at Large.
*An act to
prevent the
payment of
excessive
compositions
for first
fruits, &c.
at the court
of Rome.*

exactions of the court of Rome, in the case of provisions. The history of the grievance will be best understood by the recital of the act, which runs thus:—

“For the grievous complaints made to our sovereign lord the king, by his commons of this parliament, holden at Coventry, ——— of certain horrible mischiefs, and the damnable custom which is introduced of late in the court of Rome, that no parson, abbot, nor other, should have provision of any archbishopric or bishopric, which shall be void, till that he has compounded with the pope’s chamber, to pay great and excessive sums of money, as well for the first fruits of the same archbishopric or bishopric, as for other lesser services in the same court; and that the same sums, or the greater part thereof, be paid before-hand, which sums pass the treble, or the double at the least, of that which was accustomed of old time to be paid to the said chamber, and otherwise, by the occasion of such provisions, whereby a great part of the treasure of this realm hath been brought and carried to the said court; and also shall be in time to come, to the great impoverishing of the archbishops and bishops within the same realm, and elsewhere within the king’s dominions, if convenient remedy be not for the same provided: our said sovereign lord the king, to the honour of God, as well to eschew the damage of his realm, as the peril of their souls, which are to be advanced to any archbishoprics and bishoprics within the realm of England, and elsewhere within the king’s dominions out of the same realm, by the advice and assent of the great men of his realm, in the parliament, has ordained and established: that they and every of them that shall pay to the said chamber or otherwise, for such fruits and services, greater sums of money than were accustomed to be paid in old time passed, they and every of them shall incur the pain of the forfeiture of as much as they may forfeit towards the same our sovereign lord the king.” That is, they shall forfeit as much to the crown as their compositions at the court of Rome shall exceed the customary value.

*The death
and cha-
racter of
Wickham,
bishop of
Winchester.*

This year, the famous William Wickham, bishop of Winchester, departed this life. His father’s name was John Perrot: but this William being born at Wickham, in Hampshire,

in the year 1324, he took his surname from thence, according to the custom of the clergy of that age. His father's circumstances being slender, one Nicholas Wedall, a gentleman in the neighbourhood, supplied the charge of his education. He was first bred at Winchester, and afterwards sent to Oxford, where he spent his time in the study of arithmetic, geometry, and more particularly in the civil and canon law. After six years continuance in Oxford, his patron Wedall, then governor of Winchester castle, took him into his family, and made him his secretary. Afterwards he became known to king Edward III., who perceiving him a person of good natural parts, and of a genius for mathematics and architecture, made him the surveyor of his buildings. His direction for the rebuilding of Windsor Castle gave great satisfaction, and occasioned his promotion at court, where he passed through the offices of secretary of state, privy seal, master of the court of wards, receiver-general of the king's revenues in France, &c. He was preferred to the see of Winchester, in the year 1367, and soon after made lord chancellor of England. It is said, that when king Edward III. perceived Wickham somewhat forward at grasping at this bishopric, he put him in mind of the disadvantages in his birth and learning. To which Wickham replied, that though he was but a moderate scholar himself, he would take effectual care to make a great many good ones.

In the latter end of the reign of king Edward III., when the administration was in the hands of the duke of Lancaster, Wickham was charged with embezzling the king's revenues, and misbehaving himself in his court preferment. For this mismanagement he was prosecuted in the King's Bench. Sir William Skipwith, then chief justice, procured a verdict against him, and gave him no liberty to make his defence. Upon this, at the instance of the duke of Lancaster, his temporalities were seized, and he was forbidden to come within twenty miles of the court. After he had lived about a year and a half under this disgrace, he made his way back to the king's favour, and recovered his temporalities by the interest of Alice Pierce.

622.

Wickham's affairs being thus restored, and his fortune increasing, he began to work upon the models of those noble foundations projected by him.

ARUN-
DEL,
Abp. Cant.

*He founds
and endows
New College
in Oxford,
and another
at Win-
chester.*

He began the building of New College, in Oxford, in 1379, and finished it in seven years. The endowment was no less noble than the structure, there being a provision made for a warden, seventy fellows and scholars; besides chaplains, organist, choristers, and college servants, amounting in all to the number of 135.

His college at Winchester, which he designed as a nursery for that at Oxford, was begun in the year 1387, and finished in 1393. Upon this foundation he settled an estate for a warden, ten fellows, two school-masters, and seventy scholars. His capacity and prudence in providing for the government of these two colleges was no less remarkable than his munificence: his statutes being drawn up with such judgment and reach of thought, that they have been transcribed for the benefit of other houses; and served, as it were, as a pattern to the principal colleges, both in Oxford and Cambridge. Besides these noble benefactions, he built the nave of Winchester cathedral, exhibited to fifty scholars in Oxford, and always maintained four-and-twenty poor people in his family. He lies buried in his cathedral, where a stately monument is erected for him.

Antiquit.
Brit. p. 255.
et deine.
Godwin in
Episc. Win-
ton. Wood.
Histor.
Univers.
Oxon.
*Archbishop
Arundel
visits the
university
of Cam-
bridge.*
Antiquit.
Britan.
p. 274.

I shall conclude this year with the death of pope Boniface IX., who was succeeded by Innocent VII.

The next year archbishop Arundel visited the university of Cambridge, in right of his see. Here he made a great many college statutes, suppressed ill customs, and punished the students for their misbehaviour. And when the visitation broke off at the request of the university, he reserved all those matters and causes which had been laid before him, to his own cognizance and jurisdiction.

In the beginning of February, this year, there was a parliament held at Westminster, in which there were two acts passed against the encroachments of the court of Rome. The first is levelled against the pope's bulls, for discharging monks or other persons from the payment of tithes. The words of the law are these.

*An act
against the
pope's bulls
for dis-
charging
tithes.*

“It is ordained and established, that no person, religious nor secular, of what estate or condition that he be, by colour of any bulls containing such privileges to be discharged of

dismes pertaining to parish churches, prebends, hospitals or vicarages, purchased before the first year of king Richard II., or after not executed, shall put in execution any such bulls so purchased, or any such bulls to be purchased in time to come. And if any such religious or secular person from henceforth, by colour of such bulls do trouble any person of holy Church, prebendaries, keepers of hospitals, or vicars, so that they cannot take nor enjoy the dismes due, or pertaining to them of their said benefices; that then such disturber shall incur like process and pain as is ordained by the statute made against them of the order of Cistaux, in the second year of our said sovereign lord the king."

HENRY
IV.

7 Hen. 4.
cap. 6.

The other act was made to strengthen the statute of provisors, and to restrain the crown from granting licences against that act. The provision runs thus:

"To eschew many dissensions, discords and debates, and divers other mischiefs likely to arise and grow, by the cause of many provisions, made and to be made by the pope, and also by the cause of the licences granted upon the same by the king, our sovereign lord: 'it is ordained and established, that no licence, nor pardon so granted before this time, or to be granted in time to come, shall be available to any benefice filled by any incumbent at the day of the date of such licence or pardon granted.'"

7 Hen. 4.
cap. 8.
*An act to
bar the
crown from
granting
licences
against the
statute of
provisors.*

About this time, Richard Scroop, archbishop of York, Thomas Mowbray, earl marshal, Henry Percy, earl of Northumberland, and the lord Bardolph, entered into a concert to depose king Henry. The reasons upon which the archbishop engaged in this attempt were these:

*The arch-
bishop of
York and
the earl
marshal
raise forces
against king
Henry.
A. D. 1405.*

First. "Because king Henry, when duke of Lancaster, had sworn at Chester not to push his quarrel to a rebellion, nor consent to the deposing of king Richard; and that after the said duke of Lancaster had broken this engagement, forced king Richard to resign, and seized the crown, the archbishop of York advised him to repent, and make satisfaction for the breaking his oath; but without effect."

*Their
grievances.*

Secondly. "The said archbishop insisted, that the government might run in the channel of the constitution, the crown

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DEL,
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be restored to the right line, and the Church of England enjoy her ancient rights and privileges."

Thirdly. "That the barons of the kingdom might have the privilege of their condition, and be tried by their peers."

623.

Fourthly. "That the clergy and laity might not be oppressed with tenths, fifteenths, subsidies, and other unreasonable impositions. The reason of this article was, because the king had sworn at Knaresborough Castle, that the clergy should never pay a tenth, nor the laity be burthened with any tax during his reign."

Fifthly. It was provided by this scheme, "That when the crown was restored to the right line, the court should be furnished with men of honour and integrity; and that those who were remarkable for covetousness and ambition should be discharged."

Sixthly. "That the high sheriffs should be chosen by the freeholders of the respective counties, without having any person put upon them, either by the king or the barons."

Angl. Sacr.
pars 2.
p. 369.

These articles being fixed upon the doors of the churches and monasteries in York, drew a great many of the gentry and burghers into the enterprise. The regard they had for the archbishop made them more inclined to engage: for, by the way, he was not only a person of noble birth, but very unexceptionable in his life, and eminent for his learning.

The earl of Westmoreland, receiving intelligence of this commotion, levied what forces he could, and marched towards York, with a design to fight the enemy. But finding the archbishop much superior in number, he sent a trumpet to demand the reason of their appearing in arms, and breaking the king's peace. The archbishop sent him word, that his design was not to disturb, but to settle the public peace; that to this purpose he was marching with a request to the king, and had taken a guard for his security. That he hoped his remonstrance would be serviceable to the kingdom, and gave the messenger a copy of it.

*The arch-
bishop over-
reached by
the earl of
Westmore-
land.*

The earl of Westmoreland, whose business was to gain time for a reinforcement, and draw the enemy into a snare, seemed pleased with the articles, commended the archbishop for his probity and public spirit, and desired they might have an in-

terview at some distance from their forces. The archbishop, being glad to hear the proposal of an accommodation, prevailed with the earl-marshal, though against his inclination, to go with him to the place assigned. In short, the treaty came on, the articles were read and agreed to by the earl of Westmoreland; who, without any difficulty, undertook they should be all made good by the king. And now, to finish the ruin of the archbishop and his party, he told them, since they had been so happy as to adjust their differences, it would be proper to give some signs of their friendship, and to drink to each other in view of their men. After this ceremony had passed, the earl suggested that the next good office they could do for their country, would be to disband their forces. The archbishop, who had more sincerity than caution, sent his troops word that the treaty was concluded, their terms granted, and that now there was no farther occasion to continue in the field. The men, most of them not being bred soldiers, were pleased with the news, and disbanded upon the order. The earl of Westmoreland, instead of sending his men home, kept them together, and had fresh supplies sent him. And thus the archbishop was overreached, and himself and the earl-marshal arrested by the earl of Westmoreland. They were promised an indemnity, but that article was overruled, and both of them beheaded soon after. For, upon the eighth of June following, the king coming down to Bishopsthorp, near York, ordered sir William Gascoign, chief justice of England, to try the archbishop for high treason: but this judge refusing to act upon the bench, told the king, that, by the constitution, neither his highness, nor any person commissioned by him, had any authority to sit upon the life of a bishop. His meaning must have been, either that bishops were privileged by their character from the jurisdiction of secular courts, in cases of life and death, or else that they were to be tried by their peers.

The king being very angry with Gascoign for declining to try the archbishop, commanded sir William Fulthorp to perform the office, and made him a judge for that purpose. Fulthorp ordering the archbishop to be brought before him, condemned him for a traitor, adding, that he was to be beheaded by the king's order. Upon which the archbishop, appealing to God, declared, "He never intended any harm against the king's person." He was executed the same day.

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*He and the
earl marshal
arrested.*

Walsing-
ham, Hist.
Angl. p.373.
*The chief
justice
Gascoign
refuses to try
archbishop
Scroop.*

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DEL,
Abp. Cant.

He justified his undertaking to the last, and his behaviour upon the scaffold appeared very pious and composed. He was nobly extracted, and brother to William Scroop, earl of Wiltshire, and lord treasurer. The gravity of his behaviour, the obligingness of his temper, the sanctity of his life, and his extraordinary learning, made him much regarded and beloved: and might possibly give occasion to the report of his working miracles after his death, and that the king was seized with a frightful leprosy immediately upon his execution. He was the first English bishop that had ever suffered by the sentence of the king's judges. Sir William Fulthorp's sitting upon him is no argument against the bishop's right of being tried by their peers: for,

Angl. Sacr.
pars 2.
p. 370.
Fabian,
fol. 167.

First. Mowbray, earl marshal, and the archbishop were tried at the same time, and in the same manner, as far as it appears.

624.

Secondly. We need not wonder to find the archbishop tried by commoners, since the denying the lords of parliament the privilege of being tried by their peers, gave an occasion to the late rising, and was reckoned one of the grievances in this reign.

Id. p. 369.
et Walsing-
ham, p. 373,
374.
A. D. 1406.

About this time, some of Wickliff's friends published a letter in the name of the university of Oxford, in which there is a high character given of Wickliff: and to make this letter the more authentic and serviceable to his memory, it is sealed with the university seal, and dated in the schools, as if passed at a congregation. This letter, to give the sense of it in a few words, "commends Wickliff for his probity and learning; for the figure he made in that university, and the service he had done the Church. It insists particularly upon his orthodoxy, and unblemished character as to matters of religion; and denies his being ever censured for heretical pravity, or that his corpse was taken up and burnt by order of the bishops."

Wood, Hist.
Univers.
Oxon, l. 1.
p. 203.
See Records,
num. 50.

That this testimonial was counterfeited, I think needs not be questioned: for,

*A testimo-
nial of the
university
of Oxford*

First. The commendation of Wickliff for his orthodoxy, that his character was unblemished as to his belief, and that he was never convicted of heresy, does not agree with matter

of fact : for, as we have seen already, he was deeply censured for his heterodoxy by pope Gregory XI., by the university of Oxford, and by several synods held under the archbishops Courteney and Arundel. And though no formal conviction passed upon his person, yet several of his opinions were publicly condemned for heresy. The case standing thus, it is very unlikely the university of Oxford should either have inclination or courage to vouch thus freely for Wickliff's catholicity, to dilate upon his merit, and pay his memory so remarkable a compliment : especially if we consider so public a testimonial might probably have exposed them to the utmost hazards, and brought them within the penalty of the late statute.

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IV.
*counterfeited
for the ad-
vantage of
Wickliff's
memory.*

2 Hen. 4.
cap. 15.

Secondly. The learned Mr. Wood observes, that there is neither copy nor mention of this letter in the university records. That John Huss was the first who published this testimonial, and that he was afterwards called to an account for it at the council of Constance : that the English representatives at this synod declared this instrument a forgery, produced a letter under the seal of the university of Oxford of a quite counter sense, and referred the decision of the matter to the council. In short, this recommendation of Wickliff's character is supposed to have been counterfeited by one Peter Payne, and some others of this persuasion ; who finding the university seal negligently kept, got an opportunity of making use of it for their purpose. This learned body perceiving their seal fixed to forgery, and their authority counterfeited upon several occasions, made a statute that the university seal should not be put to any writing unless it was first read in a full congregation, and a day allowed to deliberate upon the matter. However, notwithstanding these apparent marks of a counterfeit recommendation, Fox makes no question about the credit of the testimonial, but translates it as an authentic record.

In the year
1420.

Wood's
Hist. Uni-
vers. Oxon.
p. 203.

Fox's Acts
and Monu-
ments.
p. 535.
*The cardi-
nals swear
to an expe-
dient to close
the schism.*

This year, upon the death of pope Innocent VII., seven of the cardinals, considering the blemish brought upon the church by the continuance of the schism, made a solemn oath, that in case any of them were elected to the papacy, they would renounce the election, upon condition the anti-pope for the time being would do the same : and that, after such renunciation, the cardinals of each division should join their votes

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DEL,
Abp. Cant.

for a single election. They likewise engaged, that if any absent cardinal, or any other person, though no member of the college, was chosen, he should be obliged to the same conditions. After they had bound themselves to these articles, they elected the cardinal of St. Mark a Constantinopolitan, who took the name of Gregory XII. This pope, the same day he was chosen, entered into the engagement, and took the oath above-mentioned.

Walsingh.
Hypodigm.
Neustria,
p. 567.
A. D. 1407.

In the latter end of the next year, the earl of Northumberland and the lord Bardolph, who, upon the arresting of the archbishop of York and the earl marshal, had retreated to Scotland, and from thence into Wales, returned into England. When they came to Thirsk, in Yorkshire, they made proclamation, that those who were well-wishers to the liberty of their country should take up arms and join them. This invitation took with a great many people, and gave the lords a considerable body of followers: but sir Ralph Rokesby, the high sheriff of Yorkshire, not giving them time to grow more numerous, raised the posse of the county, and defeated them near Haselwood. In this battle the earl was slain, and the lord Bardolph, who was taken prisoner, died soon after of his wounds. Lewis, bishop of Bangor, who went along with these lords, was likewise taken prisoner. But not appearing in a military equipage, his life was spared. However, to give him some mortification, he lost his bishopric, like Merks of Carlisle, under the colour of a translation.

Id. Hist.
Angl. p. 375.
377.
Feb. 26.
*The bishop
of Bangor
taken pri-
soner at the
defeat of the
earl of
Northum-
berland.*
Ibid. et
Godwin in
Episc. Bang.
*The exam-
ination of
William
Thorpe
before the
archbishop
of Canter-
bury.*
625.
Fox's Acts
and Moun-
ments, vol. I.
p. 690.
Id. p. 695.
Id. p. 701.

To go backward a little this year: in the beginning of August, one William Thorpe, a priest, suspected to be a Lollard, was brought before archbishop Arundel, and interrogated about his belief. His description of the Church is lame and defective, and takes no notice of the necessity of a regular mission or apostolical succession. His answer, with reference to the holy eucharist, appears sound and well guarded: for, to deliver his opinion in Fox's words, he affirmed the consecrated bread to "be our Saviour's body, and that the sacrament of the altar is the sacrament of Christ's flesh and blood, in the form of bread and wine." He was overscrupulous about the formalities of taking an oath, and refused to swear upon the Bible, imagining it amounted to swearing by the creatures. He seemed to believe himself to have one privilege of the Apostles, and that he should have an extemporary

answer given him by the Holy Ghost. When one of the archbishop's clerks bid him lay his hand upon the book, and touch the holy Gospel of God, he returned a canting answer, and told him the holy Gospel of God "could not be touched by man's hand. For," as he goes on, "the letter that is touched with man's hand is not the Gospel, but the sentence that is verily believed in man's heart is the Gospel." His whole examination and defence is too long to insert; I shall only observe, we have no reason to question the truth of it, since the whole narrative, as Fox reports, was penned by himself. HENRY
IV.
His errors.

Id. p. 689.

This historian transcribes another discourse of the Lollards; it is called "Thorp's Testament:" it is a violent invective against the hierarchy, and discovers a great deal of heat, ignorance, and enthusiasm. He falls blindly upon the whole order, without reserve or exception: he insists mainly upon reforming the Church to apostolical poverty; would have the bishops and priests work for their livings; and when they were past their labour, to subsist upon the charity of the people. He addresses all kings and emperors, lords and ladies, to reduce the clergy to a state of beggary and dependence. In short, he endeavours to raise the government against the Church; presses destructive expedients, charges the people to forsake the public communion, and pretends to foretell, that unless the clergy are thus harassed and renounced, they will draw down the judgments of heaven upon the kingdom, and the nation will be destroyed with pestilence and famine. His reason for exhorting the people to desert the communion of the then Church, is founded upon the misbehaviour of the clergy: but this ground is clearly indefensible. To argue in this manner, is to make the validity of the sacraments depend upon the qualifications of the priest, and not upon the institution of our Saviour, which doctrine is a contradiction to catholic belief, and expressly condemned in the articles of the Church of England. However, after all this furious zeal, false reasoning, and intemperate railing, Fox gives Thorp the character of a good man, and blessed servant of God. *And virulent invective.*

Id. p. 706,
707.

Article 26.

Fox's Acts,
p. 708.

By the way, notwithstanding the provocation of this libel, and Thorp's being an active Lollard for twenty years, he suffered no farther than imprisonment, as far as this historian can discover. I have been the longer upon this story, to shew

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the temper and complexion of some of Fox's confessors, and to caution the reader against taking his characters upon trust. But to give this Thorp his due, notwithstanding he was widely mistaken in some points, and his spirit too much embittered, he seems to have been free from the impressions of interest, and boldly prepared for the worst which could happen.

A. D. 1403.
*A synod at
Oxford to
prevent the
spreading of
the opinion
of the Lollards.*

The next year archbishop Arundel convened the bishops and clergy of his province at Oxford. The design of holding this synod was to give check to the progress of the Lollards, and prevent the university's being farther tinctured with that persuasion. The provisions agreed on are digested into thirteen chapters or constitutions. By the

I. "No regular or secular, unless authorised by the ecclesiastical law of the realm, or warranted by special privilege, is allowed to exercise the function of a preacher, or to make any discourse in the church to clergy or laity, in English or Latin, without first offering himself to the bishop of the diocese, passing his examination, and receiving an authority from him for that purpose: and stipendiary curates, who had neither title to the parish, nor any special licence from their bishop, were to be confined in their discourses, and tied up to the matter and method mentioned in archbishop Peckham's constitutions."

See above,
under Peck-
ham.

II. "No clerk or layman within the province of Canterbury, was to suffer any person to preach in any church, church-yard, or elsewhere, without proof being first made of the mission and authority of the said person. The breach of this constitution is punished by interdicting the place."

By the way, the constitutions run all under the authority of the archbishop. I shall therefore translate them in that form. To proceed to the

III. "Since it is the part of a good husbandman to sow his seed upon ground prepared for a crop, we have thought fit to command all persons qualified for the pulpit to have regard to the audience in their sermons. When they preach to the clergy, to declaim against the failings of that order; and when they have the laity for their congregation, to spend their discourse against those vices for which they are the most remarkable. And as for those preachers, who mismanage themselves upon this head, and dilate upon improper matter,

let them be punished by their ordinary in proportion to the quality of their misbehaviour.”

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626.

IV. “And since it looks ill, and is scandalous for any part of a body not to agree with the whole it belongs to, we decree and ordain, that no preacher, or any other person, shall teach, preach, or maintain any thing contrary to the decisions of holy Church, with reference to the sacrament of the altar, matrimony, confession, or any other sacrament or article of faith; nor controvert any point already settled and determined; nor speak dishonourably of such decisions; nor preach or teach any heresy or mispersuasion of what kind soever. And whosoever after the publication of these presents, knowingly and obstinately presumes to do anything of this nature, shall be ‘ipso facto’ excommunicated: from which censure he shall not be absolved, excepting at the point of death, without abjuring his heresy, and submitting to the penance prescribed by his ordinary. And if he happens to be convicted of repeating his crime after satisfaction, he shall be declared a heretic relapsed, and his goods confiscated. As for the penance above-mentioned, we appoint it in this manner: viz., that the person who has preached any heresy, or delivered himself in favour of any sect, either publicly or privately, shall be obliged upon one Sunday, holy-day or more, at the discretion of his ordinary, to make a public recantation of such sermons or discourses before the congregation at church; and likewise preach and maintain such orthodox points of doctrine, as stand opposite to his respective errors.”

V. “And since an old vessel retains the scent of the liquor which was first put into it, we ordain, that no schoolmasters or tutors presume to instruct their scholars in the doctrine of the sacraments, or any other theological subject, contrary to the determinations of the Church; or interpret any text of Scripture otherwise than it has been anciently expounded; or permit their scholars or pupils to dispute about the sacraments, or the catholic faith: and let those who break through this constitution be treated as abettors of schism and error, and severely punished by the ordinary.”

VI. “And since the new roads in religion are more dangerous to travel than the old ones; we enjoin and require, that no book or tract written by John Wickliff, or any other

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person either in Wickliff's time or since, or who, for the future, shall write any book upon a subject in divinity, shall be suffered to be read either in schools, halls, or any other places within our province of Canterbury, unless such books shall be first examined by the university of Oxford or Cambridge, or, at least, by twelve such persons as shall be pitched upon for that purpose by both or one of the universities, according as ourselves or our successors shall direct. And after the examination and approbation of us, our successors, and the parties above-mentioned, the said tracts shall be delivered to the stationers, to be faithfully copied before they are sold, or otherwise disposed of; and the original be laid up and kept in a chest of the university. And if any person shall publicly read or maintain any book of this kind, not licensed in the manner above-mentioned, let him be prosecuted as a person that makes it his business to spread the infection of schism and heresy."

VII. "It is a dangerous undertaking, as St. Jerome assures us, to translate the holy Scriptures; it being very difficult in a version to keep close to the sense of the inspired writers: for, by the confession of the same father, he had mistaken the meaning of several texts. We therefore decree and ordain, that from henceforward no unauthorised person shall translate any part of the holy Scripture into English, or any other language, under any form of book or treatise: neither shall any such book, treatise, or version, made either in Wickliff's time or since, be read, either in whole or in part, publicly or privately, under the penalty of the greater excommunication, till the said translation shall be approved either by the bishop of the diocese, or a provincial council, as occasion shall require."

VIII. "Farther, since the infinite nature of God cannot be comprehended within logical definitions, nor described by terms of philosophy: and St. Augustine tells us, he had often stifled truth, and retracted defensible assertions, because they were offensive in the sound, and shocked the piety of some people: we therefore decree, and conjure our charge, as they expect to answer for their liberty at the great day of accounts, that no person, of what degree, quality, or condition soever, offer to propose or maintain any propositions or conclusions, either with respect to belief or practice, which seem to have an ill

face or tendency: that no such propositions be maintained either in schools or elsewhere, though under the guard of a protestation; notwithstanding they may be possibly defended by the dexterities of logic: (always excepting a liberty for opposition in the university schools, and reading in the faculty of divinity;) for, as St. Hugo declares, ‘Mysterious points in religion, though orthodoxly treated, are often not rightly understood.’”

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The penalty of contravening this constitution is excommunication ‘ipso facto,’ and the person is not to be restored without a public recantation.

627.

“IX. That no person whatsoever presume to dispute, either publicly or privately, about the articles of belief settled by the Church, (except it be to inform himself of their true meaning,) in the decreta, decretals, our provincial constitutions, or diocesan synods; or question the authority of such decrees, decretals, constitutions, &c.; or teach any thing contrary to the points determined in them, especially with reference to the worship paid to the glorious cross, the images of the saints, the practice relating to pilgrimages and relics, or the forms of swearing used in the spiritual and civil courts: but that, for the future, the customary worship given to the cross, to the image of our Saviour, and the rest of the saints, in honour of those they represent,—that the regard paid to relics, the customary processions, kneeling, bowing, incensing, kissing, offering, lighting up tapers, pilgrimages, and other marks of religious respect,—be publicly taught and maintained; together with the lawfulness of taking oaths by the person’s laying his hands upon the Holy Gospels, in conformity to the usage received both in Church and State. And that whosoever teaches and obstinately maintains the contrary, unless he abjures, and undergoes the discipline above-mentioned, shall incur the penalty of a heretic relapsed.

“X. We also decree and ordain, that no clerk or chaplain shall be allowed to officiate in any part of our province in which he was not ordained, without letters dimissory from his diocesan, together with a recommendation in writing from such other bishops in whose diocese he has since resided for any length of time; in which testimonials we require express mention to be made of his morals and behaviour, and whether he has lain under the blemish of abetting new doctrines or not.

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And unless this inquiry be made, and these precautions taken, both the priest that officiates, and those who entertain him for that purpose, shall be punished at the pleasure of the ordinary."

"XI. The eleventh constitution complains, that the errors of the Lollards had seized the university of Oxford in some measure: therefore, to stop the spreading of misbelief, and prevent the fountain from being poisoned, it is decreed by the synod, that every warden, master, or principal, of any college or hall, shall be obliged to inquire, at least every month, into the opinions and principles of the students in their respective houses; and if they find them maintaining any thing repugnant to the Catholic faith or good manners, to admonish them of their errors; and, provided they shall relapse, or continue obstinate, to expel them: and in case the said wardens, &c., shall fail to do their duty, they shall lose their preferment, and be excommunicated."

This constitution is stated to have been made by the authority of the archbishop, at the request of the proctors of all the clergy of the province of Canterbury, and by the assent and consent of all the bishops and other prelates in that convocation, and by the proxies of those prelates who were absent. By the prelates, contradistinguished from bishops, are meant abbots, deans, and archdeacons. And here Lindwood observes, there is no necessity of summoning any of the clergy, excepting bishops, to a provincial council. From whence it is evident, he must be of opinion the ecclesiastical legislature is wholly lodged in that order. However, he grants, that, in case the inferior prelates and clergy appear, they are to be admitted; and, which is more, when their particular interest is concerned, they ought to be summoned thither. But that the legislative or decreeing power lay wholly in the bishops, appears farther by the tenour of the archbishop's mandate to the bishop of London to publish these constitutions. The mandate runs thus: "Cum in nostro provinciali consilio nuper Oxonii celebrato, de consilio et assensu vestris, et aliorum venerabilium confratrum et suffraganeorum nostrorum, ad instantem petitionem totius cleri nostri Cantuariensis provinciae, certas constitutiones provinciales ediderimus," &c. Thus we see the constitutions received their authority from the assent of the archbishop and his suffragans;

Lindwood,
Provincial,
l. 5, tit. 5.
p. 300.

and that the business of the inferior clergy was only to solicit and petition. To proceed:—

“XII. By the twelfth, those who break any of the foregoing constitutions, besides their being liable to the penalties above-mentioned, are declared incapable for three years of any ecclesiastical preferment in the province of Canterbury.”

XIII. The thirteenth, relating only to the form and expedition of the process against those suspected of heresy, I shall pass it over.

This year, about the beginning of November, the cardinal of Bourdeaux arrived in England. He was sent from the college to inform the king and the English clergy of the insincerity of pope Gregory XII. He had already made his complaint upon this head to the French king and the Gallican Church. The design was to engage these two crowns to interpose their authority to prevail with Gregory to make good the oath he had taken at his coming to the chair; that is, to resign, upon condition his rival was brought to the same terms. The French king, approving the cardinal's motion, sent an embassy to pope Gregory to dispose him to a compliance, but received a shuffling answer. The French king, therefore, governed himself by the resolutions of the universities of Paris, Boulogne, Orleans, Toulouse, and Montpellier: and, to avoid the danger of abetting the schism, refused to own either of the competitors till the division in the Church was closed. As for the king of England, when he understood the cardinal's business, he treated him honourably, and assigned him a large allowance out of the exchequer.

And since the two popes, Benedict XIII. and Gregory XII., kept up their counter-pretensions, and refused to acquiesce, the cardinals, thinking it necessary to apply to a farther expedient, convened a general council at Pisa, in Italy. Upon the notice of these proceedings, the archbishop of Canterbury summoned a convocation to London, to choose representatives to the Pisan council. And here, Henry Chicheley, bishop of St. David's, Robert Allen, bishop of Salisbury, and the prior of Canterbury, were chosen delegates. The king had already despatched his ambassadors, sir John Colville, knight, and Mr. Nicholas Rixton, clerk, to pope Gregory and the cardinals, to dispose them

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Council.
Labbe, et
Cossart,
tom. 11.
pars 2.
col. 3001.
Spelman.
Council.
vol. ii.
p. 668.

Spelman.
Council.
vol. 2. p. 662.
Lindwood,
Provincial,
lib. 5. tit. 5.
p. 288. et
deine.
Wood. Hist.
Univers.
Oxon.
p. 204.
An expedient for closing the schism.

628.

Walsingham, Hist.
Angl. p. 377.

A convocation for choosing representatives for the council at Pisa.

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DEL,
Abp. Cant.

Walsing-
ham, Hist.
Angl. p. 378.
Antiquit.
Britan.
p. 274.
*The king's
letter to pope
Gregory* 12.

to an accommodation. Besides other instructions, they had letters to pope Gregory and the cardinals. Part of the letter to the pope runs thus :—

“ Most holy father, would the apostolic see be pleased to consider to what degree the present schism has embarrassed and embroiled Christendom, and how many thousand lives have been lost in the field in this quarrel : were this thoroughly considered, we persuade ourselves your holiness would be most sensibly afflicted, and wrought up to a conscientious disposition to quit your station, rather than suffer under the imputation of keeping up the divisions in the Church, and fencing against peace with evasive answers : for were your holiness influenced by serviceable motives, you would be governed by the tenderness of the true mother who pleaded before king Solomon, and rather ‘ resign the child,’ than suffer it to ‘ be cut in pieces ;’ and, notwithstanding your new creation of nine cardinals might possibly have no intention to perpetuate the schism,—though, by the way, this, as it is said, was a direct breach of your oath,—but, notwithstanding this creation may possibly be reconciled to a fair meaning, yet, since it has an ill colour, you ought not to abide by it, nor rest upon any measures which may blemish your character in point of probity or conduct ; lest, by such a latitude, the last error should be worse than the first.”

Ibid.

To make this advice the more significant, the king directed another letter to the cardinals, part of which is transcribed by Walsingham, and stands thus :—

*His letter to
the cardi-
nals.*

“ Being desirous to give proof of our zeal for procuring the peace of the Church, we have written to his holiness : a copy of our letter is enclosed to your eminences, whom we earnestly desire, that, in case the said Gregory shall repair to the council of Pisa, and, pursuant to his oath, resign the papacy and give your eminences and us due satisfaction, you will make such a provision for him, and agree upon such measures for the interest of the Church, as may be most acceptable to the Divine Majesty : that both ourselves, and Gregory—for whose honour we have a regard,—may be obliged to thank you for the expedient.”

Ibid.

And here we are to observe, that, during this schism, the archbishop proposed in convocation, that the Peter-pence should be sequestered into the king's hands till the breach was closed. This expedient being agreed to by the king and the clergy, the money was disposed of accordingly.

HENRY
IV.

To proceed: the cardinals of pope Gregory's party began the motion for holding a general council. These prelates, meeting at Leghorn upon the first of July this year, published their reasons for quitting Gregory in a manifesto, and pressed all those in his interest to withdraw their obedience, and join with them to promote the union of Christendom. At last, after several consultations, that division of the college which adhered to Benedict XIII. came over to the other party: and thus, the cardinals on both sides, being agreed in the union-project, gave notice to the western princes and prelates of the holding a general council at Pisa, upon the twenty-fifth of March next ensuing. It was likewise resolved by the cardinals, that the two rival popes should be summoned to Pisa, and admonished to submit to the council: and that, in case of their refusal, the council should be held notwithstanding, and take such measures as should be thought proper for the repose of the Church.

The council was held accordingly at the time prefixed, and consisted of twenty-two cardinals, four patriarchs, twelve archbishops, present, besides fourteen of that distinction represented by proxy; four-score bishops in person, beside the representatives of those absent; four-score and seven abbots, not to mention the ambassadors of most of the princes in Europe; the deputies of the most celebrated universities, of the chapters of cathedral churches, &c.

This numerous synod, after their preliminary discussions in thirteen sessions, gave their definitive sentence in the fourteenth. In this session, they declared Peter de Luna, formerly called Benedict XIII., and Angelus Corarius, who went by the name of Gregory XII., to be notorious and incorrigible schismatics and heretics, and guilty of plain perjury. Which imputations being evidently proved, they deprived them both of their titles and authority; pronounced the apostolic see vacant, and all the censures and promotions of these pretended popes

Spondan.
Annal.
Eccles. ad
ann. 1408.
p. 707, 708.
A. D. 1409.

629.

*The council
of Pisa
deposes the
two rival
popes, and
chuses Alex-
ander 5.*

ARUN-
DELI,
Abp. Cant.
Concil.
Labbe, et
Cossar.
tom. 11.
pars 2.
col. 2126.
et deince.
Id. col. 2131.

void and of none effect. And after this sentence, they gave notice to all kings, princes, patriarchs, archbishops, bishops, &c., not to acknowledge either of them.

After the council had thus solemnly deposed Gregory and Benedict, who refused to appear, the cardinals unanimously pitched upon Peter de Candia, cardinal of Milan; who, upon his election, took the name of Alexander V. presided in the council, and re-incorporated the two divisions of the cardinals in one college.

*Badby
burnt in
Smithfield.*

This year, in Lent, one Badby, a smith, was convicted of heresy: the article upon which he was cast was the sacrament of the altar, which he affirmed, as Walsingham reports, was not the body of Christ; but a thing without life, and, upon that score, more contemptible than a toad or spider. In short, refusing to come up to the sense of transubstantiation, and abjure his opinion, he was delivered to the secular magistrate. Upon his being brought into Smithfield to be burnt, prince Henry came to him to persuade him to retract his errors: but Badby refusing to live upon that condition, was put into a tun, and the fire kindled about him; but giving very sensible signs of the torture he endured, the prince, out of compassion, ordered the fire to be removed; and then coming up to him, made him a promise of life, pardon, and an allowance from the exchequer for a maintenance, provided he would alter his persuasion, and recant: but Badby's conscience not giving him leave to comply with this offer, let the execution proceed, and was burnt to ashes.

Walsing-
ham, Hist.
Angl. p. 378,
379.

This year, in the beginning of Lent, the parliament being summoned to Westminster, the commons presented a petition by way of bill to the king, to disseize the Church of her temporalities: it was drawn up in this form:—

*The Lollard
part of the
commons
endeavour
to disseize
the bishops
and monas-
teries of their
estates.*

“To the king's most excellent majesty, and all the lords in parliament assembled, the loyal commons humbly suggest, that in case our sovereign lord the king shall think fit to take away the estates possessed by the bishops, abbots, and priors, spent at present upon grandeur and unnecessary pomp, the crown and kingdom will receive great advantage by such measures: for by the seizure of these estates, the king will be enabled to create and provide for fifteen earls, fifteen hundred

knights, six thousand two hundred esquires, and make a sufficient settlement for a hundred new hospitals."

HENRY
IV.

But it seems when they were required to bring in a valuation of the lands, and prove the fund would answer the magnitude of the project, they failed in the computation. Besides, the king was much displeased with the injustice of the motion, and charged the commons not to presume to offer him any such bill for the future. The Lollard members of the commons, as Walsingham calls them, missing this point, moved earnestly, that clerks convicted should for the future be kept in the king's prisons, and not in the bishops': but they miscarried likewise in this business. They petitioned, farther, that the late statute against the Lollards might either be repealed, or at least altered in some branches. The qualifications they insisted on were these: that such persons as should be arrested by virtue of the said statute might be bailed, and freely make their purgation, and that they may not be arrested, excepting by the sheriffs, or such like officers: and that no havoc should be made of their goods.

Walsingham, Hist. Angl. p. 379.

To this the king's answer was, that he would rather heighten than abate the rigour of that act. On the other hand, a bill was brought in, on behalf of the crown, that in case there should not be a session of the lords and commons every year, the king might collect a tenth upon the clergy, and a fifteenth upon the laity, during such intervals of parliament. But this act, notwithstanding it was proposed for no longer than the king's life, would not pass.

Cotton's Abridgement, p. 472. *The king refuses to abate the rigour of the act against the Lollards.* Ibid.

The next year, Wickliff's opinions were condemned at a full congregation in Oxford. The censure, by the chancellor's order, was pronounced by John Wells, doctor of the canon law. And here about eighty, or, as some report, two hundred conclusions in Wickliff's books, were publicly condemned by the university; and all members of that society forbidden to teach, preach, or maintain, any of those censured propositions, under the penalty of losing their respective degrees. And to make this order the more regarded, the censured books were burnt at the same time.

A. D. 1410. *Wickliff's opinions censured at Oxford.*

But, as it happened, these opinions of Wickliff, instead of being stifled, gained ground by this opposition, and his books were more valued than before. Archbishop Arundel being

Holinshed, p. 355. Wood, Hist. Univers. Oxon. p. 204.

ARUN-
DEL,
Abp. Cant.
630.

A. D. 1411.
*That uni-
versity re-
fuses to
admit the
archbishop
of Canter-
bury's
visitation.*

informed how the case stood, resolved to visit the university, and apply some farther remedy. He went down with the earl of Arundel, his nephew, and a pompous retinue. When he came near the town, he was met by Richard Courteney, the chancellor, by the proctors, and a numerous appearance of the masters and students. The chancellor told the archbishop, that if he came only to see the town, his grace was very welcome; but if he came in the character of a visitor, he desired him to take notice, that the university of Oxford had enjoyed many years the privilege of the pope's bull, and been exempted from episcopal and archiepiscopal jurisdiction. The archbishop resented the receiving so unexpected a check, left Oxford in a day or two, and wrote the king an account of his disappointment.

Upon this, the heads of the university were sent for up to court, and the chancellor and proctors turned out of their office. The students were so far disconcerted at these rigours, that they discontinued the public lectures, and were even upon the point of breaking up and dissolving their body.

The king being informed of what passed, sent them a reprimanding letter at first; but afterwards was pleased to treat them more gently. In short, after a warm contest between the university and the archbishop, both parties agreed to refer the matter to the king; who, undertaking the cause, ordered the point should rest upon the footing which had formerly been settled by king Richard II. And thus judgment was given for the archbishop. This award was afterwards confirmed by act of parliament. The archbishop, to fortify himself farther, procured a bull from pope John to revoke the exemption privilege granted to the university by Boniface. But this bull of revocation was afterwards annulled by Sixtus IV., who, as much as in him lay, restored the university to their former immunities. As to the king's decision, provided the university did not abide by it, but disturbed the archbishop or his successors in their visitation, they were to forfeit a thousand pounds, and their franchises were to be seized, and remain in the king's hands, till they submitted to the award.

About the time the king ended this controversy, a convocation was held at St. Paul's, London: and here the prelates and others of the clergy complained of the growth of Wickliffism at Oxford, and pressed the archbishop to visit that

*The dispute
referred to
the king, and
given for the
archbishop.*

See Col-
lection of
Records,
num. 51.
Fuller's
Church
Hist. book 4.
p. 166.
Ex Rot.
in Tur.
London.
Wood. Hist.
Univers.
Oxon. p. 205.
Cotton's
Abridge-
ment, p. 480.
*The penalty
upon the
university in
case they
disturb the
archbishops
of Canter-
bury in their
visitations.*

university: "a university," they said, "which was formerly the seat of learning and virtue, a support to the Catholic faith, and a place of exemplary obedience and good behaviour." But that now the students were strangely degenerated, strove to distinguish themselves by contumacy and rebellion, and made it their business to sow tares amongst the wheat. They added farther, that this heterodox party in the university had robbed the treasury, and, without the privity of the doctors and masters, made use of the public seal to give a recommendation to heresy. Upon this complaint, the archbishop wrote to the chancellor, doctors, and masters, to give them notice he intended to hold a visitation in St. Mary's church. His delegates for this purpose were sent down soon after, and admitted by the university; who, to make some satisfaction for their backwardness in censuring Wickliff's opinions, wrote to the archbishop, and asked his pardon.

Soon after the regents met in congregation, and chose twelve of their body to examine heretical books, and particularly Wickliff's. The names of this committee are these:—

Doctors in Divinity.

Master William Ufford, a Carmelite.

—— Thomas Claxton, a Dominican.—These two were heads of religious houses.

—— John Langdon, formerly a monk of Christ's Church, Canterbury, now of Canterbury College, Oxford, and afterwards bishop of Rochester.

—— John Wytenham, fellow of New College, who was, as it were, chairman to the committee, and should have been first mentioned.

Bachelors in Divinity.

—— Robert Gylbert, of Merton College, afterwards bishop of London.

—— John Lucke, of the same college.

—— Richard Cartysdale.

—— Richard Snedysham.

Students in Divinity.

—— Richard Flemmyng, afterwards bishop of Lincoln.

HENRY
IV.

Wood. Hist.
Univers.
Oxon. p. 205.

*A committee
at Oxford to
censure
heretical
books.*

ARUN-
DEL,
Abp. Cant.

Master Thomas Rodbourn, of Merton College, afterwards
bishop of St. David's.

———— Robert Rondbury.

———— Richard Grasdale.

These inquisitors into heretical pravity met with opposition in their progress. Some of the university were so hardy as to remonstrate against their commission, and declare against the late constitutions of archbishop Arundel. John Lucke, above-mentioned, Rowland Brice, John Kerby, and Robert Burton, used their interest to prevent a submission to the said constitutions: but at last, when the archbishop threatened to excommunicate them, they gave over and recanted.

631. And thus, at last, the difficulties being surmounted, and the Lollard party overborne, the delegates entered upon their function, made an extract of exceptionable propositions out of Wickliff's works, and certified the archbishop and his suffragans what they had done.

The censured conclusions drawn out of Wickliff's works under these titles: from his tract entitled

*Several of
Wickliff's
books cen-
sured by the
delegates.*

'Sermo Dei in Monte,' or 'Our Saviour's Sermon upon the Mount,' containing four books, seventy-four Censured Propositions.

'De Simonia,' twenty-four.

'De Perfectione Statuum,' nine.

'De Ordine Christiano,' thirty-three.

'His Trialogue,' in three books, twenty.

'His Dialogue,' fifteen.

'De Arte Sophistica;' in the third part of that work, twenty.

'Of Civil Government;' divided into three books, forty-four.

'De Diabolo et Membris suis,' five.

'De Dotatione Cæsarea,' fourteen.

'Responsio ad Argumentum Monachi de Salley,' eleven.

'Responsio ad Argumenta Strode,' nine.

'De Confessione,' five.

'De Versutiis Pseudo-Cleri,' four.

These conclusions were transmitted to the archbishop, who confirmed the censure of the committee; and, by the consent

of the suffragans, sent an authority in writing to some eminent members of the university he could confide in, empowering them to inquire into those suspected of heterodoxy, and oblige them to declare their opinions. This order was immediately seconded with a letter from the king, commanding that such unorthodox persons should either be imprisoned, or put into the archbishop's hands. These rigours of Arundel made him extremely hated by the Wickliffite party, who sometimes used to compliment him with a cursing letter. However, he went on with his prosecution, and solicited the pope to condemn the conclusions above-mentioned, and furnish him with a bull for the digging up Wickliff's bones. The pope granted the first, but refused the latter, not thinking it any useful part of discipline to disturb the ashes of the dead.

HENRY
IV.

The censure of the committee confirmed by the archbishop and the pope.
Ibid. p. 206.

A. D. 1412.

The next year, the parliament met at Westminster, on the third of November. In this session it was moved, that no Welshman, bishop or others, might be justice, chamberlain, chancellor, treasurer, sheriff, or enjoy any other office whatsoever, in any part of Wales, or be of counsel to any English lord, notwithstanding any patent, with a clause of "non obstante" to the contrary. The king refused to pass this bill, and assigns this as the reason of his denial, that he had found the Welsh bishops good and loyal subjects.

Sir John Tiptoft, afterwards earl of Worcester, remonstrated to this parliament against the Lollards. This motion made a strong impression upon the lords, and put them upon addressing the king to protect the rights of the Church, and not give way to the solicitations of that faction. I shall transcribe the address in Mr. Fuller's words, who abridged it very carefully from the Tower Records.

Fuller's
Church
Hist. book 4.
p. 161.

Fuller's
Church
Hist. book 4.
p. 162.

"To our most redoubted and gracious sovereign the king.

"Your humble son, Henry, prince of Wales, and the lords spiritual and temporal in this present parliament, humbly shew, that the Church of England hath been, and now is, endowed with temporal possessions, by the gifts and grants, as well of your royal progenitors, as by the ancestors of the said lords temporal, to maintain divine service, keep hospitality, &c. to the honour of God, and the soul's health of your progenitors, and the said lords temporal.

An address of the lords spiritual and temporal for preserving the rights of the Church, and preventing sedition.

ARUN-
DEL,
Abp. Cant.

“ Yet now of late some, at the instigation of the enemy, against the aforesaid Church and prelates, have, as well in public sermons as in conventicles, and secret places called schools, stirred and moved the people of your kingdom to take away the said temporal possessions from the said prelates, with which they are as rightly endowed, as it hath been, or might be, best advised or imagined by the laws and customs of your kingdom, and of which they are as surely possessed, as the lords temporal are of their inheritances.

“ Wherefore, in case that this evil purpose be not resisted by your royal majesty, it is very likely, that in process of time they will also excite the people of your kingdom to take away from the said lords temporal their possessions and heritages, so as to expose them to the open commotion of your people.

“ There be also others who publish, and cause to be published, evilly and falsely among the people of your kingdom, that Richard, late king of England, (who is gone to God, and on whose soul God through his grace have mercy,) is still alive. And some have written and published divers false pretended prophecies to the people; disturbing those who would, according to their power, live peaceably, serve God, and faithfully obey you their liege lord.

632.

“ Wherefore may it please your royal majesty, in maintenance of the honour of God, conservation of the laws of holy Church, as also in preservation of you, your children, and the lords aforesaid, and for the quiet of all your kingdom, to ordain by a statute in the present parliament, by the assent of the lords aforesaid, and the commons of your kingdom, that in case any man or woman, of what estate or condition they be, preach, publish, or maintain, hold, use, or exercise, any schools; if any sect or doctrine hereafter against the catholic faith, either preach, publish, maintain, or write a schedule, whereby the people may be moved to take away the temporal possessions of the aforesaid prelates; or preach and publish, that Richard, late king, who is dead, should still be in full life; or that the fool in Scotland is that king Richard who is dead: or that publish or write any pretended prophecies occasioning the commotion of your people:

“ That they, and every of them, be taken, and put in prison, without being delivered in bail, or otherwise, except by good

and sufficient mainprise, to be taken before the chancellor of England," &c. HENRY
V.

To proceed. In the last year of king Henry's reign, a great council was held at White Friars, in London, at which an expedition for the holy land was resolved on. It seems the king thought himself obliged to attempt the recovery of Jerusalem from the infidels. There were great preparations made for this enterprize: but when the king was fully furnished with ships, men, and treasure, and ready to embark, he was seized with an apoplexy, and died on the twentieth of March: he lived forty-six years, and reigned thirteen and five months. *The death of king Henry 4.* He had issue by the lady Mary, daughter to Humphrey Bohun, earl of Hereford, Henry, prince of Wales; Thomas, duke of Clarence; John, duke of Bedford; Humphrey, duke of Gloucester; Blanche, duchess of Bavaria; and Philippa, queen of Denmark. *His issue.* By his last queen, Jane, he had no children. He was a prince of a martial and enterprising genius: neither was his ambition less than his courage. Had he not been too much governed by this passion, he would never have treated his sovereign so ruggedly, overlooked the regards of nature and duty, and broken through the constitution to make his way to the throne. The taxes in his reign were very frequent, and sat heavy on the fortunes of the subject: but, in Holinshed's opinion, the people deserved to be thus harassed, for being so forward in the revolt, and giving him their assistance for deposing their rightful and natural prince, king Richard.

King Henry IV. was succeeded by his eldest son, Henry, prince of Wales, who was crowned upon the ninth of April following. This prince, upon his accession to the throne, adopted a new way of living, and gave over the intemperate sallies for which he had been somewhat remarkable in his father's time. And, whereas he had formerly affected the conversation of libertines, he now discouraged those infectious people, and banished them the court. In short, he endeavoured to bring probity and religion into credit, and preferred none to honour and trust but persons of merit and sobriety. He exhorted the clergy to instruct their people, to be exemplary in their lives, and act up to their character. He likewise put the laity in mind of discharging their duty to God and their

Holinsh.
p. 541.

A. D. 1413.
*K. Henry 5
begins his
reign with a
reformation
of his court.*

ARUN-
DEL,
Abp. Cant.
Ibid. p. 543.

prince, to be true to the engagements of marriage, and avoid perjury, and profane swearing.

Walsing-
ham, Hist.
Angl. p. 382.

There was a convocation held at St. Paul's, London, this year, where, at the king's instance, the festival of St. George was ordered to be kept with greater solemnity.

About this time, as Walsingham reports, the Lollards appeared very active, and began to menace the government. To make their party the more formidable, they pasted up papers upon the church-doors in London, pretending themselves a hundred thousand strong; and that they were ready to take the field against all those who refused to become their proselytes.

They grew thus hardy, it is said, by the countenance of one sir John Oldcastle. This gentleman, who had the title of lord Cobham, was a man of talent and courage, a good officer, but a violent enemy to the then Church. The king valued him much for these qualities, but had no good opinion of his belief.

*The Lollards
reported to
threaten the
government.*

The convocation sitting at this time, examined the complaints against sir John Oldcastle: and here, upon inquiry, he was found to have been the principal abettor of the Lollards, especially in the dioceses of London, Rochester, and Hereford: that he had broken through the provincial constitutions, and put these men upon preaching without a licence from their ordinaries: that he had countenanced their meetings with his company, and made use of threatening and force against those who endeavoured to restrain them: that, amongst other things, he affirmed the archbishop of Canterbury and his suffragans had no authority to make any such constitutions: and that his opinion concerning the sacrament of the altar, penance, pilgrimages, and the power of the keys, was different from the belief of the Roman Church. Upon this representation, the archbishop was desired by the convocation to form a process against sir John Oldcastle. The archbishop, in deference to the king, and regard to sir John's quality, was willing to make use of the gentlest expedient: and therefore, in the first place, he waited on the king, and informed him of sir John's principles and behaviour. And thus, the king being willing to recover him without censure, the matter rested for some time. But at last, perceiving there were no hopes of altering his per-

Ibid. et
p. 383.

*Sir John
Oldcastle
cited before
the arch-
bishop of
Canterbury.*

633.

suasion, he acquainted the archbishop with his inflexibleness, and that he had taken a great deal of pains with him to no purpose.

HENRY
V.
Ibid.

Upon this, archbishop Arundel sent a messenger to sir John Oldcastle, to summon him to appear before him upon the second of September, and answer to the articles above-mentioned. Sir John Oldcastle told the messenger he should take no notice of the summons. When the day came, the archbishop finding him as good as his word, and being informed he had fortified his castle, and publicly declared against the authority of his metropolitan, had him publicly cited in form; and, at last, perceiving he refused to appear, proceeded to excommunication. After this censure, he sent him another summons to appear before him on the festival of St. Matthew, to show cause why he should not pronounce him guilty of heresy and schism, and apply to the aid of the secular power. During this interval, sir John Oldcastle was seized, and, at the day prefixed, was brought to St. Paul's before the archbishop, by sir Robert Murley, lieutenant of the Tower.

He refuses to appear : is excommunicated :

Imprisoned in the Tower, and brought before the archbishop.

The archbishop reported the order of the process to him, how he had been informed against, cited, and excommunicated, for his contumacy; declaring withal, that he was ready to absolve him from the censure: but he, refusing to move for absolution, told the archbishop he was very willing to give him an account of his belief. Upon this, he pulled a paper out of his bosom, read it, and gave it to the archbishop. The archbishop told him the tenour of his paper was good in the main, and contained a great many catholic truths: however, it did not give a full answer to the articles objected against him. He therefore desired him to deal clearly, and declare his opinion in the following points: as,—

He delivers a confession of his faith to the archbishop in writing.

First, Whether he believed the matter or substance of bread remained after consecration in the sacrament of the altar. He was asked farther, Whether he believed it necessary to confess to a priest lawfully ordained? To this his answer was, That he would not make any other declaration of his faith than what was already contained in his paper. Upon this the archbishop recited the decision of the Church of Rome as to these points: adding withal, that the belief of that Church being grounded on the testimonies of St. Augustine, St. Jerome, St.

ARUN-
DEL,
Abp. Cant.

Ambrose, and other fathers, all Catholics were to be concluded by it. To this sir John replied, That he was willing to submit his belief and practice to the determinations of holy Church; but would not confess the pope, the cardinals, the archbishops, and bishops, to be any part of that authority. The archbishop, hoping to gain him, gave him four days' time for a farther answer.

Upon the five-and-twentieth of September, he was brought again by the lieutenant of the Tower before the archbishop; the bishops of London, Winchester, and Bangor, sitting upon the bench with him. The archbishop desired sir John to move for the absolution of the Church in the customary form. He replied he would beg absolution of none but God Almighty.

*His belief
with respect
to the sacra-
ment of the
altar.*

After this, the archbishop desired him to make an express declaration concerning the sacrament of the altar. To which he gave this answer: that as Christ, when upon earth, consisted of the divine and human nature, his divinity being concealed under his humanity, so in the sacrament of the altar, there is both a real body and real bread: that the bread is the object of our sight; but that the body of Christ, contained or shrouded under it, is imperceptible to our senses. When he was pressed closer on the point of transubstantiation, he declared expressly against it: adding withal, that the common belief in this article was a contradiction to the Holy Scriptures; that the decision was modern; and that the Church did not vary thus from the old standard till she was poisoned by being endowed. And as to penance and confession, he affirmed, that if any person happened to be under the misfortune of any great crime, and was not in a condition to disentangle himself, he conceived it would be advisable to make use of the direction of some holy and discreet priest; but then he did not think there was any necessity of confessing to the parish curate, or any other of that character: for that, in this case there needed no more than contrition to cancel the fault, and restore the penitent.

*Verum cor-
pus et verus
panis.*

Id. p. 384.

Confession.

*And the
worshipping
the cross.*

Touching the worshipping the cross, he maintained that only the body of Christ, which hung upon the cross, ought to be adored. And being farther interrogated what regard was to be paid to the resemblance of that cross, to this he replied directly, that all the reverence he could pay, was only to clean it and keep it handsomely. Being interrogated farther about the power of "the keys," and what his opinion was of the

character and authority of the pope, of the archbishops and bishops, he made no scruple to declare that the pope was downright Antichrist, and the head of that party; that the bishops were the members, and the friars the hinder parts, of this antichristian society; that we ought to obey neither pope nor prelates any farther than their virtue and probity could command; and that, unless they imitated our Saviour and St. Peter in the sanctity of their lives, the pretence of their commission was not to be regarded; that he who was most unblemished in his conduct, most remarkable for his sanctity, was St. Peter's successor; and that all other titles to Church authority signified nothing. After this, he turned to the company, and told them aloud, that the prelates his judges were notorious seducers, that they would carry them to hell, and bade them have a care of being governed by their directions.

The archbishop, finding him thus inflexible, seemed very loth to come to extremities, and did his utmost to bring him to the communion of the Church, and declare his belief of the doctrines then received. To this sir John Oldecastle answered directly, that he could not recede from any part of the confession of faith he had already made. Upon this the archbishop, with great regret, as Walsingham represents it, proceeded to sentence, declared him a heretic convict, and left him as such to the lay power. He likewise excommunicated all those who for the future should appear in his defence, and abet his interest.

When the court rose, the archbishop waited on the king, gave him account of his proceedings, and begged the execution might be respited for fifty days. This request was easily granted: for, as the historian continues, both the king and archbishop were extremely desirous to preserve sir John Oldecastle. Hoping, therefore, that time might bring him to recollection, and qualify him for the king's pardon, he was ordered to be reconveyed to the Tower, from whence, before the fifty days were expired, he made his escape. Being thus at liberty, he applied to indefensible expedients, and endeavoured to secure himself by making an insurrection. For this purpose he wrote letters to his friends, to engage their party, and make themselves ready for the field. This conspiracy went powerfully on, and had, in all likelihood, surprisèd

HENRY
V.

634.

*He affirms
bishops
ought to be
obeyed no
farther than
their lives
are regular.*

*He is de-
clared a
heretic con-
vict.*

Id. p. 385.

*The arch-
bishop moves
the king to
respite the
execution.*

*Sir John
Oldecastle
escapes out
of the Tower,
and makes
an insur-
rection.*

ARUNDEL,
Abp. Cant.
Id. p. 335,
336.

the king and overturned the government, had it not been discovered.

The king, having notice of the danger, removed upon the sixth of January from Eltham to his palace at Westminster; but without any appearance of an alarm. The rebels, now just upon the execution of their design, were drawn together by sir John Acton, knight; John Brown, esq.; and John Beverley, a priest. The place of their rendezvous was Ficketfield, at the back of St. Giles's. Hither they came in the dead of the night, in expectation of joining their general, sir John Oldcastle. The king, being advertised of their scheme, came into the field before day: where, several of the rebels mistaking their party, fell into his quarters. Being demanded whither they were going, they answered to the lord Cobham: upon which they were seized and imprisoned. The king had taken very prudent measures to stifle the insurrection, and prevent the rebels from getting together: for he ordered the city gates to be shut and guarded. Without this precaution it was thought the Londoners would have reinforced their party to a very formidable body. When the Lollards found themselves disappointed of this succour, and understood the king was prepared to receive them, they grew dispirited, broke up, and began to shift for themselves. And now several of their party were cut off and made prisoners in their flight. The king set a thousand marks upon sir John Oldcastle's head, with a promise of great privileges to any town that should deliver him up. Notwithstanding which reward, he found shelter and protection, made his way through the country, and lay concealed.

Holinshed,
p. 544.
Walsingham.
Ibid.

*The design
of the re-
bellion.*

*It miscar-
ries.*

Id. p. 396.
Hist. Croy-
landens.
Continuat.
p. 499.
A. D. 1413.
February 19.
*The death of
archbishop
Arundel.*

The design of this insurrection was no less than the subversion of the government. The rebels intended to destroy the king, the lords spiritual and temporal, the monks and friars: For a plot of this extent and barbarity, several of them were convicted and executed; among others, one John Murle, a rich brewer of Dunstable, suffered for high treason. He was to have been knighted in the field by sir John Oldcastle, afterwards made earl of Hereford, and had the lands and seat of the monastery of St. Alban's settled upon him.

Soon after the suppression of this rebellion, archbishop Arundel died at Canterbury. To say something farther of

him : he was son to Richard Fitz-Alan, earl of Arundel and Warren, was a person of great natural capacity, well improved by study and experience : he wanted neither learning, courage, or activity, to qualify him for his station. Notwithstanding these advantages, his conduct was not altogether unblemished. His concerting a conspiracy with the duke of Hereford, appearing so forward in the revolt against king Richard, and flourishing in his sermon in commendation of the Usurper, were failures of no ordinary size. It is true he had been banished and ruggedly used by king Richard ; but, notwithstanding this treatment, the manner of redressing his grievances was altogether unwarrantable. Had he been governed by the precedent of St. Ambrose, he had maintained his duty, and served his memory much better. This primitive prelate of Milan lay under great discouragements from the state. The emperor Valentinian the Younger had declared for Arianism, sent a guard to seize St. Ambrose, and menaced him with banishment and death for refusing to deliver up his Church ; but, notwithstanding all this rigour, St. Ambrose stood firm to the emperor, suggested measures to stop the invasion of Maximus, and excommunicated that usurper : and, which makes this bishop more remarkable for his loyalty, Maximus had appeared strongly for the Nicene faith, and written a warm expostulatory letter to Valentinian, to stop the persecution against St. Ambrose and the Catholic party.

To proceed with archbishop Arundel : his severity against the Lollards is charged upon him as another blemish, and an argument of great cruelty. To this it must be said, the Lollards had given him great provocation for prosecution : they attacked him in the authority of his character, and struck directly at the patrimony of the Church : it is true, they had recovered some ancient doctrines, but then they were so unhappy as to blend these truths with capital errors. Their notion of property and Church power was wretched and dangerous. They seemed actuated by a dark and tempestuous zeal : their scheme, could they have brought it to bear, would have taken away the supports of learning and religion, made the worship of God contemptible, and put a spade instead of a crosier into the bishop's hands. They had no regard for the apostolical succession of priesthood, maintained a regular life a sufficient warrant for that function, as a virtue was equivalent to a

HENRY
V.*His character.*
Angl. Sacr.
pars 1. p. 62.
122.Dr. Burnet's
Hist. Re-
form. vol. 1.
book 1. p. 25.*The loyalty
of St. Am-
brose.*

635.

Baron. An.
tom. 4.
p. 519, 535,
536, 540,
547, 550.Baron. An.
tom. 4. ad
an. 387.*Some of the
Lollards'
errors.*

ARUN-
DEL,
Abp. Cant.

commission, and every honest man might make himself a magistrate. The primitive Christians were of a quite different sentiment: they did not believe the merit of any man's probity could authorise him to seal covenants in our Saviour's name, and represent him in the character of a priest. It was their constant belief, that "no man ought to take this honour unto himself, without a mission from the hierarchy, and being called of God, as was Aaron." And therefore, though they would not have burnt these Lollards, we have reason to believe, they would never have endured their communion.

Heb. v. 4.

*The arch-
bishop's
severity not
defensible.*

On the other side, the persecuting these people to the stake was carrying the rigour of discipline much too far. To drive them so close upon the article of transubstantiation, press an explicit sense in so great a mystery, and force them to a mortal confession, was very severe usage, and does not suit the tenderness of the episcopal character. It was the drawing the question thus close which condemned Sawtrey and Oldcastle: had the archbishop not gone too deep in the inquiry, they had both, in all likelihood, been acquitted. Their first declaration touching the sacrament of the altar sounded very high for the dignity of that mystery, and came up to the real presence, if not to consubstantiation. This first answer, I say, was neutral and general: it neither affirmed nor yet denied transubstantiation: it was contrived both safe and inoffensive, a guard for their conscience and their lives.

But that which makes the case still harder, is the nature of the doctrine itself: for what can be more shocking to sense and reason than the article of transubstantiation? If it is urged, we are assured by revelation the mystery is to be interpreted to this sense; to this it may be answered, the New Testament declares much more strongly for the contrary belief. To mention only one text or two: our Saviour calls one part of the eucharist the fruit of the vine, and St. Paul calls the other bread, after consecration. That the ancients did not understand St. Matthew and St. Luke, in the sense of transubstantiation, appears by the testimonies of St. Chrysostom and Theodoret, formerly mentioned; neither was it the belief of the Saxon-English Church, as appears by their Easter homily already recited: but length of dispute is not the business of this work.

St. Matt.
xxvi. 29.
1 Cor. xi.
26.
St. Matt.
xxvi. 28.
St. Luke
xxii. 19, 20.

Lastly. The archbishop is taxed with inconsistency of opi-

nion, and condemning that which he had formerly commended. The instance is this: in the year 1394, when he was lord chancellor and archbishop of York, he preached Queen Anne's funeral sermon at Westminster. In this discourse, he commends this princess for spending her time in reading the four gospels translated into English, with learned annotations upon them. Now which way is this commendation reconcileable to his after practice? How does this agree with his synodical constitution, which forbids the translation of the Holy Scriptures? To this it may be answered, that the archbishop's constitution declares only against a translation made by a private hand: and that no version of the Holy Scriptures should be used till it was allowed by a provincial synod, or at least by the bishop of the diocese. Now, without doubt, the archbishop was so far in the right, as not to allow every private person the liberty of translating the Scriptures: to have done otherwise, might have been a dangerous permission. It might have opened a passage to heresy and error, put it in the power of ignorant and designing people to corrupt the holy text, and poison the fountain of life.

This archbishop sat seventeen years, and was buried at Canterbury.

Upon the death of Arundel, the monks of Canterbury applying to the king for his congé d'élire, pitched upon Henry Chicheley, bishop of St. David's, for their metropolitan. And here the learned Dr. Duck is mistaken in affirming the kings of England, since the reign of Edward III. had taken away the election of bishops from the popes, and assumed it themselves, and that these royal elections were warrantable by the canon law. That this assertion is a mistake with reference to England, is evident by the foregoing history: from whence it appears, that towards the latter end of the Saxon monarchy, the bishops were chosen by the chapter: which usage was retrieved, after some interruption, under the Norman princes, and fully confirmed to the Church by the charter of king John.

To proceed: pope John XXIII. being informed of the election of Chicheley, wrote to the monks of Canterbury, that he designed to dispose of that see by way of provision, and therefore their election signified nothing. However, to carry the matter smoothly, and prevent his privilege from being

HENRY
V.

The archbishop charged with inconsistency in forbidding the translation of the Scriptures.

Antiquit. Brit. 275. *This imputation not defensible.*

Lindwood. Provincial. lib. v. tit. 4. p. 286.

Chicheley translated to Canterbury.

In Vit. Chicheley, p. 10.

636.

See Records, num. 33.

Antiquit. Brit. p. 276.

CHICHE-
LEY,
Abp. Cant.

questioned, he made choice of the same person. This Chicheley was born at Higham Ferrers in Northamptonshire, and bred in New College, at Oxford, where he commenced doctor of civil and canon law. His first preferments were the archdeaconry and chancellorship of Salisbury. And being thus raised to some degree of notice, he was employed by the king, and served in several embassies. The king being well pleased with his management, made his way to the see of St. David's, and afterwards to that of Canterbury. Chicheley had the profits of the archbishopric arising in the vacancy, given him upon the payment of six hundred marks, which was a favour not usually granted. Upon the 29th of July he received the pall, and then took the oath of canonical obedience to the pope, which, though not the practice of the primitive times, had been the custom of some latter centuries: the oath runs thus:—

Id. et Duck.
in Vit.
Chicheley.

A. D. 1414.

*The arch-
bishop's oath
of canonical
obedience to
the pope.*

“ I, Henry, archbishop of Canterbury, promise to be faithful and obedient to St. Peter, and to the holy apostolic Roman Church, and to my Lord John XXIII., and his successors canonically elected. I will never advise or consent that they may lose either life, limb, or liberty. I will not publish any secret communicated to me, either by themselves or their nuncios, nor discover their letters, to their prejudice, to any person living. I will assist them in the maintenance and defence of the Roman papacy, and the royalties of St. Peter, saving the privileges of my own order and station, against all persons whatsoever. The legate of the apostolic see shall be honourably received and entertained by me, both at his arrival and going off; whom I likewise promise to assist with conveniences. When I am summoned by his holiness to a synod, I will not fail to make my appearance, unless hindered by some accident, which the canons will allow for an excuse. I will visit the threshold of the apostles, either in person or proxy, every three years, unless I am excused this attendance by a dispensation from his holiness. I will neither sell, grant, mortgage, nor any ways alienate the revenues of my archbishopric, without first consulting his holiness. So help me God and these holy Gospels.”

Duck. Vit.
Chicheley,
p. 12.

This tie of canonical obedience to the pope seeming to bear

hardly upon the duty of a subject, and containing several clauses not reconcileable to the oath of allegiance, the archbishop, at the restitution of his temporalities, when he did homage to the king, was obliged to renounce all clauses in the pope's bull of translation, or any other engagements to that see, which were prejudicial to the prerogative royal.

In the beginning of this summer a parliament met at Leicester. And here the commons revived their former project against the revenues of the Church, and desired the king that matter might be resumed and put to the vote of both houses. The archbishop being apprehensive of the danger, and fearing the king's youth might be surprised by the plausibleness of the bill, advised the clergy to make an offer of a large subsidy, and to put the king in mind of his title to the crown of France: that the starting a new enterprise, and opening the prospect to another crown, was the most likely way to divert the storm. The archbishop knew the king was of an active and enterprising temper, and loved to engage in difficult undertakings; he concluded, therefore, very reasonably, that if his fancy was thoroughly employed upon a foreign expedition, he would not give way to so great an alteration of the laws, nor unsettle the constitution at home. This expedient being approved, he prepared for the subject, and addressed himself to the king in the house of lords, in the manner following:—

“ Sir, since so many things have been laid before your highness in this parliament, for the suppressing vice and disorder, for the better administration of justice, and the peace and security of your kingdom, I should be very ungrateful for your highness's favour, should I decline suggesting those measures which I humbly conceive so very serviceable to your honour and interest: for, notwithstanding the passing of useful laws, and the due administration of justice, are sufficient securities for the ease of your highness and your subjects, yet unless you look farther, and grasp at a bigger object,—unless you form a design to enlarge your dominions, and revenge the insults of your enemies,—the opportunities of fame will be lost, and the glory of your reign very indifferently provided for: for, according to the general sentiment of princes, the majesty of the royal station does not consist so much in the advantages of birth, in the pomp and pleasures of the court, in the wealth

HENRY
V.

Ibid.

See Records,

num. 45.

Dr. Burnet's

Hist. Re-

form, vol. 1.

p. 11. and

Records,

num. 1.

A parliament

at

Leicester.

The commons strike

at the re-

venues of

the church.

The arch-

bishop of

Canterbury

moves for a

war with

France.

His speech

upon this

occasion.

CHICHE-
LEY,
Abp. Cant.

of their subjects, and the tranquillity of the State, as in the extent of their empire, and the vast number of people and towns which own them for their sovereigns. And notwithstanding England and Ireland, parcel of your highness's crown, are ancient and large territories, singly considered, yet they are but narrow dominions in comparison with the kingdom of France: which country, for the number of the people, the wealth and greatness of their cities, and the strength of the garrisons, exceeds all the realms of Europe; having no less than eighty populous provinces, a hundred and eight bishop's sees, above a thousand religious houses, and a hundred and thirty thousand parishes, according to the computation of French writers. Now, all these dominions descending by hereditary right upon your great grandfather, king Edward III., are unjustly detained from your highness by Charles VI., commonly called the king of France. Not to mention other encroachments of the French upon your subjects in Normandy, Gascony, Aquitaine, the provinces of Anjou and Maine, which belonged to your ancestors by a different and prior title,—not to mention this,—the French, to colour their injustice, and defeat your highness's title to the crown, pretend the bar of the salique law. By this law, made by Pharamond, king of the Franks, it is provided, as they give out, 'that inheritances are not to be cast upon women in the salique country.' By this 'salique country' they understand the realm of France; and, by this forced interpretation, form a pretence to exclude women from their right of government. But the novelty and weakness of this construction is evident from the title of the law: for we are assured, by the concurrent testimony even of most of the French writers, that Pharamond was no more than prince of Franconia in Germany, and never passed the Rhine, nor entered the borders of Gaul. But about four hundred years after the death of this Pharamond, when Charles the Great had conquered the country and infidelity of the Saxons,—when this prince had made them subjects and Christians,—some of his troops settled near the river Sala, in that part of Germany now called Misnia. This colony, who were known by the distinction of Salian Franks, having an aversion to the licentiousness of the German women, made a law to exclude that sex from inheriting estates in the salique territories. And thus, this constitution is unfairly attributed to Pharamond, which

*The parishes
in France
are now
computed at
about fifty
thousand.*

Gregor.
Turon. lib. 2.
Paul Æmyl.
in Princ.
Gerard du
Haillan.
Livre 1.

was made more than four hundred years after his death, and is no more binding on the French than on the Dutch and Flemings, who were then comprehended within the limits of Gaul. Or, granting it was particularly designed to govern French property, it must be construed with a limitation, restrained to private estates, and by no means stretched to public right and the descent of the crown. To warrant this construction, we have several precedents from the French kings themselves, who, when the right of the crown was debated, never took any notice of this salique law, unless they happened to dispute with foreign princes. Thus, for instance, Pepin, who dispossessed the line of Pharamond, and deposed Childeric: this Pepin claimed the crown as heir to Blitholda, daughter to Clothaire I., and had his title abetted by pope Zachary and the estates of France; and, after his posterity had reigned for about two hundred years, Hugh Capet, setting aside Charles of Lorraine—who was the next in the direct line from Pepin and Charles the Great,—set up an hereditary title himself, as being descended from Lingarda, daughter of Carloman, grandson to Charles the Great; and, by the strength of this claim, made his way to the throne. Lewis VII., surnamed the Pious, descended from this prince, was so far dissatisfied with the title of his grandfather Hugh Capet, that he refused the government upon motives of conscience, till it was suggested to him that queen Isabel, his grandmother, was heir to Ermingarda, daughter and sole heir to Charles of Lorraine above-mentioned. From this family of Capet and Lewis, the succeeding kings of France are all extracted; and so is the present possessor, Charles VI. All these princes have worn the crown in right of a title from the heirs-general; and yet, notwithstanding they all govern in virtue of a female title, they object the salique law to your highness, and make that a bar to your right upon which they have founded their own.

“Neither indeed can this pretended provision deserve the name of a law: for, if we consider, it has nothing of reason and equity to support it; it is a contradiction both to human and divine constitutions. For instance: by the civil laws of the Romans, received in almost all countries, property lies open to one sex as well as the other. Neither are the females set aside in the descent of estates, provided they stand nearer upon the

HENRY
V.Hottom. in
Franco Gal.
cap. 10.

CHICHE-
LEY,
Abp. Cant.

638.

Verse 8.

line. To settle inheritances upon another footing is plain partiality and injustice. It looks like a charge against Providence for sending females, and not males, into the world; and puts a punishment upon women because their parents did not produce them of the other sex. Agreeably to these regulations of the civil law, descents were governed by the Sicilians, Neapolitans, Navarrais, by the Spaniards, Portuguese, Scots, and—not to mention the English—by almost all nations whatsoever, where, in case the male line fails, the women succeed to the government. And, to show that we have weight as well as number in this argument, the custom of these countries has the warrant of a Divine authority: they have a precedent from the Mosaic institution, settled by God himself. Thus, in the 27th of Numbers, we read, ‘That if a man die, and have no son, then shall he cause his inheritance to pass unto his daughter.’ Now, if any human laws happen to counteract this regulation, they lose the force of their obligation, in regard they depart from the standard of justice which the Sovereign Legislator has given to his own people. And here I might give instances, both of women that governed that nation, and of kings who came to the crown in their mother’s right.—But, not to dilate upon this advantage, the French, I perceive, had rather contradict the Divine institution, than submit to the government of a foreign prince: and thus, those who style themselves most Christian prefer the counterfeit provisions of their heathen Pharamond, to a precedent from heaven and the direction of the inspired writings. I desire to know for what reason the French exclude women from the crown, and differ so much from the rest of the world? Can the French sceptre be wielded by none but men? Is the dignity of that government superior to all the kingdoms of the world? Is it better than that of the Jews, which was founded by God himself? Or, does France, which pretends to produce the bravest men, fall short of other countries in the breed of women? Or, could your father’s great grandmother Isabel commit any crime big enough to extinguish her title? Let all this be granted to the French, yet, since they have refused your great grandfather Edward and your highness for their sovereigns, what can they allege to purge themselves from the imputation of treason? Let the salique law have its course in France,—let the females be all set aside, and none but the issue-male have accession to the

throne,—let these matters pass, without question or debate,—but then I would gladly know by what construction or consequence the male-issue of women can be excluded? Does the salique provision, which bars women upon some supposed disadvantages of that sex, fall foul upon itself, operate upon contrary reasons, and exclude men too? Or, are the words of the law, which point only against women, to be wire-drawn to a foreign sense, and unreasonably stretched to the prejudice of the sons descended from them? When, therefore, the French set aside queen Isabel, why did they not receive that prudent and magnanimous prince, king Edward, her son? Why is not your highness, so well qualified for empire, invited to that crown? It is a known maxim in the civil law, that the incapacity of an ancestor is no bar to the heir; and that those laws which disinherit women, being apparently repugnant to natural equity, are to be taken in a strict sense, and never strained beyond the meaning of the letter: such laws, I say, are not to be extended to consequences, and cases omitted, but rather be interpreted in the most favourable sense. Since, therefore, your right to the realm of France is so clear and unquestionable,—since it is supported by the laws both of God and man,—it is now your highness's part to assert your title; to pull the crown from the heads of the French usurpers; and to pursue the revolt of that nation with fire and sword. It is your highness's interest to maintain the ancient honour of the English nation, and not, by a tame over-looking of injurious treatment, give your posterity an occasion to reproach your memory. And, not to insist any farther upon the justice of the cause, which has commonly the blessings of heaven,—not to insist upon this,—there are other great encouragements for the enterprise. Your highness is in the flower of your age, and happy in a strong constitution. Your nobility and commons are well affected to your government, and ready to obey your orders. You are sovereign of a very powerful kingdom, and furnished with all things necessary to appear formidable in the field. And as for us your subjects of the clergy, we have decreed you a greater subsidy than ever your ancestors received from our order: this present we lay at your highness's feet with all the duty and inclination imaginable; and shall daily continue to implore the blessing of Providence upon your arms; and

HENRY
V.

CHICHE-
LEY,
Abp. Cant. that, by the success of the expedition, God would please to
declare the justice of your quarrel to the whole world."

Duck. in
Vit. Chiche-
ley, p. 14 et
deine.

*The earl of
Westmore-
land's speech
against a
war with
France.*

639.

The king appeared very much affected with this speech of the archbishop's: which, when perceived by Ralph Neville, earl of Westmoreland, he endeavoured to turn the king's fancy to another enterprise. For being lord president of the north, he was apprehensive the Scots might invade England while the king was engaged in France: this lord therefore made a long harangue, to persuade the king to disable the Scots, before he carried the war into the continent. In the beginning of this discourse, he excused his want of learning; adding withal, "that though he was neither furnished with reading or elocution, to maintain the point against the archbishop of Canterbury; yet he had been informed by men of letters and experience, that it was much more safe to begin with a neighbouring, than a remote enemy. By this maxim the Romans conducted their expeditions; they conquered the Samnites, Fidenates, Volsci, and other bordering commonwealths, before they marched their forces out of Italy. This lord suggested farther, that the king was already prepared for an expedition into Scotland; but to furnish the war against France would take up some time, and be vastly expensive: besides, a victory over the Scots would be no difficult matter at this juncture; for now, they were under the disadvantage of having their king a prisoner in England, and their country disaffected by the unseasonable rigours of the regent. And as for the justice of the cause, the rapine and incursions of that nation had made it unquestionable. And lastly, that they would be sure to seize the opportunity of the king's absence; so that upon the whole, he looked upon it as a dangerous undertaking to attack the French, before England was secured against the Scots."

*The duke of
Exeter
seconds the
archbishop's
speech.*

John, duke of Exeter, the king's uncle, replied to the earl of Westmoreland: this duke, who was bred to letters, and designed for a churchman by his father, was clearly of opinion, that France ought to be attacked in the first place, it being from thence that the Scots used to be put into condition to disturb the English: that when the French court was once brought to reason, the Scots would truckle of course: that they ought to follow the method of physicians in this

case, and begin the cure by purging the humours, and attacking the root of the distemper. "For which way," says he, can the Scots be either qualified for the council-board, or the field, without the help of a French education? And how can their nobility subsist, without their customary pensions from France? Besides, what succours from any quarter can the Scots expect, if their communication should be cut off with France? They can expect no assistance from the Danes; for the king of Denmark has married your highness's sister, and is one of your allies: they can have no better hopes from the crowns of Portugal or Castile; for both these princes are tied to your interest by nature, and the nearness of blood: Italy is too remote to be serviceable to them; and as for Germany and Hungary, they are your confederates. From whence it follows, that let the French be once beaten, and made submissive, the Scots will fall into your hands by necessary consequence: for how can the tree do otherwise than decay or wither, when the moisture and nourishment is once withdrawn? And lastly, that Scotland would prove but a very insignificant conquest in comparison of France. However, to prevent the invasion of the Scots while the English were making a campaign in a foreign country, he advised the furnishing the earl of Westmoreland with a body of regular troops, to defend the borders."

HENRY
V.

The king and the nobility, especially the dukes of Clarence, Bedford, and Gloucester, the king's brothers, were entirely of the sentiment of the duke of Exeter: so that when the question concerning a war with France was put, they voted unanimously for the affirmative: and thus, the archbishop of Canterbury, by the dexterity of his conduct, avoided the blow, and preserved the interest of the Church.

Id. p. 17.

A war with France unanimously voted.

In this parliament, there was an act made against the Lollards. The preamble charges that party with mutiny and sedition: and to give the words of the law, "that there had been great congregations and insurrections, as well by them of the sect of heresy, commonly called Lollardry, as by others of their confederacy, excitation, and abetment, to the intent to annul, destroy, and subvert the Christian faith, and also to destroy our sovereign lord the king, and all other manner of estates of the realm of England, as well spiritual as temporal; and also all manner of policy, and finally the laws of the land.

A statute against the Lollards.

CHICHE-
LEY,
Abp. Cant.

To prevent this danger, the chancellor, treasurer, judges, justices of peace, sheriffs, mayors, &c. are obliged to take an oath to do their utmost to suppress all manner of errors and heresies commonly called Lollardries; and that all persons convict of heresy, of what estate or condition soever, shall forfeit their goods and chattels, and all their lands and tenements which they held in fee simple." Farther by this act, "the justices of the King's Bench, the justices of assize, and justices of peace, have full power to inquire of all them who hold any errors or heresies as Lollards. And if any person be indicted for Lollardry, the said justices have power to award against them a *capias*, and the sheriff is bound to arrest the persons so indicted."

2 Henry 5.
See Statutes
at Large,
printed in
the year
1618.

And forasmuch as the cognizance of heresy, errors, and Lollardries, belongs to the judges of holy Church, and not to secular judges: "such persons indicted shall be delivered to the ordinaries of the places, or to their commissaries, by indentures betwixt them to be made within ten days after their arrest, or sooner if it may be, thereof to be acquit or convict by the laws of holy Church."

640.
A. D. 1415.

Upon the recess of this parliament, the king levied forces, equipped his fleet, and prepared everything necessary for a descent upon France. But before he entered upon the war, he sent the bishops of Durham and Norwich to demand that crown of the French king: king Charles giving the English ambassadors an honourable reception, told them, that he would shortly dispatch an embassy into England, with an answer to their master's demands.

Soon after, when king Henry was ready for the campaign, and going to embark at Southampton, the French ambassadors met him at Winchester; the persons sent were, the earl of Vendôme, the archbishop of Bourges, the bishop of Lisiens, and one Walter Cole, the French king's secretary. The archbishop of Bourges made a florid harangue upon the miseries of war, and advantages of peace; and after dilating to a considerable length upon these topics, he desired the king to drop the enterprise of a descent, and marry the lady Catherine, king Charles's daughter; that this princess would have a vast fortune in money, and that his master was likewise willing to resign up some of those provinces his highness claimed by hereditary right. To this, the king answered, he

would take some little time to consider the offer. The next day being attended with a great retinue of the nobility, he called for the French ambassadors, and told them, he could not with any honour accept the terms proposed: and then making a sign to the archbishop of Canterbury, ordered him to return an answer more at large to the archbishop of Bourges's discourse.

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Chicheley, addressing himself to the French ambassadors, gave them to understand, "that the repose of Christendom, and an amicable correspondence with foreign princes, had been all along the king's inclination. That in order to this end, he had assembled his parliament; and sent an embassy into France to demand those provinces which had been formerly in the possession of his ancestors: but his ambassadors receiving no satisfactory answer from Charles, the king had raised an army, furnished himself at all points for the war, and was now ready to set sail for France: and since the French would take no notice of his right, he was resolved to push his fortune, and seek a revenge for the injustice. However, to shew the world how much he disliked extremities, and how unwilling he was to be forced upon the effusion of Christian blood, his highness was willing to recede from some part of his right, to disband his army, to marry the lady Catherine, and agree to a peace, provided the duchy of Aquitain, the earldom of Anjou, and the other provinces fairly enjoyed by his ancestors, were restored. If these conditions were not accepted, the king would immediately descend upon France, harass the country with fire and sword, and never give over the ravages of war, till he had recovered his right, and set that crown upon his head. And lastly, he appealed to God Almighty for the justice of his cause, and hoped he would abet his quarrel, and prosper the expedition."

The archbishop replies to the French ambassador's speech.

When the archbishop had done speaking, the king gave his assent to every part of his discourse: and when the archbishop of Bourges began to exceed the bounds of decency, and reproach the king with unreasonable demands, the king reprimanded him gently for his misbehaviour, and ordered all the French ambassadors to depart the kingdom forthwith.

Duck, in
Vit. Chiche-
ley, p. 19.

And now, the king being ready to go on board, his voyage was stopped a little by the discovery of a plot. The chief persons concerned, were Richard, earl of Cambridge, Henry,

A plot discovered.

CHICHE-
LEY,
Abp. Cant.

Walsing-
ham, Hist.
Angl.
p. 339.

Holinshed,
p. 549.

*The Lollards
menace
the Church
and govern-
ment.*

641.

Walsing-
ham, Hist.
Angl.
p. 390.

Ibid.

lord Scroop, and sir Thomas Grey, all great favourites at court. Walsingham reports, "they were bribed by the French to assassinate the king:" but some other writers are of opinion, the earl of Cambridge had another design; "that he intended to set the crown upon the head of Edmund Mortimer, earl of March; after whose death, he knew it would descend of course to his own children." For we are to observe, this earl of Cambridge had married the sister of Edmund, the earl of March: now this Edmund not being likely to have any issue, the earl of Cambridge's countess was heir to her brother, and by consequence her children by that earl were the next upon the royal line. Upon the breaking out of the plot, the three persons above-mentioned were tried and executed.

Some little time before the discovery, the Lollards began to stir; they were so hardy, as Walsingham relates, "to outrage the king in language, to menace the Church, and talk loudly against the government." And now sir John Oldecastle, having received wrong advice that the king was embarked, sent a threatening message to the lord Abergavenny: this lord having notice of the danger, immediately ordered five thousand archers, and men-at-arms, to rendezvous at his castle of Hanley, in Worcestershire. When sir John Oldecastle perceived the other so well provided, he dropped his enterprise and absconded. However, it seems all his party had not the good fortune to escape: for a priest and some others were seized by the lord Abergavenny. These men being strictly examined, discovered the place where sir John Oldecastle had lodged arms and money to furnish an insurrection. This provision for the field was hid between two close walls contrived on purpose. Amongst other things, they found his standard, upon which the consecrated elements were curiously wrought, there were likewise the cross of our Saviour, the scourges, the lance and nails, all which were worked into the colours to mislead the ignorant, and increase his party. But when sir John Oldecastle understood the lord Scroop was executed, that party crushed, and the government prepared to receive him, he immediately absconded. Not long after, one William Claydon, a considerable Lollard, was seized, convicted of heresy, and suffered at London. This man, as Walsingham relates, "had broken so far into the authority of the Church, as to ordain his son a priest, and put him upon saying mass in his house."

The king having now no apprehensions of being disturbed in England, set sail for France; where, at his first debarking, he invested Harfleur, and took it. When the winter came on, he passed the Seine with a design to put his forces into quarters at Calais. But the French endeavouring to stop his march, the two armies came to a battle near Agincourt; where, notwithstanding the English did not equal a fourth part of the number of the enemy, they gave them an entire defeat, cut off ten thousand, took the Dukes of Orleans, Bourbon, and many other persons of quality, prisoners. Some authors write, this victory cost the English but two hundred; but Mezerai reckons the loss at sixteen hundred.

HENRY
V.
*The battle at
Agincourt.*

October 25.

Paul. Æmil.
in Carol. 6.
Mezerai.

To return to the Church, which was now divided between three Popes: John XXIII. sat at Rome; Gregory XII. at Rimini; and Benedict XIII. at Avignon. For, notwithstanding Gregory and Benedict had been deposed by the council of Pisa, neither of them submitted to the sentence. John, therefore, being solicited by Sigismund the emperor, and some other princes, to put an end to the schism, proposed a general council at Constance, which was opened in December the last year.

The archbishop of Canterbury summoned a convocation to choose deputies for this council. The delegates were the bishops of Salisbury, Bath, and Hereford; the abbot of Westminster, and the prior of Worcester; the earl of Warwick was likewise sent as the king's ambassador to this council. Afterwards, when the English prelates understood that Hall, bishop of Salisbury, and Mascall, bishop of Hereford, were dead; and that the churches of other countries were represented by a more numerous delegation, they met in convocation, and elected Richard Clifford, bishop of London, the chancellors of both universities, and twelve doctors, to make part of the council of Constance. At the first convocation for electing delegates, the archbishop of Canterbury moved, "That the privileges of exemption, granted to religious houses by the see of Rome, might be declared void."

*Delegates
sent to the
council of
Constance.*

Walsing-
ham, Hist.
Angl.
p. 387.
Duck. Vit.
Chicheley,
p. 20.

As to the council of Constance, since the English had so many deputies, and so considerable a share in the votes of that assembly, I shall give a brief account of some of the most remarkable matters transacted there.

When the Fathers were met, the first question was, What was the most likely expedient to close the schism? And here

CHICHE-
LEY,
Abp. Cant.

they all agreed, that to examine the pretensions of the three popes, would only serve to perplex the business and keep the differences on foot. The true way, therefore, of promoting the union of Christendom, was to oblige the competitors to resign their claim, and to pitch upon a fourth person, whose election might not be liable to any dispute. Now, though John XXIII. had convened the synod, and promised to quit the popedom, provided Gregory and Benedict would do so too; yet afterwards, when the matter came to the test, he, unwilling to perform his engagement, threw off his pontifical habit, and making his escape out of Constance in the night, retired into the territories of the duke of Austria. The synod, highly resenting the misbehaviour of this pope, drew up a charge of maladministration, and proceeding through the usual forms of trial, pronounced the sentence of deposition against him. John, finding himself in no condition to oppose the council, submitted to their discipline, confirmed their sentence, and resigned the chair.

Pope John and the two other anti-popes deposed by the council of Constance.
Concil. Labbe et Cossart, tom. 12. col. 5.

To proceed. It was debated at the opening of the council, what persons had a right to give their vote. Some affirmed, that none but bishops and abbots ought to be allowed this privilege. Against this opinion the cardinals of Cambray and St. Mark produced records, and alleged reasons, to prove that curates, doctors, and deputies of absent prelates ought to be admitted to give their votes; and that in disputes relating to schism, and where the peace of the Church was concerned, the ambassadors of princes were to be received as members of the assembly.

Du Pin's
New Eccles.
Hist. cent.
xv. chap. 2.
The council votes by nations.

After this, the question was put, whether the votes should be reckoned by single persons, or nations. It had formerly been the custom to refer this matter to the poll; but because the poor bishops of Italy seemed to outnumber the prelates from all other countries, it was resolved, that the Fathers of the council should be ranged under five nations; viz. Italy, France, Germany, England, and Spain; that the matters proposed in the council should be examined and determined by the plurality of voices in each nation, and by the cardinals in their college; and that after the business had passed through these committees, a report should be made to the house, or full council, and the decrees formed upon the plurality of the votes of the nations above-mentioned.

Ibid.

This synod gave a terrible blow to the pope's supremacy, declared the authority of the council above his holiness, and subjected the pope, both with reference to faith and manners, to the sentence of a general council. Now this decree, as the learned Du Pin argues, is not to take place only in a time of schism, or when the pope's title is questionable; but reaches to all other cases: as appears, first, because the terms of the decree are general: they import, that all Christendom, even the pope himself, is obliged to obey the council; that this submission ought to extend not only to the business of schism, but also to the reformation of the Church in its head and members, to the decision of points of doctrine, and the regulations for discipline and manners. Secondly, because the Fathers, in their decree, do not proceed upon any single view, or point their decision only upon the service of this particular council: for their intention was to make a standing provision for the rights and liberties of the Church. Thirdly, that this was the meaning of the Fathers, is evident by the comprehensive penalties against all that should disobey the council, of what condition or dignity soever. Fourthly, this point is farther proved by the ground upon which these Fathers settled their decree and asserted the supremacy of the council. They prove the authority of the councils above the pope, first, from its advantage in representing the Church; and secondly, from its infallibility. Now these marks of preference and privilege apply to all general councils, without any restraints to time or place. And lastly, the decree is evidently to be interpreted in this sense, because the council owns John XXIII. for a lawful and unquestionable pope, and yet sits in judgment upon him, and proceeds to deprivation. And to give the reader farther satisfaction, I shall translate the decree, which I think will put the matter beyond all question. The words are these: "The synod being lawfully assembled under the assistance of the Holy Spirit, constituting a general council, and representing the catholic Church militant, has an immediate authority from Christ. To which synodical authority all persons, of what degree, order, or quality soever, (the papal dignity not excepted,) are bound to submit in things relating to faith, and the extirpation of schism, and likewise with reference to a general reformation of manners in the Church of God, both in head and members."

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V.

642.

A general council superior to the pope.

The sense of the council cleared up to this point.

Ibid.

Council, Cos-
sart, tom. 2.
col. 12.
Sess. 4.
Council.
Constant.

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LEY,
Abp. Cant.
A. D. 1415.

The authority of this decree cannot be contested, if we consider it was passed in full council after the matter had been previously debated and settled by the committee of the nations. As to the protestation of the cardinals, that dissent does not concern this article, but has a particular regard to the person of John XXIII. In short, all the decrees of the council of Constance, being confirmed by John XXIII. in the twelfth session, and by Martin V. in the forty-fourth and forty-fifth, without any exception; the case standing thus, there is no reason to question that this decree was one of the principal articles past under the general approbation, and consequently carries all the force a pope and council could give it.

Du Pin,
ibid.
*Wickliff's
tenets cen-
sured, and
his person
anathe-
matized.*

In the eighth session of this council, forty-five assertions formerly held by Wickliff were examined and condemned; some as heretical, and others only as erroneous; but these propositions have been already mentioned in our English synods.

After this censure of Wickliff's tenets, the council proceeds to anathematize his person, and stigmatize his memory. And to make their sentence the more solemn, they ordered his corpse, in case it could be distinguished, should be taken up and thrown out of consecrated ground.

Concil.
tom. 12.
col. 45. et
deinc.
*John Huss
comes to the
council, and
has a safe-
conduct from
the emperor.*

John Huss had an invitation from the pope and emperor to repair to the council, and make a report of his belief; and to deliver him from apprehensions of rigour, the emperor granted him a safe-conduct, both for his coming and return.

When he appeared at Constance, there were thirty propositions extracted from his books, and condemned by the council. Most of these tenets were the same with those defended by Wickliff; particularly the twenty-fifth declares against the Fathers' censure of Wickliff's doctrine; and the thirtieth, to mention no more of them, affirms, "That no layman can have any civil dominion, nor any prelate any spiritual authority or jurisdiction, while under the guilt of mortal sin."

Concil.
tom. 12.
col. 129. et
deinc.
*Thirty of his
propositions
censured.*

After the censure of these thirty propositions, the Fathers brought in a farther charge against John Huss. The fourth and ninth articles set forth, that he had taught and abetted Wickliff's doctrine in the pulpit and schools of the university of Prague. The ninth article charges him with raising and abetting an insurrection in the city of Prague, and that this

commotion was carried on to plundering, murder, sacrilege, and other horrid excesses of violence.

The seventeenth and eighteenth articles import his denial of transubstantiation, and that a priest in mortal sin can neither consecrate, ordain, nor baptize.

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*A further
charge
drawn
up against
him.*

In the twenty-first article he is said to affirm, that the court of Rome, and the Church in that communion, was the synagogue of Satan; and in the twenty-ninth he is accused of asserting, that the laity were bound to take away the temporalities and estates of the clergy. And to transcribe but one more: the thirty-second taxes him with maintaining in the pulpit, that none but God had any authority to excommunicate him. These articles and several others are reported to have been made good against him by witnesses in the council.

Id. col. 131.
et deince.

643.

His defence.

John Huss, in his defence, denied some of these articles, explained others, and defended many of them. For instance: he denied his ever having maintained that the substance of material bread remained in the eucharist after consecration. As to his abetting the errors of Wickliff, he answered, he did not know whether Wickliff had taught any heterodoxies in England: and that he did not oppose the condemnation of Wickliff's books by the archbishop of Prague upon any other account, excepting that this prelate had condemned some articles which he thought maintainable. One of these censured articles was, that pope Sylvester and Constantine had done ill in endowing the Church. And here Huss declared himself of Wickliff's opinion. As to the assertion, that a priest in mortal sin can neither consecrate nor baptize, he qualified this proposition by saying, that those moral disadvantages made him administer the sacraments unworthily. As for tithes, he would allow them no better name than alms, though he granted the laity were obliged to pay them. And, touching Wickliff's tenets, he declared he had never obstinately maintained any of them; but he could not approve their condemnation without evidence from Holy Scripture.

Du Pin,
Eccles. Hist.
cent. xv.
chap. 7.

*He is pronounced a
heretic, delivered to
the lay
power, and
burnt.*

July 7.

At last, upon his refusing to renounce his opinions, and give satisfaction to the council, he was condemned as an incorrigible heretic, ordered to be degraded, and delivered to the secular power. This sentence was immediately executed, and he was put into the emperor's hand, who sent him to the duke of Bavaria. In short, his books were first burnt, and after-

CHICHE-
LEY,
Abp. Cant.
Ibid.

wards himself at the stake. He maintained his opinions to the last moment. Before I take leave of this affair, I must add, that Huss denied the charge of sedition, or that he was at all concerned in the disturbances in Bohemia. He was a person of learning and character in the university of Prague, and had done the students, his countrymen, great service: for, having an interest with king Wenceslaus, he procured a revocation of the privileges of other nations in favour of the Bohemians. As for the burning of Huss, after the security of a safe-conduct, that breach of faith must be charged upon the emperor: for it was from his majesty, and not from the council, that this protection was given.

Id. chap. 7.
p. 119.

*Jerome of
Prague
seized, and
carried to
the council
of Con-
stance.*

While John Huss was imprisoned, and some months before he suffered, the council sent a citation to Jerome of Prague. This Jerome was one of Huss's intimate friends, and preached the same doctrine. He had travelled very much, and received the degree of master of arts at the universities of Prague, Cologne, and Heidelberg. He likewise made a voyage into England, where he transcribed several of Wickliff's books, and carried them to Prague. Upon his coming to Constance, and understanding how roughly Huss had been treated, he quitted the town, demanded a fuller safe-conduct, and endeavoured to make his escape: but before he could reach Bohemia, he was stopped by the officers of John, son to Clement, count Palatine, and carried to Constance and imprisoned.

Id. p. 121.

*He abjures
his tenets.*

Id. p. 124.
Concil.
tom. 12.
col. 191.

After the execution of John Huss, Jerome of Prague was called upon to abjure his errors, to which he consented, and drew up a recantation, which he read before the council. In this paper he renounced the errors of Wickliff and Huss, declared his agreement with the doctrine of the Roman Church in every point, and owned the justice of the censure passed against John Huss. Notwithstanding this retractation, he was remanded to prison, where he afterwards repented his submission, as we shall see by and by.

*The council
condemns
the propo-
sition of
'Quilibet
tyrannus,'
&c.*

In the mean time, I shall relate the censure of the council passed upon the proposition "quilibet tyrannus," &c. Upon this occasion the Fathers take notice, they were informed, "That several scandalous tenets, subversive of order and civil government, had been lately maintained: amongst the rest, this proposition had been asserted, that it was both lawful and meritorious for any subject or vassal to kill a tyrant by surprise,

assassination, and under the securities of friendship; any oaths of allegiance, or other engagements to the contrary notwithstanding: and that this course might be taken without waiting for a commission from any judge, or person in authority whatsoever.

“The holy synod being resolved to combat and remove this dangerous error, declares and decrees such doctrine a contradiction both to faith and moral honesty, and condemns all such tenets as scandalous and heretical, and that they serve only to open a passage to lying, breach of promise, treason, and perjury; and, in fine, declares those heretics, and to be punished as such, who maintain such pernicious doctrine.”

This council takes notice, some people laid a heavy imputation upon the clergy, for depriving the laity of the cup in the holy eucharist; and complained that the giving them only the bread was a sacrilegious injustice. In opposition to this remonstrance, the council declares for communion in one kind; argues against the institution of our Saviour, and the practice of the Church for a thousand years, with the doctrine of concomitancy; and decrees, “It is not to be doubted but that the body and blood of Christ is entire under the single and separate species of bread and wine; pronounces those heretics who affirm the contrary, and excommunicates all priests who communicate the laity in both kinds.” However, the Fathers grant, it is in the Church’s power to reverse this decree, and allow the ancient practice.

In the nineteenth session, they roundly pronounce, that the safe-conduct given to heretics by temporal princes, to bring them before the council, is no bar to the jurisdiction of the Church, or the proceedings of the synod. And that, notwithstanding any such safe-conduct, it is lawful for an ecclesiastical judge, duly authorized, to inquire into the misbelief of such persons, to form a process against them, and punish them according to the methods of justice, in case they refuse to abjure their errors; and that all this discipline may be practised notwithstanding the persons prosecuted came to the council, or other tribunal of the Church, purely upon the strength of their safe-conduct. After this, they subjoin a very extraordinary clause, “That the prince who has given the safe-conduct, provided he has done his part, is no further obliged by his promise.”

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Concil.
tom. 12.
sess. 15.
col. 144.
The necessity of the laity communicating in both kinds censured.

644.

Id. sess. 13.
col. 100.

They declare themselves not obliged to suspend their process against heretics upon account of a safe-conduct given by a temporal prince.

Col. 270.
Nec sic promittentem, cum fuerit quod in ipso est, et hoc in aliquo remansisse obligatum.

CHICHE-
LEY,
Abp. Cant.

This looks like an artificial salvo for the honour of princes ; as if they were not bound to make good their safe-conduct against the opinion of the Church. By this latitude of construction, the promise of the state must be a slender security. But which way princes may be said to be just to their engagements, without applying to force, in case of opposition, is hard to be understood. However, it must be said the council had given fair warning not to trust too much to the protection of the civil magistrate.

*Jerome of
Prague re-
pents his
recantation,
and is ex-
cuted.*

To proceed : the council could not be prevailed with to dismiss Jerome of Prague : he was charged with insincerity in his submission, and that he had relapsed into his former errors ; and, over and above, there were new articles brought in against him. In short, he retracted his recantation before the council, excepting in the point of transubstantiation, which he professed to believe. Upon this declaration, he was condemned as a heretic relapsed, put into the hands of the lay power, and suffered with great firmness and fortitude.

Du Pin,
Eccles. Hist.
cent. xv.
chap. 7.
p. 124.
*The Hussites
in Bohemia
break out
into tumults,
and commit
outrage.*

The news of the death of John Huss being carried to Prague, his party resented the usage too far, and broke out into an insurrection. In this commotion, they robbed the palace of the archbishop, the houses of the ecclesiastics, and murdered a great many people. The nobility of Bohemia and Moravia being enraged at the violation of the safe-conduct, entered into an association, declared against receiving the decrees of the council, and spoke loudly in the defence of John Huss and Jerome of Prague. About this time the Hussites divided into two parties : one of these divisions was called the Calixtines, because they insisted upon the use of the cup in the holy eucharist, which, indeed, was the principal point in which they differed from the then Church. The other party, called Thaborites, denied transubstantiation, and the real presence, and had many other opinions relating to the sacraments, in which they disagreed with the Roman communion. These Hussites drew together in a body of near thirty thousand ; and finding themselves strong enough to contest the point in the field, they declared war against the Roman Catholics, plundered and pulled down churches, and gave themselves a great licence in violence and outrage. To give one instance, they seized the city of Prague, and massacred some of the magistrates. In the midst of these disturbances, king

*They divide
into two
parties.*

Wenceslaus died in the year 1418. Upon the death of this prince, the crown of Bohemia fell to the emperor Sigismond. However, the Hussites, not liking his religion, as it is most probable, overruled his right, and set up the famous Zisca against him. This general levied a considerable army, built a strong place of retreat, which he called Thabor, gained several victories over the emperor Sigismond, and made himself master of all Bohemia. Upon the death of Zisca, which happened in the year 1424, this party of the Hussites split into the sub-division of the Thaborites and Orphelines. But notwithstanding the differences among themselves, they agreed in their quarrel against the pope, and defeated the Roman Catholics in two set battles: and in this state of hostility I shall leave them till the council of Basil. And thus I have somewhat overlooked the order of time, to give a more entire view of the history.

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V.

Ibid.

To go back a little to the council of Constance, which was ended in April, 1418: this synod, as has been hinted, deposed three popes, and set up Martin V. The two first, John XXIII. and Gregory XII. resigned the chair, after some little contest. Gregory, called Angelus Corarius, died at Recanati before the council broke up. As for John XXIII., called Balthassar Cossa, he made his escape out of prison by bribing his guards. Being thus at liberty, he went to Florence, and cast himself at pope Martin's feet. Upon this submission he was favourably received, made a cardinal, and died not long after. But all this time, Peter de Luna, called Benedict XIII., held up his claim, and refused to acquiesce. This anti-pope lived seven years after the council of Constance, and gave Martin some trouble. Benedict was supported in his pretensions by Alphonsus, king of Arragon, who was disgusted with Martin for seeming to favour the French interest. In short, upon the death of Benedict, two cardinals who adhered to him, being encouraged by Alphonsus, elected Ægidius, a canon of Barcelona, who took the name of Clement VIII. This Clement made cardinals, and performed the other functions of his character for some time. But not long after, when the differences between Alphonsus and Martin were accommodated, this competitor was prevailed on to resign. And thus the schism was effectually ended.

*The council
of Constance
breaks up.*

645.

*The schism
ended.*Concil.
tom. 12.
col. 6. et
deine.

A. D. 1416.

To return to England: towards the latter end of the next

CHICHE-
LEY,
Abp. Cant.

Id. col. 300.
October 25.
A. D. 1417.

year, the archbishop of Canterbury held a convocation at London, where, beside the grant of two-tenths to the king, there was little done, excepting the making the day of John of Beverley, and Crispin and Crispinian, a holy-day, in memory of the late victory gained at Agincourt.

In the beginning of August, the year following, the king embarked with a considerable army, and landed in Normandy, leaving the English administration to his brother, John duke of Bedford.

About this time the archbishop of Canterbury had an unhappy occasion to exert his discipline, and show himself a prelate of resolution and impartiality. The case was this :

The lord Strange brought to public penance for a riot in the Church.

The lord Strange and his lady coming to vespers upon Easter-day at St. Dunstan's in the East, they happened to meet with sir John Trussell, a person with whom they had a long misunderstanding. The lord Strange's servants drew their swords in the church, wounded sir John Trussell, his son, and some others of the family, and killed one Petwardy, a citizen, for interposing to settle the quarrel. When the news of this riot and murder was brought to the archbishop, he ordered the church to be interdicted, the principals and accessories to be solemnly cursed at Paul's Cross ; and afterwards obliged the lord Strange and his lady to appear before him in his consistory in St. Paul's, and ask the Church's pardon upon their knees. And here, by way of penance, he enjoined this nobleman and his lady to walk with tapers in their hands from St. Paul's to St. Dunstan's; which was accordingly performed. He likewise obliged the lady to purchase a pix and some other ornaments for the altar.

*In Vit.
Chicheley,
p. 21.
Some of
sir John
Oldcastle's
party seized.*

About this time sir John Oldcastle was near being surprised in the neighbourhood of St. Albaus, at a farm-house belonging to the abbot of that town ; for the abbot being informed sir John lay concealed at one of his tenant's, sent some of his servants in the night to beset the house. This guard, though they missed sir John Oldcastle, seized some of the most confidential men of his party, and carried them to prison. They likewise found several religious and liturgical books in the house. Some of these books were curiously ornamented with paintings. The Lollards, looking upon these embellishments as superstitious, had cut off the heads of the figures ; they had likewise erased all the names of the saints out of the litanies.

There were also found (as Walsingham pretends) some scandalous papers in dishonour of the blessed Virgin. These books were first transmitted to the king into Normandy, and by him sent back to the archbishop of Canterbury. Upon this occasion the Lollards were strongly declaimed against at St. Paul's Cross, and a tragical representation made of the matter.

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Not long after, sir John Oldecastle himself fell into the hands of the government. He was taken in Powis-Lands, in Wales. He stood upon his defence, fought those who came to apprehend him, and refused to surrender his person till he was disabled by a wound.

Walsingh.
Hypodig.
Neustriae,
p. 590.
*He is taken
himself, and
brought to
London.*

At this time there was a parliament sitting at Westminster: it was summoned by the regent, the Duke of Bedford, to supply the king, who was making a campaign in France. When the parliament was informed of sir John Oldecastle's being taken, they ordered him to be sent for. When he was brought before the parliament, the indictment, drawn up against him some years since, at the King's Bench, for levying war against the king, was read in the house. And being demanded what he could allege in arrest of judgment, he ran out, as Walsingham reports, into a foreign discourse upon the mercy of God; that all people ought to imitate the divine clemency, and give mercy the ascendant over justice; that vengeance belonged to none but God; and that his servants ought not to intrench upon this prerogative of the Almighty. He went on farther talking vaguely of the business, till, at last, the chief justice desired the regent to order him not to make them lose any more time, but answer directly to the point. After some little pause, he told them, it was a small thing for him to be judged by them, or of man's judgment. When the chief justice perceived him disposed to go on in a rambling defence, he bid him answer positively, if he had any thing to object against the legality of the process. To this he gave a somewhat surprising reply, and declared he could not own them for his judges, as long as his sovereign lord king Richard was living in Scotland. Upon this answer, a warrant was signed for his execution, and he was ordered to be hanged and burnt. The first part of this sentence was executed for treason, and the other for heresy.

*His answer
before the
parliament.*

*He is executed.
Id. p. 591.*

The reason why sir John Oldecastle was executed without any farther trial, was because he stood outlawed for high trea-

CHICHE-
LEY,
Abp. Cant.

646.

*Treason
proved
against sir
John Old-
castle by the
records of
the Tower
and the
King's
Bench.*

2 Hen. 5.
cap. 7.

son. He had been indicted in the first year of this king's reign for heading the insurrection of the Lollards near St. Giles's in the Fields. That the matter of fact stood thus we have the concurrent testimonies of our English historians; of Walsingham, the continuator of the history of Croyland; of Harding, Fabian, Hall, Grafton, and Stow; not to mention Polydore Virgil, Titus Livius, and others. And to support this evidence, and put the matter beyond all contradiction, the records of the King's Bench, the rolls of the parliament, and the statute against the Lollards in the second year of this reign, confirm the same thing. This last act has been mentioned already: I shall therefore pass it over, and proceed to transcribe the other records, as they stand in sir Robert Cotton's abridgment.

“On Tuesday, the eighteenth of December, and the twenty-ninth day of this parliament, sir John Oldecastle, of Cowling, in the county of Kent, kt. being outlawed upon treason in the King's Bench, and excommunicated by the archbishop of Canterbury for heresies, was brought before the lords, and having heard his said conviction, answered not thereto in excuse: upon which record and process it was adjudged, that he should be taken as a traitor to the king and realm; that he should be carried to the Tower of London, and from thence drawn through London to the new gallows in St. Giles's without Temple-Bar, and there to be hanged, and burnt hanging. The record out of the King's Bench is at large; the effect whereof is, that the said sir John Oldecastle, and others to the number of twenty thousand men, called Lollards, at St. Giles's aforesaid, did conspire to subvert the state of the clergy, and to kill the king, his brother, and other nobles. The archbishop of Canterbury's instrument for his excommunication is there also at large.”

Cotton's
Abridg-
ment, p. 553,
554.

Notwithstanding all this evidence of the most public and unquestionable kind, Fox is very solicitous to relieve sir John Oldecastle's memory, and take off the imputation of treason. He is so hardy as to deny the insurrection in St. Giles's in the Fields; and argues against the authority of the record in the King's Bench, because the indictment is dated the same day in which the insurrection was crushed. But when it is considered the king was pre-acquainted with the plot, and that the rebels were dispersed before day, what hinders but that the

process might be prepared, the commission of oyer and terminer drawn up, and the court sit upon the trial of the persons indicted the same day? He makes another objection against the record; from the omission of the names of the jury in the indictment. But this exception is of no weight; for the record sets forth that the bill was found against him by the grand inquest. And as for the names of either one jury or the other, it is not the custom to insert them in the body of the indictment. Fox goes on in his objections, and attacks the statute, which charges the Lollards with making insurrections, and points plainly at the drawing together of the rebels near St. Giles's in the Fields. He pretends to discover an inconsistency between the preamble and the body of the law, charges part of the bill with falsehood and misrepresentation, and endeavours to persuade his reader, that preambles of statutes are sometimes governed by prejudice and disaffection to parties, and misreport matters of fact. But if such objections as these must outweigh the authority of the public records, the credit of history must sink. In short, Fox, by questioning such authentic proof, does but discover the strength of his wishes and the bias of his inclination. And though I have no design to charge this historian with insincerity, yet it is plain his prejudices and passions governed his pen in some cases. To give only two instances: this martyrologist confesses, that Augustine, the monk, wrought miracles among the Saxons at his first coming over; and yet after this acknowledgment of a divine attestation, he treats him with very rugged censure for refusing to rise to the Welsh bishops, charges him with pharisaical solemnity, jests upon his behaviour, and is displeased to find his lordship so high, so conceited, or so proud. Now granting this prelate had some of the infirmities of human nature about him, and failed in the manner of his salutation; granting he gave too broad signs of his superiority, and pushed his claim too far, which I do not deny; yet one would have thought the charity and fatigue of the undertaking, his supernatural credentials, and the glorious success of his mission, might have secured a respect for his memory, and screened him from coarse usage.

Another instance of Fox's judgment being misled by his fancy may be met with in the reign of king John. He tells us, "Among divers conditions belonging to this king, one there

HENRY
V.*Fox's justification of him insufficient.*2 Hen. 5.
cap. 7.Fox's Acts and Monuments, p. 740 to p. 774. *Some farther remarks upon Fox.*Id. p. 150.
154.

CHICHE-
LEY,
Abp. Cant.

Id. p. 332,
333.

was which is not in him to be reprehended, but commended rather ;” that is, “ when the king saw a fat stag broken up, he said, ‘ How easily and happily he has lived, and yet for all that he never heard any mass.’ ” And thus, in Fox’s opinion, the king is not to be blamed, but rather commended, for talking like an infidel, and passing a profane jest upon the most solemn part of his religion ; for notwithstanding the objections Fox and we of the Reformation may have against the mass, king John pretended no dissatisfaction in this matter. This joke, therefore, upon the worship and belief of his own communion, must be altogether inexcusable.

647.

I had passed over these exceptions against Fox, had he not taken the freedom to blemish the public records and arraign the government. But when a man will venture thus far in defence of a favourite, it is necessary to acquaint the reader with this defect, and precaution him against believing too fast. To which I must add, that though we are obliged to pity unfortunate persons, and be as favourable to the dead as truth will give us leave, yet we ought carefully to distinguish between martyrdom and treason, and not to be over fond of the memory of those who suffered for a plot against the state.

*A mistake
rectified in
Fuller.*

And here it may not be amiss to rectify a mistake in Fuller. This Church historian, endeavouring to excuse the character of sir John Oldecastle, affirms that heresy was made treason by statute ; and, by consequence, that the treason objected to sir John Oldecastle amounts to no more than his being a Lollard. But this notion of Fuller’s is without foundation : for where he affirms Lollardism was made treason by statute, he must mean the act made in the 2nd year of this king’s reign. And here a hasty view of the act seems to have led him into this error : and, because all persons convicted of heresy are to forfeit their goods and lands, he probably concluded that heresy was made treason. But this is a wrong inference : for lands are forfeitable for felony, no less than treason. Besides, there is no corruption of blood enacted by this statute ; neither is the person convict to suffer by hanging or drawing, which are always part of the penalties of high treason. To which we may add, that, by this statute, the criminals were to be tried by their ordinaries ; whereas those prosecuted for high treason are always tried in the king’s courts. But, to give Fuller his due, he does not think fit to run Fox’s lengths in the justification of sir John

2 Henry 5.
cap. 7.

Oldcastle. He owns the parliament-rolls condemn him for a traitor, as well as an heretic; and that these records of the Tower challenge belief.

HENRY
V.

Fuller's
Church
Hist. book 4.
p. 167, 168.

To proceed: after the breaking up of the council of Constance, pope Martin began to strain his supremacy upon the English Church, and carry it to unprecedented oppressions. For instance: he engrossed the disposal of all bishoprics by way of provision, made void the elections of the chapters, and in two years' time promoted thirteen bishops in the province of Canterbury. About this time, he made his nephew, Prosper Colonna, a youth of but fourteen years of age, archdeacon of Canterbury. Besides this, the English complained the pope was too lavish in his grants for appropriating and consolidating churches; in giving incumbents a dispensation for non-residence; in suffering some of the laity to enjoy the profits of livings; and lastly, that his holiness had no regard to the English nation in the preferments of his own court.

A. D. 1418.
*Pope Mar-
tin's en-
croachments
upon the
Church of
England.*

Duck. in
Vit. Chiche-
ley.

Some of these grievances had been laid before the pope at the council of Constance by the king's ambassadors, John, bishop of Lichfield, and Thomas Polton, dean of York.

This remonstrance made the pope relax upon several points, as appears by the instrument called "The Concordat," between Martin V. and the Church of England. The articles were these: that the appropriations of churches should not henceforth be made at the arbitrary pleasure of the pope, but that the bishops in their respective dioceses should be judges of the reason and expediency of such alterations; that all unions and consolidations of vicarages made in the time of the schism should be declared void; that all papal dispensations for the non-residency of incumbents, or for the bestowing benefices upon lay persons or monks, should be revoked; and, lastly, that, for the future, the number of cardinals should be lessened; that they should be equally elected out of all Christian nations; and that the English should not be excluded from any posts of honour and advantage in the court of Rome.

*He is
brought to
relax upon
several
articles.*

About the same time, there was another embassy despatched to the pope. The business was, to prevail with his holiness not to pretend to the disposal of those church-preferments in England which belong to the crown,—that were at the king's disposal, both by right of patronage, and also by the agreement made between his highness and the see of Rome; that ecclesiastical

*Another
embassy
despatched
to the pope.*

CHICHE-
LEY,
Abp. Cant.

dignities and preferments in Ireland should be bestowed upon none but those who understood English, and that the bishops there should take care that all people in their dioceses should speak English. Upon this occasion it may not be improper to observe, there was an act, made in the fourth year of this king's reign, which, in the preamble, sets forth there was a statute passed in the time of the king's progenitors, "that none of the Irish nation should be elected to an archbishopric, bishopric, abbacy, or any other dignity or benefice." The reason assigned for barring the Irish from these preferments, is, "because the bishops, being peers of parliament, used to bring a retinue of Irish servants along with them to such public assemblies; and, by this means, the secrets of the government were discovered to the Irish rebels." To prevent this mischief, the old statute is guarded with severe penalties: but the reason of things being altered, these acts are both grown obsolete.

A statute relating to the Irish clergy.

See Statutes at Large. 4 Henry 5. cap. 6.

To return to the ambassadors: who moved farther, that, for the future, no French monks should be admitted into any monasteries in England belonging to that nation; and, lastly, that when the king happened to be engaged in a war in defence of the Roman see, the Peter-pence and other sums of money usually paid to his holiness should be spent upon the expedition.

The pope's supremacy checked in England. 648.

The pope giving an unsatisfactory answer to these demands, the ambassadors told him, that, unless his holiness thought fit to comply immediately, they had positive instructions to make a protestation before himself and the conclave, that the king would use his prerogative in the points above-mentioned: that he had no necessity of making this request; it being nothing but pure respect to his holiness which put him upon proceeding this way.

Duck. in Vit. Chicheley, p. 25.

And France.

Neither were the English the only complainants against the encroachments of the court of Rome: for the estates of France, being convened in May at Paris, revived their old ordinances against the excesses of the supremacy; adding withal, that Martin should not be owned as pope by the French, unless he was willing to limit his pretensions by this order. And when his holiness persisted, and put the Church of Lyons under an interdict, the parliament of Paris declared that interdict void, and tried the rector of the university for high treason, because he had appealed from the king to the pope.

Ib. et Car. Molina de Monarch.

To return to England. This year, the archbishop of Canterbury visited the diocese of Rochester, to which see the pope had lately preferred one John Langton, a monk of Canterbury; which promotion was a manifest invasion upon archbishop Chicheley, for the bishopric of Rochester belonged to the patronage and jurisdiction of the see of Canterbury. To what has been already observed upon this subject, I shall give the reader the oath of homage for the temporalities made to the archbishop by this Langton:—

HENRY

V.

“Jeo, Jehan Langdon, evesque de Rocestre, jure à les saintz evangeles, qui de ce jour en avant serra foial et loial et fois porterai à vous, très-reverent pier en Dieu, Henry, par la grace de Dieu l'archevesque de Canterbury, et primate de toute l'Angle terre, et à vos successeurs, des terres et tenementes les queux jeo clame tenir de vous, et loialment ferai et connoistrei les services qua jeo doi fair à vous monsieur, si Dieu me aide et les saintes evangiles.”

The bishop of Rochester's oath of homage to the archbishop of Canterbury.

Ex Registro Chicheley, fol. 34.

Antiquit. Brit. p. 278.

The pope balked by the dean and chapter of York.

Id. p. 279.

This pope, notwithstanding the arbitrary exercise of his supremacy, received a check at York: for, having translated Richard, bishop of Lincoln, to that metropolitanical see, the dean and chapter, insisting upon the statutes of provisors, refused to admit him. In short, the pope was forced to acquiesce, and restore the bishop of Lincoln to his own see.

Towards the latter end of this year, the archbishop of Canterbury was ordered to wait upon the king in France. Before his arrival the king had made himself master of most of the great towns in Normandy, and was now set down before Rouen. At this time there was a treaty set on foot between the crowns of England and France. The place agreed upon was Ponte de Larche. Hither the archbishop of Canterbury and the earl of Warwick were sent, with commission to treat a peace. Cardinal Ursin, the pope's nuncio, was likewise there, in quality of mediator. When they met, the English and French plenipotentiaries not agreeing upon the conditions, the treaty, after a fortnight's debate, broke off. And now, the city of Rouen, which had held out six months, and lost a hundred thousand men by famine and service, was forced to yield. Two noblemen, two ecclesiastics, and two burghers, came out of the town, and, casting themselves at the king's feet, begged a

Rouen surrendered to king Henry.

CHICHE-
LEY,
Abp. Cant.

capitulation. The king ordered them to go to the archbishop of Canterbury's tent, empowering that prelate, the earls of Warwick and Salisbury, and some others, to treat with the town. The burghers and garrison had their lives and fortunes secured, upon the payment of three hundred and sixty-five thousand crowns. When the capitulation was signed, the king made a triumphant entry into Rouen; and, soon after, all the remaining towns of Normandy surrendered.

Id. p. 26.
Mezerai.
A. D. 1419.

About the latter end of August, the next year, the archbishop of Canterbury, being dismissed by the king, returned into England, and summoned a convocation to London, which met upon the nine-and-twentieth of November. One Richard Walker, a priest at Worcester, was brought before this synod, and charged with witchcraft. This practice was proved upon him, by producing several magical books, images of wax, spells, and other diabolical preparations for that purpose. There was a sermon made upon this occasion at St. Paul's cross, by John Wells, bishop of Landaff; where the criminal did public penance, renounced his practice, and burned all his magical furniture. There were several persons suspected of Lollardism brought before this synod, and obliged to abjure Wickliff's tenets. And thus, after the grant of a large subsidy, the convocation broke up.

Duck. in
Vit. Chiche-
ley, p. 27.
Antiquit.
Brit. p. 278.

And now, while the archbishop was despatching his mandates through the province, to pray for the success of the campaign, there happened an accident very much to the king's advantage, and which gave him a promising prospect of the crown of France without contesting any farther: for Philip, duke of Burgundy, to revenge the murder of his father, lately assassinated at an interview with the dauphin, made a private treaty with king Henry, promised him the princess Catharine in marriage, and all other advantages requisite for the gaining of that kingdom. All that the duke desired was, that the king of England would march to Troyes, and make an alliance with Charles VI. And here we are to observe, that the duke of Burgundy, who was a prince of the house of France, was at the head of the administration, and had king Charles, queen Isabel, the princess Catharine, and the city of Paris, in his power and interest. King Henry, being well pleased with the match, and not willing to lose an opportunity so serviceable to his affairs, came to Troyes forthwith, entered into an alliance

*The treaty
at Troyes
between king
Henry and
king Charles
of France.*

649.

with king Charles, and was contracted to his daughter, the princess Catherine.

HENRY
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By the articles of this treaty, king Charles declared the king of England his heir to the crown of France. In the meantime, king Henry was to content himself with the style of regent, and the government of the kingdom, and not to take the title of king of France during the life of Charles: that the two kingdoms of France and England should be enjoyed by king Henry and his heirs: but that both nations should be governed by their own laws, and neither of them brought to a dependency on, or subordination to each other. And lastly, the dauphin was disabled from succeeding his father, and declared a public enemy: neither was any treaty to be entered upon with him without the consent of both kings, the duke of Burgundy, and the three estates of England and France. This treaty of Troyes was sworn by all the lords of the French court, and all the great cities from the Scheldt to the Loire.

Id. et Mcze-
rai.

Pursuant to this treaty, the king was married to the lady Catherine, in May the next year. Soon after this solemnity, the king marched from Troyes to fight the dauphin, took Montereau, and afterwards set down before Meaux, which surrendered after four months' siege. In the beginning of February, he returned into England, leaving the prosecution of the war and the government of France, to Humphrey, duke of Gloucester, and the duke of Burgundy. Not long after his arrival, the parliament met at Westminster, where the queen was solemnly crowned by the archbishop of Canterbury, who summoned a convocation to London, and procured a tenth for the king: this subsidy was granted upon conditions proposed by the famous Lyndwood, in the name of the clergy. The articles were: "that the king's purveyors should not meddle with the goods of any ecclesiastics; that clergymen should not be imprisoned, excepting for theft and murder: but when they were prosecuted for other crimes, they should be admitted to bail." These privileges, as Duck relates, were secured by an act of parliament, though they are not mentioned in the printed statutes.

Mczerai.
A. D. 1420.

*Privileges
granted to
the clergy.*

A. D. 1421.
Duck. in
Vit. Chiche-
ley, p. 28.

Upon the recess of the convocation, the archbishop of Canterbury thought it proper to relax in his jurisdiction, which he had hitherto exercised in the conquered provinces in France.

CHICHE-
LEY,
Abp. Cant.

*The arch-
bishop of
Canterbury
restores the
French pre-
lates their
jurisdiction.*

For, it seems, he had left some ecclesiastical judges to represent him in that kingdom. This conduct, upon recollection, he conceived might give disgust: he therefore recalled those who acted by his authority, and wrote to the French who had submitted to the king of England, that, for the future, they should obey the injunctions of their diocesans and ordinaries.

This year, Richard Clifford, bishop of London, departed this life. He was first, bishop of Worcester: and besides his preferments in the church, had borne the office of lord privy-seal. He was a prelate of great probity and conduct, and very much beloved both by prince and people. In the year 1414, he made an order, with the assent of the chapter, that from the first of December following, Divine service should be performed in his cathedral, "secundum usum Sarum;" and that the old form and rubric called St. Paul's, should be laid aside. He was a considerable benefactor to an hostel in Oxford, afterwards called London College. He sat almost fourteen years at London, and died upon the twentieth of August. He bore the arms of the Cliffords, from whence it appears he was extracted from that noble family.

Dugdale,
Hist. Paul's,
p. 22.
Wharton
de Episc.
Londinens.

This year, as Stow relates, the king suppressed the French monasteries in England: the reason is said to have been, because those convents were disaffected to the government, and shewed their dissatisfaction at the king's conquests in France. Their lands were granted by this prince, and his successor, to other monasteries, and colleges of learned men.

Stow's An-
nal. p. 361.

The king having received the ill news of the loss of a battle before Bauge in Anjou, and that his brother, the duke of Clarence, who commanded the English, was killed upon the spot, levied a strong reinforcement, and set sail for France.

Duck. p. 29.

This year, upon the sixth of December, the queen was delivered of a son at Windsor, who afterwards succeeded his father by the name of Henry VI. This prince was baptized by the archbishop of Canterbury; his uncle, the duke of Bedford, and his great uncle, Henry, bishop of Winchester, being godfathers; and Jacqueline, countess of Holland, godmother. In April, following, the queen set sail for France, and was conducted to the king. And now, the English administration was put into the hands of Humphrey, duke of Gloucester.

A. D. 1422.

To return to the Church. The time drew near for holding a general council. For, by a decree of the council of Constance,

another synod was to be convened after five years: a second, seven years after that; and from thenceforward, every ten years. The five years being nearly expired, pope Martin proposed to hold a general council this year at Pavia.

HENRY
V.

Upon this occasion, the archbishop of Canterbury summoned a convocation to London, in the beginning of April. At this meeting of the clergy, several bishops, inferior prelates, and doctors, were elected as delegates. And afterwards, by a vote of both houses, (for about this time, as the learned Duck observes, the bishops and abbots sat in one place, and the inferior clergy in another,) their names were returned to the king. The reason of sending this list was, that his highness might pitch upon whom he thought fit of that number, to represent the English Church at the general council. The convocation likewise voted the delegates a sum of money to defray their expense. But as it happened, all this preparation was without effect. For the plague breaking out at Pavia, on the first meeting of the council, the pope removed it first to Sienna, and soon after ordered it to be dissolved.

Delegates to a general council elected in convocation.
650.

Id. p. 19.

Id. p. 29.

At the London convocation last mentioned, one William White, a priest, was questioned for heresy: he was brought to a recantation, and charged, amongst other things, with preaching without an authority from his diocesan. There was likewise one Henry Webb, of Worcester, presented for exercising the office of a priest without orders. His sentence was to be stripped to the waist, and publicly bastinadoed in the cathedrals of St. Paul's, Worcester, and Bath. Farther, one William Taylor, a master of arts, was accused at this convocation for preaching some opinions which he had publicly renounced two years before. Some of his tenets were: "that prayers ought to be made to none but God; that worship was not due to the human, but only to the Divine nature of our Saviour: that to invoke the saints, or any created being, was absolutely unlawful: that it was downright idolatry to offer anything at a crucifix or the figures of the saints: that a monastic life was a disconformity to our Saviour's institution: that temporal jurisdiction and offices of state or justice were forbidden the clergy by the gospel." Thus we see he was right in some things, and wrong in others. He likewise declared against part of the decrees of the council of Constance. And here the civilians were ordered to deliver their

Ibid. Antiquit. Brit. p. 529.

A charge against some persons for heresy and other misbehaviour.

CHICHE-
LEY,
Abp. Cant.

opinion; upon which, Lyndwood, Brown, and other eminent persons in that faculty, declared, that when any person suspected of heretical pravity had stood excommunicated for the space of a year, it was sufficient to prove the charge of heresy against him; however, upon his repentance, he ought to be received into the Church's communion. But, in case he returns to his former mispersuasion, he is to be pronounced a heretic relapsed, and delivered up to the lay-power.

Duck, in
Vit. Chiche-
ley, p. 30.
*The death
and cha-
racter of
Henry 5.*

Soon after the recess of this convocation the melancholy news of the king's death was brought over. This prince, by being over vigorous in the prosecution of the war, and fatiguing himself beyond the strength of his constitution, fell into an ague, and died of it at Bois de Vincennes, upon the last of August. His corpse was brought over and interred at Westminster. His death was extremely regretted, both by his subjects and others: for he had all the qualities required in a great prince: he had a strong genius for all the functions of war: he foresaw the difficulties of an enterprise; laid practicable schemes, and executed what was designed with great conduct and resolution. He was likewise remarkable for the justice of his administration, for his condescensiveness and good nature, and for the constant piety of his behaviour. His death is said to have affected the French king to that degree, that it occasioned his own. King Henry founded two monasteries upon the Thames, not far from Richmond: one called Bethlem, for Carthusians; the other called Sion, for nuns of the order of St. Bridget. He much disliked the imprisonment and deposing of king Richard; looked upon those as traitors, who were instrumental in his death; and to make some satisfaction for his father's misbehaviour, he ordered king Richard's corpse to be taken up at Langley, brought to Westminster, and honourably buried near king Edward the Confessor.

Hist. Croy-
landens.
Continuat.
ad an. 1414.

In his fourth year, during the war with France, all the priories alien, which were not conventual, were dissolved by act of parliament, and granted to the crown.

Rot. Parl.
Rastal. Tit.
Monasteries.
*Priories
alien, not
conventual,
dissolved by
act of par-
liament.*

By the way, we may observe, that these alien priories were most of them cells to monasteries in France. They were of two sorts: some had monks, with a prior to govern them, but not under a conventual establishment: that is, they had not the privilege of a body like other religious houses, but

might be removed at the pleasure of the foreign abbey to which they belonged. Others were of a more independent constitution. And though, like a colony, they paid a regard to the French abbeyes, yet they were an independent society to all intents and purposes.

HENRY
VI.

The first were accountable to the principal monasteries for the issues and profits: but the latter were proprietors, and received the revenues for their own benefit.

The ground for dissolving those of the former order was a suggestion of the danger of their constitution: it was alleged, that these monks being foreigners, and depending upon superiors in another kingdom, could not be true to the interest of the English nation: that their being planted here gave them an opportunity of maintaining a correspondence with the enemy; and besides their transporting money and other commodities, was no ordinary damage. It was argued on the other side, that though these monks were French by birth, yet, since they had their settlement and maintenance here, they would be English by inclination. In short, the dissolving these monasteries was a dangerous precedent, and led the way to larger measures of this kind in the reign of Henry VIII. To proceed:

651.

In this king's reign, Richard Fleming, bishop of Lincoln, founded Lincoln college, in Oxford. A catalogue of the other benefactors, rectors, and writers of this house, may be seen in Wood's Antiquities.

Wood, Hist.
et Antiquit.
Univers.
Oxon. l. 11.
p. 159.
et deinc.

The king lived thirty-six years, reigned almost ten, and was succeeded by his son, Henry VI., an infant of eight months old. By his last will, he left the regency of France to the duke of Bedford; and the duke of Gloucester had much the same authority in England; which commissions were to last during the king's minority. In the mean time, the care of his education was entrusted to Henry Beaufort, bishop of Winchester, and Thomas Beaufort, duke of Exeter, his great uncles.

On Monday, before the feast of St. Martin, there was a commission directed to Humphrey, duke of Gloucester, to summon a parliament. At the opening of the session, the archbishop of Canterbury, by the order of the duke of Gloucester, declared the reasons for the holding a parliament. And here, according to custom, he began his speech with a

Stow's An-
nal. p. 363.
Duck, in
Vit. Chic-
ley, p. 30.

CHICHE-
LEY,
Abp. Cant.

*The arch-
bishop of
Canterbury's
speech at the
opening of
the parlia-
ment.*

text: his subject was, "Principes populorum congregati sunt cum Deo." From these words, he took occasion to make a long panegyric upon the memory of Henry V. From whence he turned his discourse to the present king, setting forth, "what a blessing it was to the nation in having so promising a prince descended from such a glorious predecessor. He looked upon his being the sixth of that name as a happy presage upon his government; and as the number six was the most perfect, as we may collect by God's finishing the creation within six days, so he hoped this king would exceed the greatness of all his ancestors, and put a victorious period to the French war: and as he was extracted from the royal line of France and England, so he would enjoy the privilege of his birth, and be a monarch of both kingdoms. In the mean time, he acquaints the lords and commons, from the king, that it was his highness's desire all his subjects should enjoy the privileges and immunities granted by his predecessors. As for the reasons of summoning this parliament, he told them they were three. First, to assign governors for the king's person. Secondly, for keeping the peace, and providing for the execution of the laws; and, thirdly, for the defence of the realm against foreign insults; and, lastly, he recommended the advice of Jethro, Moses's father-in-law, and conjured them to make choice of persons of honour, probity, and conduct, for the education of the king, and the managing the government."

Duck. in
Vit. Chiche-
ley, p. 30.
Cotton's
Abridg-
ment, p. 562.
Id. p. 564.
Ibid.
Fuller's
Church
Hist. book 4.
p. 170.

At this session, the king, by his letters-patent, confirmed by parliament, appoints John, duke of Bedford, protector of the realm of England; and that in his absence only, the duke of Gloucester was to supply the said office. There was likewise a privy council settled for the king by this parliament; of which, six were bishops. As for the archbishop of Canterbury, notwithstanding he was first in the nomination, he thought fit to retire from court, and confine himself to the government of his province.

The next year, Henry Bowett, archbishop of York, departed this life. He was translated from Bath and Wells to this see, and had been lord treasurer in the reign of king Henry IV. In the year 1417, the Scots, taking advantage of the king's making a campaign in France, invaded the borders, and sat down before Berwick. The duke of Exeter being then in Yorkshire, and receiving intelligence of this irruption, drew

together what forces he could, and marched to the relief of the town. When this news was brought to York, the archbishop, though so far disabled with age, as not to be in a condition to endure riding, ordered himself to be carried in a chair to the English army, took his clergy along with him, encouraged the troops to defend their country; and, in short, had no small share in obliging the enemy to quit the enterprise: for when the Scots perceived the English resolved to attack them, they decamped in the night, left their baggage and artillery, and made a hasty retreat into their own country.

To return to the see of Canterbury: archbishop Chicheley was now entered upon a provincial visitation. As he passed through the diocese of Lincoln, he came to Higham Ferrars, the place of his nativity. At this town he founded a college for the maintenance of a warden, eight fellows, or chaplains; four inferior clerks, and six for the service of the choir. This foundation he dedicated to the honour of the blessed Virgin, Edward the Confessor, and archbishop Becket. The business of the society was to pray for the souls of the deceased. He likewise built a large hospital in the same place, and settled a large estate for the use of the poor; which revenue was considerably improved by the benefactions of Robert and William Chicheley, the archbishop's brothers, and aldermen of London.

This year James I., king of Scots, who had been taken prisoner by the English in the eighth year of king Henry IV., was now enlarged upon articles. Before his quitting the realm, he did homage to the young king at the castle of Windsor, in the form following:—

“ I, James Stewart, king of Scots, shall be true and faithful unto you, lord Henry, by the grace of God, king of England and France, the noble and superior lord of the kingdom of Scotland, which I do hold and claim of you; and I shall bear you my faith and fidelity of life and limb, and worldly honour against all men; and faithfully I shall acknowledge and shall do you service due for the kingdom of Scotland aforesaid. So God help me and these holy evangelists.”

HENRY
VI.

Stow's An-
nal. p. 355.
Godwin in
Archiepisc.
Eborac.
*The arch-
bishop
founds a
college and
hospital at
Higham
Ferrars.*

A. D. 1424.

652.

*The king of
Scots does
homage for
Scotland.*

Stow's An-
nals, p. 364.
Hollingsh.
p. 587.

The latter end of this year, at a convocation held at London,

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Several persons charged with heresy in convocation.

Robert Hake, of the diocese of Lincoln, and Thomas Draiton, of the diocese of Canterbury, priests, were brought before the synod, and charged with heretical pravity: the articles alleged against them were, that they refused to kneel to a crucifix; and they had books in their study which denied transubstantiation: that they affirmed the monastic institution and auricular confession to be inventions of the devil, and that Christians ought to have all things common: which tenets they were obliged to renounce at St. Paul's Cross.

A. D. 1425.
Russell, a minorite, preaches against personal tithes.

One William Russell, a minorite, was accused at this synod for affirming, that the payment of personal tithes was not commanded by God Almighty; that is, the parish priest could not claim them by divine right: that where there was no custom to the contrary, all people were at liberty to dispose of them to charitable uses as they thought fit. This Russell was ordered by the synod to recant at St. Paul's Cross; but making his escape out of England before the day came, he was solemnly censured for a heretic, and his opinions condemned by a decree of both universities; and, to stifle this doctrine the more effectually, the university of Oxford made an order, that all persons admitted to any degree should take an oath, not to maintain any of Russell's tenets against personal tithes, censured by the convocation and that university; and that they should not assist any person defending such propositions with advice, countenance, or any other way. This decree held in force till the year 1564, when the university annulled all the statutes against Wickliff and Russell, which was somewhat remarkable, considering it was one of Russell's opinions, that a monk might debauch a woman without mortal sin.

Duck. Vit.
Chicheley,
p. 43.
Wood.
Antiquit.
Univ.
Oxon. p. 210.
He is censured.

Id. p. 211.
Regist.
Chicheley,
fol. 35.
A feud between the duke of Gloucester and the bishop of Winchester.

About this time there happened a misunderstanding between Henry Beaufort, bishop of Winchester, and Humphrey, duke of Gloucester, the protector. This disgust at last broke out into an open feud. Many of the nobility and commons sided with these two noblemen, who went guarded, and were ready to come to blows. In short, things had such a face of tumult and disturbance, that the Londoners shut up their shops, and stood upon their defence against the rabble. And here it is probable things might have come to an extremity, had not the archbishop of Canterbury seasonably interposed. This prelate, taking Peter, duke of Coimbra, the king of Portugal's son,

along with him, interposed eight times in one day between the duke and the bishop: and at last prevailed with them both to dismiss their troops, and adjust the difference.

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The bishop of Winchester had been charged with procuring one to murder the king, when prince of Wales, and likewise for advising Henry V. to depose his father, king Henry IV. To clear himself of this imputation, and lay the blame of the quarrel upon his nephew, the protector, he wrote to the regent of France to make haste into England; for that, unless his motions were speedy, the king would be embroiled by the duke of Gloucester's misconduct.

*The quarrel
taken up.*

The duke of Bedford was much shocked at the news of this disturbance; he foresaw that these broils at home were likely to check the English interest in France. However, though he could be ill spared from his regency, he took the direction of the letter, came over into England, called a parliament at Leicester, and prevailed with the duke of Gloucester and the bishop of Winchester to compromise the quarrel. The referees were, Henry, archbishop of Canterbury; Thomas, duke of Exeter; John, duke of Norfolk; Thomas, bishop of Durham; Philip, bishop of Worcester; John, bishop of Bath and Wells; Humphrey, earl of Stafford; William Aluewike, lord privy seal; and Ralph, lord Cromwell.

Duck, in
Vit. Chiche-
ley. Hol-
lingshed,
p. 591.

These arbitrators agreed upon a form of satisfaction which the duke of Gloucester and the bishop were to address to each other, and then shake hands, which was done accordingly. In short, the bishop owned himself sorry for being misrepresented as an enemy to the protector, and was cleared from the charge of disloyalty.

A. D. 1426.

Ibid.
Cotton's
Abridgme.
p. 583.

To proceed: the archbishop of Canterbury, who was no friend to the stretch of the Roman supremacy, drew the anger of the pope upon himself for being too passive in the late reign; his holiness, it seems, thought this prelate to blame for making no opposition to the statute of Præmunire: but Henry V. being the greatest prince in Christendom, the pope did not think it advisable to remonstrate in his time. Now, however, the English affairs being somewhat in the decline, he ventures upon the juncture, and expostulates severely with the archbishop for his remissness, as appears by the following letter:—

1 Hen. 4.

Ex M. S. D.
Petyt. Vid.
Dr. Burnet's
vol. 1.
Collect. Re-
cords, p. 95.
653.

“Martin, bishop, servant of the servants of God, to his

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*Pope Mar-
tin's expositu-
latory letter
to the arch-
bishop of
Canterbury.*

reverend brother, the archbishop of Canterbury, greeting, and apostolical benediction. Did you consider what a strict account you must give to Almighty God for the flock committed to your care,—did you recollect the obligations of your pastoral office, and how much you are bound to support the rights and honour of the Roman Church, of whom you hold your jurisdiction and dignity,—were these things duly recollected,—your conduct would by no means have been so sleepy and negligent. No: you would have appeared upon duty long since, endeavoured to retrieve the misled, and opposed those to the utmost who have made a sacrilegious invasion upon the privileges settled by our Saviour on the Roman Church. Was the honour or authority of your character bestowed upon you only to put you in a superior station, to raise an estate, and to give you the liberty of ‘seeking your own, and not those things which are Jesus Christ’s?’ If this is your opinion, you are much out of the way, and extremely mistake the instructions of our blessed Saviour, who, when he put his sheep into St. Peter’s hands, especially commanded him to feed them: neither had he the honour of this commission till he had given his Master a repeated assurance that he loved him. Is this, then, your manner of showing your love to Christ? Is this feeding and taking care of the flock? And will such conduct as this discharge your obligations to the holy see? Alas! your flock are running down a precipice before your face; and yet you seem to overlook the danger, and make no attempt to retrieve them. You suffer them to feed upon dangerous plants without warning; and, which is horribly surprising, you seem to put poison in their mouths with your own hands. You can look on and see the wolves scatter and pull them in pieces, and, like a ‘dumb dog,’ not so much as ‘bark’ upon the occasion. You can see the authority of our blessed Saviour and the apostolic see despised and trampled on, without so much as dropping one word of remonstrance. Now, one would have thought you might at least have whispered your dislike, if you had been so very prudential as not to have declared it publicly.

“Are you not aware you must one day account to the ‘utmost farthing’ for all omissions and prevarications of this kind? Do not you believe, if any of the flock are lost by your neglect—and there are a great many,—‘their blood will be required at your hands?’ Consider, and tremble, what ven-

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geance God Almighty denounces by the prophet Ezekiel: ‘O son of man, I have set thee a watchman unto the house of Israel: if thou seest the sword come, and dost not blow the trumpet, and any person is taken away, his blood will I require at thine hands.’ Now, what abominable violence has been let loose upon your province, I leave it to yourself to consider. Pray peruse that ‘royal law,’ if there is any thing that is either ‘law’ or ‘royal’ belongs to it: for how can that be called a statute which repeals the laws of God and the Church? How can it deserve the name of ‘royal,’ when it destroys the ancient usages of the kingdom? when it is so counter to that sentence in Holy Scripture, ‘The king’s honour loveth judgment?’ I desire therefore to know, reverend brother, whether you, who are a Catholic bishop, can think it reasonable such an act as this should be in force in a Christian country?

*The pope
censures the
statute of
Præmunire.*

“For, in the first place, under colour of this execrable statute, the king of England reaches into the spiritual jurisdiction, and governs as fully in ecclesiastical matters as if our Saviour had constituted him his vicar. He makes laws for the Church, and order of the clergy; draws the cognizance of ecclesiastical causes to his temporal courts; and, in short, makes so many provisions about clerks, benefices, and the concerns of the hierarchy, as if the keys of the kingdom of heaven were put into his hands, and the superintendency of these affairs had been entrusted with his highness and not with St. Peter¹.

“Besides this hideous encroachment, he has enacted several terrible penalties against the clergy. So unaccountable a rigour this, that the English constitution does not treat Jews nor Turks with this severe usage. People of all persuasions and countries have the liberty of coming into England: and only those who have cures bestowed upon them by the supreme bishop, by the vicar of Christ Jesus,—only those, I say,—are banished, seized, imprisoned, and stripped of their fortunes. And if any proctors, notaries, or others, charged with the execution of the mandates and censures of the apostolic see,—if any of these happen to set foot upon English ground, and proceed in the business of their commission, they are treated like enemies, thrown out of the king’s protection, and exposed

¹ The statute of Præmunire was the saviour of the British crown and constitution.

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LE Y,
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654. to extremities of hardship. Was ever such iniquity as this passed into a law? I desire you would consider whether such statutes as these are for the honour of the kingdom: consider whether it becomes you to be silent under all this outrage. Is this an instance of filial reverence? Is this the people of England's way of showing their regards to their mother Church and the apostolic see? Can that be styled a Catholic kingdom where such profane laws are made and practised, where application to the vicar of Christ is prohibited, where the successor of St. Peter is not allowed to execute our Saviour's commission? Christ said to Peter, and, in him, to his successors, 'Feed my sheep;' but this statute will not suffer him to feed them, but transfers this office to the king, and pretends to give him apostolical authority in several cases. Christ built his Church upon St. Peter; but this act of parliament hinders the effect of this disposition: for it will not allow St. Peter's see to proceed in the functions of government, nor make provisions suitable to the necessities of the Church. Our Saviour has ordered, that whatever his high priest 'shall bind or loose upon earth, shall be bound or loosed in heaven;' but this statute ventures to overrule the divine pleasure: for if the immediate representative of our Saviour thinks fit to delegate any priest to execute the power of 'the keys' against the intendment of the statute, this act not only refuses to admit them, but forces them out of the kingdom, seizes their effects, and makes them liable to farther penalties: and, if any discipline and apostolic censure appears against this usage, it is punished as a capital offence.

"And what does your prudence think of all this? Is this a Catholic statute? Or, can it be endured without dishonour to our Saviour, without a breach upon the laws of the Gospel, and the ruin of people's souls? Why, therefore, did you not cry aloud? Why 'did you not lift up your voice like a trumpet, show your people their transgression, and the house of Jacob their sins, that their blood may not be required at your hands?' If all persons who have the cure of souls are bound to give this warning, how much more necessary is it for you to perform this part of your duty: to you, who have both the people and priests committed to your care by the Roman see; by whose favour you enjoy the privilege both of primate and legate for the English Church, and have the honour of being the successor of

that glorious martyr St. Thomas, who, to remove the oppression of such statutes as this, sacrificed himself for the interest of the Church?

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“ These things considered, you, who ought to have set up the Church’s standard, been most forward in the defence of religion, and animated your fellow bishops to a noble contest, are the first that turn your back, and decline the service; and thus, either by your cowardice, by your neglect, or downright prevarication—as it is generally believed,—you discourage those who were resolved to make a stand.

“ Therefore, if the Church complains of your conduct,—if the whole miscarriage is laid to your charge,—be not surprised, but troubled, at the imputation. And farther, let this reproach put you upon reforming your conduct, and awaken your courage to act up to the engagements of your office: which, were you but inclined to make the most of yourself, would be no difficult performance. Exert your character, therefore, among the laity: inform their understandings in this point, and endeavour to bring them over to justice: show them what a snare the statute above-mentioned will prove, and how much guilt it will draw upon their consciences. Let these admonitions be pressed home; and then, as it is generally said, ‘ The crooked will be made straight, and the rough ways smooth.’ ”

After this length of reprimand, the pope proceeds to tell the archbishop, that he thought himself bound in conscience to deal thus plainly with him; and charges him, under the penalty of excommunication, to go to the privy council immediately, and make what interest he was able for the repealing that statute; and, when the parliament sat, to apply to the lords and commons for the same purpose, and to let them know that all those who obeyed that statute were under excommunication. He was farther required to enjoin all the clergy to preach the same doctrine; and, lastly, he is ordered to take two grave persons along with him, to attest his diligence, and to certify the pope of the result of the matter. This letter of the pope is dated on the fifth of December.

If it be inquired, what made the pope thus warm and disturbed in his admonition? Why all this bitterness and coarse usage, these sallies of outrage and contempt, upon a primate of

*Reasons why
the pope
treated the
archbishop*

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LEY,
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*of Canter-
bury thus
roughly.*

England? What was Chicheley's peculiar guilt in this matter? Could this prelate prevent the passing of the Præmunire act? that was impossible: it was passed before his time. What then made the resentment of the court of Rome sleep thus long? Why was not the see of Canterbury taxed with cowardice and prevarication before now? Why were not Courtney and Arundel reprimanded upon this score?

To this it may be answered, the papacy was embroiled in this interval, the schism was in its vigour, and there were sometimes three competitors for St. Peter's chair. When things were thus entangled, the popes might not think it prudent to ruffle the English bishops. Such harsh expedients might possibly have made them transfer their obedience, and go over to a rival interest: but now, pope Martin had overborne his competitors; and the breach was almost, though not wholly, made up.

Spondan.
Annal. ad
an. 1429.
655.

Walsing-
ham, Hist.
Angl.
p. 337.

*This prelate
had dis-
suaded king
Henry the
5th against
receiving
a legate à
latere.*

But besides this, the pope seems to have had a peculiar grudge against archbishop Chicheley. This prelate, in his first convocation, had moved for the annulling of papal exemptions. This was such a presumption as the court of Rome would not easily pass over. And afterwards, to bring him under farther disfavour, he wrote to king Henry V. to stop the cardinalate of the bishop of Winchester, who, besides his cardinal's hat, was to be made the pope's "legate à latere," and hold the bishopric of Winchester in commendam. The annexing these extraordinary privileges to the dignity of the conclave, was more than Chicheley could understand: he informs the king, this "holding bishoprics in commendam, was altogether unprecedented in England. That the Church of England was so well guarded by her own constitutions and authority, as not to stand in need of supplemental provisions from foreign assistance. That this commission of 'legate à latere,' might prove of dangerous consequence to the realm: that it appeared from history and ancient records, that no 'legates à latere' had been sent into England, unless upon very great occasions. That before they were admitted they were brought under articles, and limited in the exercise of their character: their commission likewise determined within a year at farthest, whereas the bishop of Winchester's was granted for life." And to inform the king fully in this matter, the archbishop gave

his highness a short view of the extent of a "legate à latere's" jurisdiction: this account, extracted from the canon law, he enclosed in his letter.

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Duck. Vit.
Chicheley,
p. 34. et
deinc.

It is probable the pope was informed of this letter; and if so, the innuendos, or rather direct remonstrances against the Roman court, these remonstrances, I say, we may imagine, were strong provocations. This was enough to make the pope quarrel with the archbishop, and single him out for a mark of his displeasure.

The archbishop, not willing the matter should go to extremities, sent an excuse of his management to Rome. But the pope, it seems, was not satisfied with this answer; for the next letter, in Mr. Petyt's manuscripts, is still more severe; and here Chicheley's legatine power is suspended. This bull hath no date, but the paper that follows, bearing date the first of April, 1427, explains the chronology. This paper, I say, shews the bull was not written long before: it likewise contains an appeal of the archbishop from the pope to the next general council, and if none met, to our Saviour's tribunal.

*The pope
suspends
the arch-
bishop's
legatine
power.*
Dr. Burnet's
Hist. of the
Reform.
vol. 1.
p. 110.
Ibid.

His holiness's next letter to the archbishop is dated the sixth of May, and mentions letters written to the body of the English clergy for the same purpose. In this, the archbishop is required to make his utmost effort for repealing the statute: he is likewise severely reprimanded for having said, the pope's zeal in this matter was only to raise a great sum of money upon the English. This construction, his holiness resents as a most injurious imputation, protests he only designed to maintain that jurisdiction which our Saviour had annexed to his see; and keep those privileges on foot, which the holy Fathers, the Councils, and Catholic Church, had always acknowledged.

A. D. 1427.

Ibid.

The next letter is of a higher strain: it is directed to the two archbishops only; and it seems that, to mortify Chicheley, the archbishop of York is named before Canterbury. Here the supremacy takes a very lofty flight, and the pope ventures to make void the statutes of Provisors and Præmunire, made in the reigns of Edward III. and Richard II. And, pursuant to this decree, he commands the archbishops never to act upon the authority of those statutes, and declares, that if either themselves, or any others, submitted to them, they were "ipso facto" excommunicated, and not to be absolved, unless at the

*A remark-
able stretch
of the supre-
macy.*

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LEY,
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point of death, by any but the pope. He likewise charges them to publish his monitory letter to the whole nation, and cause it to be affixed in places customary upon such occasions. This is dated the eighth of December, the tenth year of his popedom. But if this letter was written after that last mentioned, the date is wrongly transcribed, and should have been the eleventh year of his popedom: for the first expostulatory letter is dated the fifth of December, and the tenth year of his popedom. Now, since Martin came to the chair upon the eleventh of November, if the fifth of December, in the year 1426, was the tenth year of his popedom, as it certainly was, it necessarily follows, that the eighth of December, 1427, must be his eleventh year.

Concil.
tom. 12.
col. 251.

The bishops and university of Oxford write to the pope in behalf of the archbishop of Canterbury.

To mollify the pope's displeasure, the archbishop of York, the bishops of London, Durham, and Lincoln, wrote in Chicheley's behalf: the university of Oxford likewise solicited his holiness to restore this prelate to his favour. In their letter they give the archbishop an extraordinary character; they acquaint his holiness what a value the whole English nation have for him: that his example was an admirable rule of practice; call him the golden candlestick of the Church of England; and entreat his holiness not to believe the whispers of wicked men against so unexceptionable a person.

Wood.
Antiquit.
Univers.
Oxon. l. 1.
p. 212.

The archbishop sends a submission to Rome.

656.

He means Augustine, archbishop of Canterbury.

These apologetical applications the archbishop sent by an express to Rome, and wrote an humble submission to the pope, protesting that he had done, and would still continue to do, his utmost for the repealing these statutes. One passage in this letter is particularly remarkable; he takes notice, he hears the pope had proceeded to a sentence against him, which had never been done from the days of St. Augustine to that time: that he knew this only by report; for he had not so much as opened the bulls which contained the censure. The reason why he could be no farther informed was, because he was commanded by the king to bring those instruments with the seals whole, and lodge them in the paper-office until the parliament sat.

Dr. Burnet's
Hist. Re-
form. vol. 1.
p. 111.

To proceed. The pope, resolving to push his point, wrote four letters; two to the king, one to the parliament, and another to the duke of Bedford, upon this subject. That to the duke has been already mentioned in the reign of Richard the second.

In the last, to the king, the pope puts him in mind of his former letter, and that his highness had promised to use his interest with the next parliament for the repeal of the *Præmunire* act; and that now since the parliament was ready to sit, he thought fit to refresh his memory, and exhort him to make good his promise: he farther lets him know, that if his highness had not thus been solicited and engaged, he would have been obliged in conscience to have done his utmost in this matter: and to bring his inclinations into action, the pope promises to secure his highness, and his subjects, from all inconveniences to which the repeal of this statute might make them liable, and prevent all those complaints which gave occasion to the making of it. This letter bears date the thirteenth of October, in the tenth year of his pontificate.

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The pope writes to the king and parliament for the repeal of the statute of Præmunire.

Id. Collection of Records, p. 98.

His letter to the parliament runs much upon the same topics; only here, he flourishes somewhat more upon his supremacy, and tells them plainly, that they cannot be saved without giving their votes to repeal this statute: and, for fear this argument should fail of success, he offers them the same articles of security mentioned in his letter to the king. This letter is dated the third of October, which, in all probability, was the true date, though the learned historian of the Reformation of the Church of England believes the transcriber hath mistaken it for the thirteenth: whereas, the transcriber's fault lay in mistaking the date of the pope's letter to the king, which ought to have been put the third, and not the thirteenth, as it stands in the record. That the chronology stands thus, is pretty evident from the pope's letter to the king and parliament; in both which, he takes notice, the parliament was not yet assembled; but this parliament met upon the thirteenth of October: therefore there is little reason to believe the date of the pope's letter was thus forward; unless we can suppose him unacquainted with the time of the parliament's meeting; which, considering his intelligence in England, and the forty days interval betwixt the summons and session, is very unlikely.

Id. Collect. p. 99.

To proceed. Upon the thirtieth of January, this session, the archbishops of Canterbury and York, the bishops of London, St. David's, Ely, and Norwich, with the abbots of Westminster and Reading, went to the House of Commons,

Cotton's Abridgment, fol. 587.

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LEY,
Abp. Cant.

*The re-
fectory in
Westminster
Abbey the
place where
the commons
used to sit.*

*Archbishop
Chicheley
moves the
Commons to
vote for the
repealing
the Præmunire
act, but
without
effect.*

*Dr. Burnet's
Collection
of Records,
vol. 1. p. 100.*

*Cotton's
Abridg-
ment,
fol. 588.
A. D. 1428.
The bishop
of Winches-
ter made a
cardinal.*

then sitting, according to custom, in the refectory of the abbey of Westminster: and here, the archbishop of Canterbury declaring the occasion of his coming, and promising a protestation, that neither himself nor any of his brethren intended to offer anything in prejudice of the king's prerogative, or any other part of the constitution;—after this preliminary discourse, he took this text for the subject of what he designed to say: “Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's.” From these words, he took occasion to state the ecclesiastical and civil jurisdictions, and to point out the barrier between Church and State. From hence he went on to the pope's supremacy; and, that the granting provisions was one branch of this privilege, he attempted to prove from Scripture, prescription, and the general consent of Christendom. He therefore requested the Commons to consider how much the salvation of their own souls, and the happiness of the kingdom, was concerned in giving the pope satisfaction; putting them in mind of the danger of an interdict unless the statute of Præmunire was repealed: and after he had pressed the point home, and discovered a great deal of heartiness and zeal in the affair, he withdrew with the rest of his brethren. The Commons debated the matter, but were not satisfied, it seems, with the archbishop's arguments, for they came to no resolution, either for repealing or explaining the act above-mentioned.

However, they thought the archbishop ruggedly treated by the court of Rome, and therefore addressed the king to write to the pope for the purgation of this prelate: for Chicheley, it seems, had been cited to Rome, for a stratagem in this realm against his holiness.

The bishop of Winchester, although he was disappointed of the dignity of a cardinal the last reign, renewed his attempt, and succeeded in this. Upon his return into England, and declaring his commission of “legate à latere” before the protector, and a great assembly of bishops and temporal lords; Richard Caudray, being constituted the king's proxy, protested in form, that no pope's legate ought to come into England without the king's permission: for the kings of England have all along enjoyed this privilege. Therefore if the cardinal of Winchester designed to stretch his legatine authority in pre-

judice of this custom, he in the king's name forbade him the exercise of that character. Upon this, the cardinal solemnly promised not to do anything by virtue of his legatine commission in disherison of the crown; or which might anywise tend to the lessening the prerogative, or the rights and privileges of the subject.

The learned Jocelin reports archbishop Chicheley to be the cardinal that gave this caution: but that this prelate should be so much in the pope's favour, is altogether unlikely, from the foregoing history. The parliament-rolls put this matter beyond all question, and mention Henry, bishop of Winchester, as being newly made a cardinal, giving him the title of St. Eusebius; which is the same distinction Jocelin bestows upon archbishop Chicheley. And though no cardinal was to be of the king's privy council without special leave, the cardinal of Winchester, out of respect to his being of the blood royal, was admitted to the board: but this favour was not granted without receiving his protestation, that he should absent himself when any difference between the king and pope happened to be debated. Thus Duck represents the matter: but the record in "Cotton's Abridgment" seems to leave this post to the cardinal's choice, and tells us the lords spiritual and temporal requested the said cardinal to take his place at the board: upon condition, however, of absenting himself in the cases above-mentioned.

In October, this year, the duke of Bedford convened the French clergy, within the English conquests, to Paris. The reason of his calling them together, was, to prevail with them to consent to the payment of a tax in defence of the king's title to that crown.

The clergy made an humble address to the regent, setting forth the reasons why they could not comply with that expectation.

First. They allege there was not enough of them summoned to represent their Church; and, therefore, they thought themselves in no condition to act for their whole body.

Secondly. They desired the regent would please to consider what privileges the ministers of religion enjoyed under heathen princes, who thought it reasonable to exempt them from the common burthens of other subjects. Thus, when the famine forced the Egyptians to sell their land, their cattle, and them-

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657.

He engages to act nothing in prejudice of the crown or kingdom.
Duck, in Vit. Chicheley, p. 37.
Antiquit. Brit. p. 284.

Cotton's Abridgment, fol. 592, 593.

He makes a protestation at his being admitted to the council-board.
Duck, in Vit. Chicheley, p. 38.

Cotton's Abridgment, p. 593.

The French clergy's address to the duke of Bedford against the paying of taxes.

Gen. xlvii. 20. et deinceps.

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LEY,
Abp. Cant.

selves, for provision out of Pharaoh's granaries, the priests were allowed to keep their estates, and had a maintenance assigned them by the king. They brought another instance from Artaxerxes, who, notwithstanding he levied great taxes upon the Jews after they fell under his power, gave express orders for the exemption of the priests. The words in his letter to Ezra are these: "Also we certify you, that touching any of the priests and Levites, singers, porters, Nethinims, or ministers of this house of God, it shall not be lawful to impose toll, tribute, or custom, upon them."

Ezra vii. 24.

Thirdly. Since the estates of the Church are the property of God Almighty, and that the clergy have only the management and distribution of them, to demand the common aids of that order, is, in effect, to put the Deity under a contribution: which, how harshly it sounds in the ears of good people, they entreat his excellency to consider.

Fourthly. In former times, when even the laity were more excused from taxes, there were more troops subsisted and paid by the crown than are in service at present; the discipline was likewise more exact, and the armies not allowed to plunder and distress their friends: and yet, when the charge lay thus entirely upon the crown, there were no such taxes required of the clergy. They fetched their precedent from the reign of king Henry II. of England, who not only passed over the Church, but excused a great part of the State in France from all sorts of impositions.

Fifthly. They urge, that since the noblesse and some secular corporations are exempt from paying taxes, notwithstanding they do not serve in person in the field, it seems very hard that the Church, who makes use of her commission, interposes her character, and puts up her devotions, for the public benefit and prosperity, should be under worse circumstances and greater servitude than the laity.

They urge several other reasons for a discharge from taxes, which are too long to insert.

To return to England: the cardinal of Winchester had his title given him, as it was thought, to qualify him for the pope's service in foreign parts: for now he made him, as it were, his general against the Bohemians, gave him a legatine authority for that kingdom, for Hungary, and Germany, with some unusual powers in his commission: for he was allowed to relax the

Dacher.
Spicileg.
tom. 4.
p. 309.
*Cardinal of
Winchester
made the
pope's general
against the Bohemians.*

customary penance of those who had debauched nuns ; to dispense with matrimony in the fourth degree of consanguinity ; to allow orders and benefices under the age of the canons ; and, in short, to overrule the discipline and constitutions of the Church in several other instances : and lastly, he had instructions to collect a tenth from the English clergy, to carry on the war in Bohemia. The archbishop of Canterbury likewise received a letter from the pope to this purpose. He had also a message sent him from the king, to promote a subsidy amongst the clergy. Upon these instructions, he held a convocation in London, where a tenth was granted for furnishing the regent of France. The clergy, complying thus cheerfully with the occasions of the government, had a statute passed in their favour, part of which runs thus :—

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“ Our lord the king, willing graciously to provide for the security and quietness of the prelates and clergy, at the supplication of the same prelates and clergy, and by the assent of the great men and commons, has ordained and established, that all the clergy, hereafter to be called to the convocation by the king’s writ, and their servants and familiars, shall for ever hereafter fully use and enjoy such liberty or defence in coming, tarrying, and returning, as the great men and commonalty of the realm of England, called or to be called to the king’s parliament, do enjoy, and were wont to enjoy, or, in time to come, ought to enjoy.”

September.
An act for privileging the servants of the convocation-clergy from arrests.

8 Hen. 6.
c. 1.

By the penning of this act, we may infer the clergy had their servants secured from arrests only when they met in convocation by the king’s writ : so that when they were summoned to a synod by the archbishop’s mandate in the intervals of parliament, they seem not to have been within this privilege.

The pope’s nuncio came into the convocation-house, made a long speech upon the subject of the Bohemian war, and pressed very hard for a supply, but to no purpose. Not long after, he came provided with a new authority, produced a letter from the pope, in which he had positive orders to command the English clergy to contribute a tenth for the occasions above-mentioned. His managing the matter thus imperiously disgusted the clergy, and brought them to a flat denial of the proportion demanded.

The pope denied a tenth by the convocation.

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However, to gratify his holiness's importunity in some measure, they voted him eight-pence in the mark of their rents: though even this grant was clogged with a condition, that the money should not be paid unless the contribution was found not to entrench upon the king's prerogative and the laws of the realm.

Duck. in
Vit. Chiche-
ley, p. 38.
*Several per-
sons con-
victed for
heretical
pravity.*

At this convocation, there were several persons in orders charged with heretical pravity: particularly for declaring against religious pilgrimages, worshipping of images, affirming the pope to be Antichrist, and several other tenets held by the Wickliffites. Some of these men recanted their opinions in the synod, and the rest were sentenced to prison. One Joan Dartford, being interrogated on some of these points, disengaged herself by an ambiguous answer. She told the convocation she had only learned the Creed and the Ten Commandments, and never had the resolution to press farther into the mysteries of religion.

Id. p. 39.

To proceed: pope Martin, besides his being balked in his expectation of a tenth, had lately received some checks in his jurisdiction upon the English; and, to give him a farther dissatisfaction, his nuncio was imprisoned for illegal collecting of money. This rebuke was warmly resented by his holiness, and put him upon writing that expostulatory letter to the duke of Bedford, which I have mentioned in the reign of king Richard II. The pope, in all likelihood, would have disputed these matters farther, had he not been embarrassed with business of greater consequence: for now, the seven years since the breaking up of the last synod was expired, and the council of Basil was to commence. For this reason, archbishop Chicheley summoned a convocation to London. At this synod, delegates were elected to represent the English Church; two-pence in the pound granted to support their expense; and instructions given them to move against the excesses of papal dispensations, against the latitudes of the court of Rome with reference to pluralities, non-residence, and bestowing the highest dignities and preferments in the Church upon persons hardly passed their minority.

February
20.

This convocation granted the king a tenth for his affairs in France, made a decree for the regulation of weights, and put down the use of the auncel, scheft, or pounder, under the

penalty of excommunication ; but this order bound no farther than the province of Canterbury, from whence we may conclude the province of York was not represented in this synod.

To proceed : pope Martin, notwithstanding his disinclination for a general council, could not evade the convening of the Fathers, without drawing a blemish upon his own sincerity, and breaking through the decrees of the councils of Constance and Pavia. To keep his credit, therefore, with the Western Church, he ordered cardinal Julian to open the council, and preside as legate there.

By the way, this cardinal Julian had the conduct of the Bohemian war, and was put in the cardinal of Winchester's post, whose commission had been sometime revoked.

As to the council of Basil, their method of voting was this : all the members were divided into four classes, in which, as near as was practicable, they ranged an equal number of each order and nation. The first division was called "the deputation of the faith ;" the second, "of the peace ;" the third, "of the reformation ;" and the fourth, "of common affairs." All these deputations had their distinct presidents, proctors, and officers. They had likewise each of them three members drawn out into a committee to examine and prepare matters. This committee, when they had formed and digested their business, made their report to that assembly of the deputations to which the cognizance of the matter belonged. When this division had come to a resolution, the vote of the majority was carried to the three other deputations ; and when the point was agreed to by all the divisions, or at least by three of them, the matter was reported in a general congregation or committee of the whole council, where the president pronounced the decree upon the plurality of votes, which decree was afterwards published in a solemn session at Church. This form of breaking the nations into subdivisions, and throwing them into committees with foreigners, being different from the manner at the council of Constance, gave some disgust to the English, as we shall see by and by.

To proceed : the emperor and the Fathers perceiving the Bohemians were in a condition to keep the field, invited them to the council, with promises of security and fair treatment. The nobility accepted the expedient ; and having a full safe-conduct transmitted from the council, they sent a solemn

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A. D. 1430.
Duck. in
Vit. Chiche-
ley, p. 39.
Concil.
tom. 12.
col. 439. et
deine.

Guicciardin.
l. 9.
Paul, Jov.
l. 2.

*The council
of Basil
opened.*

659.

A. D. 1431.
*The form of
voting in the
council of
Basil.*

Du Pin,
Eccles. Hist.
cent. xv.
chap. 3.

Concil.
tom. 12.
col. 482.

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deputation : the chief persons were, the famous officer Procopius, John Roxana, a priest ; Nicholas Galeus, a Thaborite ; and Peter Pain, an Englishman. The Bohemians arranged their pretensions under four heads ; First, they moved that the eucharist might be given the laity in both kinds. Secondly, that none but priests might be allowed to preach. Thirdly, that ecclesiastics should have no endowments, nor temporal jurisdiction. And fourthly, that public crimes might be punished by none but the magistracy. Their meaning was, as they explained themselves, that the misbehaviour of ecclesiastics, not excepting their disorders in matters of religion, ought to fall under the correction of the secular power. Peter Pain spoke at large to the third point : but with what strength he managed the argument, will be seen afterwards. I have mentioned this affair of the Bohemians, because Wickliff's books, and Pain's preaching, seem to have given a great occasion to the commotions in that country.

Pain, an Englishman, one of the principal delegates for the Bohemians.
Id. cent. xv. ch. 7.

Eugenius IV., who succeeded pope Martin, notwithstanding he had ratified the act of his predecessor, and given cardinal Julian a commission to convene the Fathers at Basil : notwithstanding, I say, he had gone thus far, he endeavoured to recal his concessions, and break up the synod. The first steps of this council, it seems, were disliked by this pope. He pretended, their invitation of the Bohemians, and offering to treat with them upon the points in question, could not be done without dishonour to the apostolic see, without weakening the authority of the councils of Constance and Sienna ; in which the Bohemians had been solemnly condemned. That after they had been thus publicly censured, and a holy war, as it were, raised against them, they ought not to be allowed a re-hearing. For this reason, among others, he published a bull for dissolving the council, intimating the holding another at Bononia within a year, and promising a third within ten years at Avignon. This bull was dated upon the sixteenth of December, about four days after the Fathers had held their first session.

Pope Eugenius publishes a bull for dissolving the council of Basil.
Spondan. Annal. ad an. 1431. p. 809.

An insurrection at Abingdon.

This year, in the beginning of summer, the lord protector was informed, that several ill-designing persons had broke out into a kind of insurrection, and drawn a body together at Abingdon. These malcontents were headed by one William Mandevill, a weaver, and bailiff of the town. They put on a

mask of religion, dispersed libels against the clergy, and endeavoured to make them odious. The protector going down to Abingdon, arrested Mandevill; who, upon his examination, confessed he designed to have done a great deal of mischief, especially against the Church. In short, several of his party were apprehended and imprisoned; himself executed at Abingdon, and his head sent to London, and set upon the bridge.

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To return to the council of Basil: the Fathers having notice of the pope's bull for dissolving the synod, made a declaration, "that the assembly being lawfully convened, constituting a general council, and representing the Church-militant, have their authority immediately from Christ: and that all persons of what condition or eminence soever, though even of papal dignity, are bound to obey the said council, and abide by their decisions touching matters of faith, closing the schism, and the reformation of the Church in the head and members."

Stow's An-
nal. p. 372.A. D. 1432.
*The Fathers
at Basil de-
clare the
council
superior to
the pope,
null his bull,
&c.*

Their next decree is a sort of corollary or inference from the former. In this they declare, "that if any person, of what rank or dignity soever, (expressly including the pope,) shall refuse submission to the decrees of this holy synod, or to any other general council lawfully assembled in any part of the premises above mentioned, that all such persons, unless they repent their disobedience, shall be put under penance, pursued with the discipline of the Church, and that recourse shall be had to farther methods of justice if occasion shall require."

And to give a firmer establishment to their jurisdiction, they add in the close, "that the present council being lawfully assembled under the direction of the Holy Ghost, no person whatsoever, though of papal eminency, has any authority to dissolve, translate, or prorogue the said council, either now, or for the future, without the advice and consent of the fathers assembled." And pursuant to this resolution, they declare the pope's bull for the dissolution of the council void, and admonish him to recall it. And to give a farther proof of their supremacy, they decree, "that it shall not be lawful for the pope to make any cardinals while the council sat." They make a grant of the government of Avignon, and the county of Venaisin, both in spirituals and temporals, to the cardinal Alphonsus, and pass an order, that if a vacancy should happen in the apostolic see before the recess of the Fathers, the next election should be made in the council.

660.

Sess. 2.
Concil.
tom. 12.
col. 477,
478.
Id. sess. 3.
col. 430.Id. col. 489.
sess. 4.
Id. sess. 7.
col. 496.

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*A con-
vocation at
London.*

The difference between the pope and council being thus inflamed, each party endeavoured to draw the archbishop of Canterbury into their interest. Upon this emergency, a convocation met at London about the middle of September. The case being debated in both houses, they came to a resolution for sending more delegates, some of which were ordered to go to the council, and the rest to the pope, to solicit an accommodation.

Duck, in
Vit. Chiche-
ley, p. 40.

At this convocation, some of the lower house complained of the slender qualifications of the bishops, vicars-general, and commissaries; that they had sometimes no recommendation of any university degree, and had made little or no progress in the civil or canon law. Upon this remonstrance, a constitution passed, that none but graduates in one of those faculties should be capable of becoming ecclesiastical judges.

Ibid. p. 41.

About this time there happened a contest between cardinal Kemp, archbishop of York, and Chicheley, for precedency. This debate at last was laid before the pope. Archbishop Chicheley wrote to his holiness upon this subject, and constituted a proxy to plead for him. To give the ground of the dispute: cardinal Kemp, upon the strength of his new dignity, claimed precedency of the archbishop of Canterbury in the parliament-house at Westminster. Archbishop Chicheley therefore set forth by his proxy, that no spiritual person ought to precede him within his own jurisdiction; and that Kemp's pretensions of a cardinal signified nothing in the province of Canterbury: that the dignity of a cardinal was eclipsed in some measure when remote from the conclave: and lastly, that when a bishop travelled into a foreign diocese, the advantage of his character was as it were suspended, and he was only to be looked on as a private person.

Ibid.

Pope Eugenius, who seems biassed in favour of the conclave, sent a letter upon this subject to the archbishop of Canterbury; in which he endeavours to make the most of the dignity of that order. He tells him, "the cardinals were seated immediately next to the papal chair: that this august distinction of priesthood was intimated by Moses in the seventeenth chapter of Deuteronomy, and afterwards instituted by St. Peter under the evangelical dispensation: that they are to be counted, as it were, part of the pope's person: and that the government of the universal Church is principally under their management.

*The pope's
letter to
Chicheley in
behalf of the
dignity of
the conclave.*

Since therefore, according to the custom of particular Churches, a priest is superior to a deacon, a bishop to a priest, and an archbishop to a bishop, it will follow by stronger consequence, that all orders of prelacy should give place to the cardinals, because, by the pope's commission they preside over the whole Church; whereas the jurisdiction of a primate or metropolitan is confined to a single province. And lastly, he entreats archbishop Chicheley to stoop his mitre to the purple hat, and not contest the usage of the Roman Church: and upon this acquiescence, he promises to oblige him in his see, and do him all the friendly offices imaginable."

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Ibid. Jacobat. lib. 1. de Concil. art. 12.

From this dispute it appears, Chicheley stood up for the liberties of the Church of England, and had courage enough to oppose the invasions of the court of Rome. To proceed:

The Fathers of Basil renewed their decree of the council being above the pope. Upon this occasion, the bishop of Burgen (as Fox calls him), the Spanish ambassador, made a learned speech to prove the supreme authority of the council: and in representing this matter, Fox maintains the deposing doctrine, and discovers himself an abettor of dangerous principles. To make good this observation, I must transcribe some part of the Spanish ambassador's speech, as it stands in Fox. Now this bishop, amongst other reasons, endeavours to prove the superiority of the council above the pope from a comparison taken from the state. And here he lays it down for a principle, "that in every well-ordered kingdom, it ought specially to be desired, that the whole realm should be of more authority than the king; which if it happened contrary, it were not to be called a kingdom, but a tyranny: so likewise doth he think of the Church, that it ought to be of more authority than the prince thereof; that is to say, the pope."

Fox's Acts and Monuments, p. 789.

Fox declares himself a great admirer of the solidity of this argument, and tells us, "the force and power of truth" was evident in it, and makes it his own by his commendation. To put this matter beyond dispute, I shall cite somewhat more of him to this purpose. His words are these: "as touching that the pope is subject to the general council, it is excellently well proved (says he) by the reason before alleged by the bishop of Burgen. For the pope," continues Fox, "is in the Church as a king in his kingdom: and for a king to be of more authority than his kingdom, it were too absurd: ergo, neither ought

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Id. p. 880.
edit. 1641.

the pope to be above the Church. For like as oftentimes kings who do wickedly govern the commonwealth, and exercise cruelty, are deprived of their kingdoms; even so it is not to be doubted, but that the bishops of Rome may be deposed by the Church; that is to say, by the general councils."

Thus Fox proves a council above the pope from this republican argument of the people's being above the king; and makes no scruple to maintain, that princes may be deposed by their subjects for mal-administration.

To return to the council of Basil, where the Fathers once more declare against the pope's having any authority to translate or dissolve the council: in consequence of this resolution, and the other above-mentioned, they summon Eugenius to the council, charge him with contumacy, and prescribe him a set time to appear and give satisfaction.

Concil.
tom. 12
col. 506.516.
520.
A. D. 1433.
*A convoca-
tion at
London.*

The pope and council being thus at defiance, the English Church was somewhat at a stand. To settle this matter, the archbishop of Canterbury summoned a convocation to London, upon the sixth of November; and, at the opening this synod, he recommends the debating this grand question to the lower house; that is, whether the dissolving of a general council was part of the pope's prerogative? or, on the other side, whether the Fathers of Basil might make good their menaces, and depose Eugenius? and, in short, whether Eugenius or the council of Basil ought to be obeyed? After some days for deliberating upon the point, Thomas Beckington, dean of the Arches, reported this resolution of the lower house to the archbishop, that the pope might dissolve the council at his pleasure; and that, in case the council of Basil should make a new pope, it would not be lawful for the English Church to throw off their obedience to Eugenius. This opinion was approved by all the bishops.

Duck. in
Vit. Chiche-
ley, p. 42.
*The English
clergy side
with the
pope against
the council.*

And here we are to observe, that the English clergy were by no means pleased with the proceedings of the council of Basil. The reason of their disgust was, because the council had changed the form of voting by nations, and referred the decision to committees. This innovation was protested against by the English delegates at Basil. The names of these representatives were, Thomas, bishop of Worcester; William, prior of Norwich; Thomas Brown, dean of Salisbury; Peter Patrick, chancellor of Lincoln; Robert Barton, precentor of

Lincoln; John Salisbury, doctor in divinity; John Simondisborough, bachelor in canon law. Some of these delegates dying at Basil, the London convocation chose eight doctors in divinity to supply the places of the deceased, and make their representation more numerous. These delegates had instructions not to submit to any new form of swearing, in case such terms should be required by the council.

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Ibid.

This year, Peter Pain, the Bohemian delegate above-mentioned, argued before the council against the clergy's having estates, or temporal jurisdiction. I shall mention some of his arguments taken from Holy Scripture, and the answers given to them by Polemar, archdeacon of Barcelona. This Polemar, before he proceeds to confute Pain's objections, establishes the opposite doctrine from several texts in the Old and New Testament. First, he observes, that our Saviour's priesthood was of the order of Melchizedech, and not of Aaron; and that Melchizedech had the regal as well as the sacerdotal dignity in his character. What wonder is it, therefore, if the evangelical priesthood should be allowed the common advantage of property and temporal power; since Melchizedech was king of Salem, at the same time that he was priest of the most high God.

Pain, an Englishman, argues against the endowments and temporal jurisdiction of the Church.

Heb. vi. 20.

Gen xiv. 18.

He observes, farther, that before the Mosaic institution, when the laws of nature, the primitive customs and traditions, were fresh upon people's minds; that during this period, the eldest son had the priesthood annexed to his birthright, and a comparative advantage with respect to property and power. Thus, when Isaac took Jacob for his eldest son, he blessed him suitably to that privilege, and made him lord over his brethren. And when Jacob called his sons together to give them his blessing, he styles Reuben his eldest, the excellency of dignity, and the excellency of power: by which St. Jerome understands the privilege of priesthood, and a greater share in jurisdiction and estate: all which would have been Reuben's advantages, had it not been for his misbehaviour.

His arguments answered by Polemar.

Gen. xxvii. 29.

Gen. xlix. 3.

Concil. tom. 12. col. 1374.

From hence Polemar advances to the law of Moses, and proves, that the tribe of Levi enjoyed estates real and personal, had servants in their family, and were owners of houses, towns, and cities; for, by the way, Pain had run the point to such a remarkable dilemma, as not only to maintain that the

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- To refute this unaccountable doctrine, Polemar proves, from Leviticus, "that the cities of the Levites, and the houses of the cities of their possession, might be redeemed at any time: and if a man purchase of the Levites, then the house that was sold, and the city of his possession, shall go out in the year of jubilee: for the houses of the cities of the Levites are their possession among the children of Israel: but the field of the suburbs of their cities may not be sold, for it is their perpetual possession." Thus it appears that the tribe of Levi had not only a share in the country, but that their estates were under particular circumstances of advantage.
662. He proves this point farther, from the thirty-first of Numbers, where it appears that Eleazar, the priest, and the rest of his tribe and order, had a considerable share of the booty taken from the Midianites. And in the thirty-fifth chapter of this book, God commands Moses to give unto the Levites, of the inheritance of their possession, cities and suburbs to dwell in. And afterwards, when Palestine was conquered by Joshua, this order was performed, and forty-eight cities assigned to the tribe of Levi. And that, besides this division, the same tribe had the tithes, first-fruits, sacrifices, and money for redemption of the first-born. And thus, by the divine institution, they were more wealthy than any other tribe. And then, as to matters of jurisdiction, the high-priest was sometimes the chief magistrate, as it happened in the case of Eli. Samuel, likewise, a Levite by birth, was at the head of the government. And therefore St. Augustine, in his questions upon the Old Testament, when he comes to solve this difficulty, how it came to pass that Elkanah, Samuel's father, being a Levite, should be obliged to offer at the tabernacle, and pay tithes? He answers that Elkanah was chargeable with these duties, upon the score of his wife's estate; and that his wife was of a different tribe: for, as this Father observes, the Levites did not always confine themselves to the posterity of their patriarch. Thus, for instance, Jehoiada, the high priest, married Jehoshabeath, the daughter of king Jehoram, who was of the tribe of Judah. From hence, he goes on to prove the priests were made judges of civil controversies by
- Levit. xxv. 32, 33, 34.
- Numb. xxxi.
- Numb. xxxv. 2.
- Jos. xxi.
- Quest. 46. tom. 4.
- Deut. xvii. 9 to 13.

the Mosaic law. And, lastly, that the family of the Maccabees were kings and priests for several descents."

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When Polemar had thus argued against Pain from the Old Testament, he proceeded to examine his citations out of the New.

And here, in the first place, Pain argued against the property and jurisdiction of the Church from the calling St. Peter, St. Andrew, and St. Matthew, who quitted their fortunes and employments, and followed our Saviour. But, as Polemar observes, there can no more be inferred from this, but a pious disposition in these apostles; there being nothing in the text which makes this resignation of theirs a standing rule for the practice of the clergy.

Secondly. Pain offered to prove his opinion from the fifth of St. Matthew, where it is said, "Whosoever shall smite thee on thy right cheek, turn to him the other also:" but this is so apparently remote from the point, that his adversary does not think it worth the answering. Neither is the next text alleged from this chapter much more to the purpose, viz.: "If any man will sue thee at the law, and take away thy coat, let him have thy cloak also;" for if this precept were to be literally interpreted, and pointed wholly towards the Church, it might be turned against Pain; because it supposes the clergy have something which may be called their own. But this command, as it is generally interpreted by the Fathers, means nothing more than a patient and benevolent temper, and being ready to do that which is most serviceable to the spiritual interest of our neighbour.

Pain proceeds, and endeavours to establish his opinion from our Saviour's instructions to his disciples, when he sent them to preach. And here, at their setting forward, they are commanded to provide neither gold, silver, nor brass for the convenience of their journey. To this Polemar answers, that the sense of the Scripture is not always to be strained up to the letter: that a prohibition does not always bind without limitation, but is to be expounded with regard to circumstances.

Thus, in the fourteenth of St. Luke it is said, "When thou makest a dinner, call not thy friends, nor thy brethren, neither thy kinsmen." But ought we to conclude from hence, that it is a sin for a man to entertain his relations or friends at

St. Luke xiv.
12.

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St. Matt. x.
28.

table? To give another instance, our Saviour commands his disciples not to fear those who can kill the body. But does it follow from hence, that we are never to be afraid of those that have the power of life and death over us? This, without doubt, would bear much too hard upon the laws of self-preservation. The meaning, therefore, is only this, that we ought not to be so far governed by our fears, as to neglect our duty. To mention another text which sounds like the former, "Take no thought, therefore, saying, what shall we eat, or what shall we drink, or wherewithal shall we be clothed? And take no thought for the morrow." But notwithstanding the prohibition is plain, and runs in general terms, it would be unreasonable to conclude that all Christians were forbidden to look forward, or make any provision for the conveniences of life. Had this been the meaning of our Saviour's words, St. Paul would never have said, "That if any man provide not for his own household, he has denied the faith, and is worse than an infidel." The command, therefore, of not carrying gold or silver, relates only to the particular mission of the apostles to the Jews: for we see at other times the apostles were allowed a stock, and furnished with money for their accommodation.

St. Matt. vi.
31. 34.

John xiii.
Mark vi.
St. Luke
xxii. 36.

And, which is more, when our Saviour was to continue no longer with them, he gave them express order to provide for themselves.

663.

St. Matt.
xxiii. 8.
ver. 1.

Pain's next text, to argue the clergy out of their civil rights, is taken from the 23rd of St. Matthew, "Be ye not called Rabbi." But first; these words are spoken to the multitude as well as the disciples. And secondly; the prohibition is levelled only against vanity, ambition, and contest for precedency.

St. Matt.
xix. 21.

Another text made use of by Pain is, what our Saviour said to the young man, who desired his instruction: "If thou wilt be perfect, go and sell that thou hast, and give to the poor." To this Polemar replies, "that these words were spoken to the young man, and not to the Apostles;" and therefore the clergy are not particularly concerned in them. Farther, our Saviour's answer to the man that offered to follow him was cited by Pain: "The foxes have holes, and the birds of the air have nests, but the Son of man hath not where to lay his head." To this, it was returned, that though all our Saviour's

St. Luke ix.
53.

actions were instructive to the Church, yet we are not tied to an imitation in every particular ; for otherwise every Christian would be bound to suffer upon the cross.

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And lastly. Pain attempts to make good his singularities from this declaration of our Saviour, “ Whosoever he be of you that forsakes not all that he hath, he cannot be my disciple.” But this text was spoken to the multitude ; and therefore the force of the command will reach all Christians in common. In short, several of Pain’s citations from the New Testament relate to the laity no less than the clergy. From whence it would follow, that if his constructions should pass, no Christians ought to be allowed either property or power. Baptism would bring them all under an incapacity for wealth or magistracy : and thus they would be obliged to throw up the world to Jews and Infidels.

St. Luke
xiv. 33.
ver. 25.

I shall now proceed to mention some of Pain’s best arguments from the reason of the thing.

First, he argues, that since it is lawful for the clergy to deny the laity the benefit of the sacraments, when they believe them unqualified ; therefore it is lawful for the laity to take away the temporalities of the clergy when they misbehave themselves ; that is, because it is lawful for the clergy to execute their commission, to manage the power of the keys, and govern those committed to their charge : therefore the laity may take a forfeiture without authority, and disseize the church of her revenues against justice and law !

Pain argues in the next place from the topics of inconvenience, and supposes, that if a clerk should be guilty of murder, robbery, or ravishing, there would be no remedy against these disorders, unless his doctrine was allowed to take effect. To this Polemar answers, that satisfaction might be easily made, and the public peace secured, without going to these extremities : and that the rights of the Church ought not to suffer for the miscarriages of any particular person.

Pain endeavours again to re-enforce the cause from the New Testament, and cites the sixth of the Acts, where it is said by the Apostles, “ It is not reason that we should leave the word of God, and serve tables.” But do these words imply the laity have any right to overthrow the property of the Church ? Did the Apostles give the people any liberty to seize the sums of

Acts vi. 2.

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money laid at their feet, because they were not at leisure to make a distribution of what was deposited with them ?

His next argument is, that the endowments of the Church being of the nature of a privilege, they ought to be taken away when the design of the grant is not answered. To this it is replied, that if he means an endowment settled with a power of revocation, by a privilege, he mistakes the Church's title, there being as full a translation of right in estates granted to the clergy, as in those conveyed to the laity, either by gift, purchase, or any other way.

Notwithstanding the ill success of Pain's arguments, he is resolved to push the point, and venture upon this untoward argument ; that as it is lawful to take a sword out of a madman's hand to prevent his destroying himself, so it is defensible to strip a clergyman, that mismanages, of his estate, for fear he should abuse it to his ruin. By this reasoning, every man that misemploys his fortune, ought to have it taken from him. Now this doctrine, were it allowed, would unsettle the world, fill all places with rapine and confusion, and give the rabble an admirable colour to rob the wealthy at their pleasure.

Lastly. He closes the dispute with a prediction of our Saviour : " Behold your house is left unto you desolate ;" and interprets it as a prophecy, that the temporalities of the clergy should be taken away. But this is downright perverting the words, and expounding that upon the Christian clergy, which is plainly meant of the Jewish church and government.

I have now done with this delegate's argument from Scripture, and the reason of the thing. His testimonies from the Fathers, from the canon and civil law, are no less wide of his purpose : however, by these citations, it is evident, Pain was a man of learning, and one of the chief of the Wickliffite party. I have been the longer in representing this matter, to shew the dangerous tenets of these men, and the wretched proof they bring in defence of them. This doctrine is calculated exactly for plunder and sacrilege, the holy text lamentably wrested to the ruin of the Church, and the authority of God made use of against his own institution.

And to free the reader from a partiality to these Lollards, and prevent his being shocked with this censure, I shall subjoin the testimony of the famous Hooker ; a person of the

St. Matt.
xxiii. 38.

Concil.
tom. 12.
col. 1377 to
1419.

664.

first rank for learning and judgment; and against whose integrity there lies no exception. This celebrated divine, upon a similar occasion, delivers himself thus :

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“ And for fear, lest covetousness alone should linger out the time too much, and not be able to make havoc of the house of God, with that expedition which the mortal enemy thereof did vehemently wish ; he hath, by some enchantments, so deeply bewitched religion itself, as to make it in the end an earnest solicitor, and an eloquent persuader of sacrilege ; urging confidently, that the best service which men of power can do to Christ, is, without any more ceremony to sweep all, and to leave the church as bare as in the day it was first born ; and that they which endowed churches with lands, poisoned religion,” &c.

In a word : “ that to give unto God is error ; and reformation of error to take from the church, that which the blindness of former ages did unwisely give.”

“ By these, or the like suggestions,” continues he, “ received with full joy, and with like sedulity practised in certain parts of the Christian world, they have brought to pass that which David doth say of man, but which is in hazard to be verified concerning the whole religion and service of God. The time thereof may, peradventure, fall out to be threescore and ten years ; or, if strength do serve unto fourscore, what followeth is like to be small joy for them, whosoever they be that behold it.”

P's. xc. 10.

Thus, in the opinion of the judicious Hooker, this declaiming against the property and endowments of the Church, proceeds from the suggestions of the mortal enemy of mankind, and is no better than sacrilegious enthusiasm. Thus the charge runs, if the Lollards were in earnest, and believed their tenets. But if they were governed by pique and secular views, served under their interest, and made a noise for pay and plunder, their character must suffer deeper another way.

Hooker,
Eccles.
Polity,
book 5.
p.432. N.79.

This year, the commons complained to the king in parliament, that the clergy commenced suits for wood of twenty years' growth and upwards : and that when those who bought this timber of the laity, applied for remedy to the court of Chancery, and moved for a prohibition pursuant to a statute made in the forty-fifth of king Edward III., that in such cases, a prohibition and attachment was, against all law and right,

The commons move for prohibitions from the King's Bench and Common Pleas, but are denied.
45 Edw. 3.
cap 3.

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LEY,
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denied them. They humbly therefore desired the king to ordain by authority of the present parliament, that those who shall find themselves aggrieved, may hereafter have such writs of prohibition and attachments upon them, in the King's Bench and Common Pleas, as well as from the Chancery, according as they shall think fit to apply. And that the said writs of prohibition and attachment issuing out of the said benches, may have the same force and effect as if they had been awarded out of the High Court of Chancery.

Fuller,
Church
Hist. book 4.
p. 175.
Ex Rot.
Parl.
Cotton's
Abridg-
ment,
fol. 605.

This bill was denied by the king, and the matter left to the statutes already provided.

From this bill it plainly appears, that the Chancery was the only court for remedy in these cases; and that, as the laws then stood, neither the King's Bench nor the Common Pleas had any authority to grant prohibitions.

*The pope
revokes his
dissolution
bulls, and
owns the
council of
Basil.*

To return to the affairs at Basil, where the bishops of Tarentum and Cervia presented a bull of pope Eugenius to the Fathers, intimating, that notwithstanding he had nulled the council of Basil, yet to avoid the dissensions which had happened upon the score of this dissolution, he declared the general council of Basil had been lawfully continued, and that it ought to continue: that the dissolution was null, and that he approved the council: that he revoked his bulls of dissolution, and made void every thing that had been attempted against the authority of the council, declared all processes commenced against any of its members of none effect, and promised to desist from all practices that might be anyways prejudicial to that assembly. The Fathers accepted this bull of revocation, and declared the pope had given them full satisfaction. Upon this they admitted his legates into the council upon the preliminary of taking an oath for approving the decrees of the Fathers of Constance, with reference to the supreme authority of a general council.

Concil.
tom. 12.
col. 528.
Du Pin,
Eccles. Hist.
cent. xv.
chap. 3.

About a year forward, archbishop Chicheley sent an order to his suffragans to publish the following form of excommunication in all the cathedrals and parochial churches within the province: this censure was to be read every Sunday, unless some extraordinary impediment happened. It was to be pronounced in English, in the following form:

“Yrste; yei be accursy'd that presume to take away, or

pryfe any chirche of the right yat longyth yereto, or else agayn right to stroy, breke, or strobyll ye liberties of the Chirche.

“ And also yoo that parcheses any maner of letterys from any temporal courte, to let any process of spiritual juggys in such causes as longyth to spiritual court : and all yoo yat with puple and noyse come to spiritual court, and put the juggys or partyes yat their pletts in feer, or else for alsmoche as the partyes sew in spiritual court such causes as longeth to spiritual court, make or procure any of the said partyes, advocats, procurators, or other mynysters of spiritual court, to be endytt, or restytt, or anywise be vexyd.

665.

“ Also, yei yat presume to destroy or trobyll the ease and tranquillity of the kyng, and hys reame of Inlonde, and yoo yat wrangfully withehold any ryght, yat longythe to the kyng.

“ Also, all yoo yat weetyngly berys fals wittness, or procure fals wittness to be borne, or else weetyngly bring forthe in judgment fals wittness to let ryght matrimony, or procure dyssherytynge of any person. And also, yoo yat of malyce put any crime of sklandyr to any man or woman, the wyche was not sklandary byfore among gude men and worthy, so that he or sche schulde be caulde to jugment, a purgacion assigned to hyme on the said cryme, or grevyd in any otherwise.

“ And also, yoo yat resyve the kyngs writtyes, or mandements, to take such as ben acursyd, for neede or favour, or any other wilefull causys, yet do nott dewe execucion thereof, or procure wrongfull delyverance of suth yat ben acursyde.

“ Ande all yoo yat take wasting, or withdraw ynge owte of house, maners, grangs, or odyer placys of archbyschopes, byschopes, or any other person of holy Chirche azene their will, or azene the will off suche persons yat ben ordeynt, and depute de kepers theirot. Also, all yoo that draweth owte of seyntory any man or woman yat fleythe to chirche or chircheyarde, or clostyr for gyrthe, or immynyte of holy Chirche, or let or forbyde necessary lyfe-lode to be gyffynge to such persons beyng witheinne seyntory.

“ And yoo yat putt violent honds on prieste or on clerke.

“ Also, all yoo yat use any witchcraft, or gife thereto faith or credence : and all fals jurowrs, and other yat before sowne on boke, or off any other holy thing.

“ And all yoo yat dothe symonye or sacriledge, heretyques,

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LEY,
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Lollars, and fautours of any famosse thefys, robbers, reffers, and ravyschers, falsarias off the poppys, or the kings, or off any ordinary of holy Chirche.

“ And yei yat letten execucion off trewe testaments, or last wills, and witholders of tyth, or any other spiritual commodities yat longyth to holy Chirche. Amen.”

Lindwood.
Provincial.
in Calc. p. 73.
edit. Oxon.
*The English
affairs go
backward in
France.*

As to the state, the English interest declined in France: several of the great cities declared for Charles VII. and the king's principal confederate fell off: for, after pope Eugenius and the conclave had spent some time in soliciting an accommodation between king Henry and Charles, without effect, they grew weary of that mediation, changed their project, and procured a peace between king Charles and Philip, duke of Burgundy. This was a great misfortune to the English affairs, and was succeeded by another of no ordinary magnitude: for this year John, duke of Bedford, regent of France, died. This prince was well qualified both for the council-board and the camp; and upon the score of his birth and character, his station was not undeserved. Upon the death of this regent, Richard, duke of York, being put into his post, his promotion was disrelished by Edmund, duke of Somerset, who did his utmost to retard his voyage, and embarrass his success. This delay occasioned the loss of Paris, and several other considerable towns in France.

September
14, 1435.

A. D. 1436.
Stow's An-
nals, p. 374,
375.
Holinsh.

To return to the Church: upon the death of the emperor Sigismond, which happened the next year, the pope perceiving himself less embarrassed, retracts his late agreement, and translates the council to Ferrara. Some little time before this, the pope had been cited to the council, and declared contumacious for not appearing. His holiness, therefore, being resolved not to make the submission enjoined, did his utmost to scatter the council. To this purpose, he wrote to king Henry to send his ambassadors to Ferrara, and sent a peremptory order to the archbishop of Canterbury, to convene a synod, and send a delegation of bishops to Ferrara the next spring. On the other hand, the Fathers of Basil wrote a circular letter in opposition to the pope's bull, declared the calling of the council of Ferrara null; pronounced everything transacted there of no force or authority, enjoined all the pre-

A. D. 1437.

Concil.
tom. 12.
col. 590.
*The pope
flieth from
his agree-
ment with
the Fathers
at Basil,
and trans-
lates the
council to
Ferrara.
The council
nulls the
pope's trans-
lation.*

lates at Ferrara to repair to Basil within thirty days, and excommunicate all those who should either directly or indirectly hinder any person from coming thither.

A great part of the western Church was so far disgusted with this pope's prevarication, as to quit his interest. Most of the Italians, Germans, and Spaniards adhered to the council of Basil: and Charles VII. of France, not only forbade the prelates of his dominions going to Ferrara, but convening the estates to Bourges, published an edict called the "Pragmatic Sanction." This law was levelled against papal provisions, the payment of annates, and other encroachments of the court of Rome.

Thus far, the pope met with little but discouragement; but in England he had better success: for king Henry sent him a letter; in which, after having lamented the divisions of Christendom, and recommended a good understanding between his holiness and the Fathers at Basil, he adds, that in case matters could not be accommodated, and the pope should think it necessary to translate the council, his highness would not fail to send his ambassadors to the place assigned.

This letter, by the contents, seems to have been written some time before the last rupture between the pope and council.

The king made good his promise, and resolved upon an embassy to the pope's council at Ferrara. These ambassadors being most of them prelates, the archbishop of Canterbury summoned a convocation to furnish them suitably to their character: but the clergy of the lower house being most of them for the council of Basil, refused to contribute towards this expense. However, the proctors of the monasteries granted fourpence in the pound.

At this London convocation, archbishop Chicheley complained of pope Eugenius for giving Lewis, archbishop of Rouen, the bishopric of Ely in commendam. This being an unprecedented stretch of the supremacy, and likely to prove very prejudicial to the Church of England, the archbishop desired the convocation to deliberate about a remedy: but what answer they returned does not appear. However, the learned Joceline and Duck are mistaken in saying the administration of the bishopric of Ely was granted to this Lewis, while bishop Morgan was living: for it is plain the pope did not take this bold step till the vacancy of the see.

HENRY VI.

Du Pin, Eccles. Hist. cent. xv. chap. 3. Duck. in Vit. Chicheley, p. 44. *The Western Church divided between the pope and the council of Basil.*

Ibid.

King Henry's letter to the pope.

Concil. tom. 12. col. 790.

666.

A. D. 1438. *The English convocation disagree about the pope and the council of Basil.*

Duck. in Vit. Chicheley, p. 44

Regist. Chicheley, vol. 2. fol. 104. Angl. Sacr. pars 1. p. 668.

CHICHE-
LEY,
Abp. Cant.
*The univer-
sity of Ox-
ford address
the convoca-
tion.*

The university of Oxford, perceiving their members over-looked in the disposal of church preferments, addressed arch-bishop Chicheley and the convocation for better encourage-ment.

In their letter they complain, "To what a lamentable de-
clension their university was sunk ; that the number of students
was extremely lessened, and the colleges comparatively empty ;
that those who had spent all their youth to qualify themselves
for the service of the Church, were left to disappointment in
their age ; and that when they hoped to be rewarded with
benefices and dignities, they were balked of their just expec-
tations, and ignorant people put over their heads. In fine,
they entreat the convocation to take this matter into their
consideration, and pitch upon some expedient for the relief of
industry, for the encouragement of learning, and that merit
and reward may be better proportioned for the future. Such
a provision, they humbly conceive, would not only retrieve the
honour of the two universities, but prove very serviceable to
the whole kingdom."

Wood. Hist.
et Antiquit.
Univers.
Oxon. l. 1.
p. 216, 217.
Duck. Vit.
Chicheley,
p. 45.
*The pope's
council
translated
from Fer-
rara to
Florence.*

Upon this petition the convocation passed a canon, that
none but graduates in the universities should be capable of
benefices.

About this time, the plague breaking out at Ferrara, the
pope translated that synod to Florence. And here the pope
and his party were met by the emperor, John Emanuel
Palæologus, together with the Greek delegates. The design
was to concert an union between the eastern and western
Churches. In short, the controversy betwixt the Greeks and
Latins was reduced to four heads. The first related to the
procession of the Holy Ghost ; the second point of difference
was, whether unleavened or leavened bread was to be used in
the holy eucharist ; the third was a dispute about purgatory ;
and the fourth concerned the pope's primacy.

*The points
in debate
between the
Greek and
Latin
Churches.*

Du Pin,
Eccles. Hist.
cent. xv.
chap. 3.

As for the council of Basil, the Fathers there held up their
claim of superiority to the height, and deposed pope Eugenius
with all the marks of ignominy and ill character.

Concil.
tom. 12.
col. 619.
Concil.
tom. 13.
col. 1166,
1167.

Notwithstanding this censure, the council of Florence went
on, and after some length of debate, the Greeks and Latins
consented to a decree of union, in which the Greeks yielded
the article of the procession of the Holy Ghost : and owned

that the Filioque, (or the Holy Spirit's proceeding from the Son in conjunction with the Father,) was a just and necessary explication of the creed. They likewise owned the pope for St. Peter's successor, the prince of the apostles, the vicar of Jesus Christ, and the head of the Church; and, in short, granted his supremacy in as extensive a sense as the court of Rome could desire. As for the other two points in controversy, they were compromised, and neither party lost any ground: for as to the article concerning the bread in the holy eucharist, it was declared in the decree, that the body of our Saviour is truly consecrated in bread-corn, whether leavened or unleavened, and that the priests were to be left to their liberty, according to the usage of either Church. And, lastly, as to the point of purgatory, the Latins held that the souls of those who departed in an imperfect state of virtue, underwent the penance of fire; whereas the Greeks believed that those sinners who were to be made happy after a period of punishment, were confined to a place of gloom and darkness, where they continued dissatisfied and uneasy, and were deprived of the comfort of the Divine presence. But that the sacrifices and alms of the Church militant relieved their condition and shortened their penance. This article of purgatory was compromised, couched in ambiguous terms, and such as might be interpreted to the belief of either Church: for in the union decree it is said, "That the souls of true penitents dying in the love of God, before they have sufficiently testified their repentance, by discipline and other instances of reformation, are purified after their death by the pains of purgatory:" but then it is not expressed what those pains are, or how inflicted.

The Greek bishops, as it was thought, were overruled into this union by the emperor Palæologus: for this prince being pressed by the Turks, was willing to satisfy the pope, and bend to the belief of the Latins, in hopes of assistance. However, forced compliances are seldom lasting. The Greek prelates therefore, after they came home, declaimed against the council of Florence, and recanted their subscriptions: and, in short, those delegates who adhered to the union, were disowned by the eastern patriarchs, and the body of the Greek Church. And thus the Latins and Greeks continued in the same state of difference and independency as formerly.

HENRY
VI.
A. D. 1439.
*A decree of
union signed.*

*The custom
of the Greek
Church to
use leavened
bread in the
eucharist.*

Du Pin,
Eccles. Hist.
cent. xv.
chap. 3.
Council.
tom. 13.
col. 26, 27.

667.

*The Greeks
disown the
council of
Florence.*

CHICHE-
LEY,
Abp. Cant.

I hope the reader will not look upon this account as a foreign digression ; especially considering the English prelates were mostly in the interest of pope Eugenius, and by consequence must have had some share in the transactions of the council of Florence ¹.

Duck. in
Vit. Chiche-
ley, p. 45.
Wood.
Hist. Antiq.
Univers.
Oxon. lib. 1.
p. 216.

¹ This intricate period of Church history is so clearly illustrated by the short chapter of Du Pin's on the councils of Basil and Florence, referred to by Collier, that we shall take the liberty of quoting it.—“ After the dissolution of the council of Constance (says Du Pin) Martin V. went to Italy, and was received there with joy. He went directly to Florence, and afterwards reduced Bologna, which had revolted after the departure of John XXIII., and retook part of the cities in the domain of the Church of Rome, of which several great men were possessed. He erected the bishopric of Florence into an archbishopric; and at last, being invited by the Romans, he made his entry into Rome on the 19th of September 1421. Finding that city dispeopled and ruined by the disorders which the last troubles had occasioned, he was at great pains to restore it to its ancient splendour. In the beginning of his pontificate there arrived at Rome two deputies from the Greeks, Eudemon John, and Andrew of Rhodes, who made proposals for uniting the two Churches. The pope was not averse from it, and sent Eudemon John to the emperor Manuel Palæologus and John his son, with obliging letters, as well to the emperors as to Joseph, patriarch of Constantinople. They wrote back to the pope, and told him, that the only means of procuring peace was to assemble a free œcumenical council, in which the controverted articles and points should be examined; and proposed to hold that council at Constantinople. The pope consented that the council should be held in Greece, and sent a nuncio to Constantinople to agree about the place and time when that council should meet; provided that it should be assembled only to the end that the Greeks might acknowledge the doctrine and authority of the Church of Rome. The emperor answered, that that was not his intention; that he demanded a general council, like the seven first ones, there to define what the Holy Ghost should inspire into the bishops; that the council ought to be held at Constantinople; but that, not having wherewithal to furnish the necessary expense for holding of a council, he prayed the pope to send his assistance.

“ During these negotiations, the time of the council of Pavia, appointed in the 44th session of the council of Constance, being come, the pope sent three legates thither. It was opened on the twenty-second of June, 1423, and was immediately transferred to Sienna, where it continued. There they mentioned the affair of the Greeks, and confirmed the sentences made against the Wickliffites, Hussites, and Peter de la Luna; but Martin, fearing lest the ambassador of the king of Arragon should attempt somewhat against him, adjourned the council to another time. The city of Basil was chosen by the deputies of the nations for the place where the future council should be held in 1431.

“ In the mean while, the negotiations for the union of the two Churches were renewed with the emperor, John Palæologus, who succeeded to his father, Manuel; but Martin V. dying on the twentieth of February, 1431, all things continued in suspense. Michael Condolmiere, a Venetian, son to Gregory XII.'s sister, whom he had raised to the bishopric of Sienna and to the dignity of cardinal, was elected in his place, on the fourth of March, and was named Eugene IV. He continued Julian cardinal of St. Angelo, appointed by his predecessor to preside in the council of Basil. The first session of that council was held on the fourteenth of December; at which time they proposed the matters which the council was to treat of, and the Fathers of the council were distributed into four deputations. The second session was not held till the fifteenth of February, 1432. In this session they renewed the decree of the council of Constance, about the authority of the Fathers touching faith and the reformation of the Church, as well in its head as in its members. Pope Eugenius, being informed of what was doing in the council, gave forth a decree for its dissolution. The council sent him deputies to make him revoke that decree: but Eugene would not do that, and so the council

About two years afterwards, sir Roger Bolingbroke, Thomas Southwell, and sir John Hume, priests, and two of them chap- HENRY VI.

proceeded, and summoned the pope himself. Eugenius refusing to appear, the council pronounced him contumacious, in the sixth session. They enjoined him to revoke his decree in sixty days; and that term being expired, they summoned him again to revoke his decree for the dissolution of the council within another term of sixty days. Afterwards they granted him a new respite of ninety days. At last Eugene sent a bull, in the sixteenth session, held on the fifth of February, 1434, by which he revoked the decree of the dissolution of the council, approved the continuing of it, and every thing done in it to that time. He sent new legates to the council, who were received in the seventeenth session, in which they again renewed the decree of the council of Constance about the authority of general councils, which was confirmed in the eighteenth session. The Greek ambassadors were heard in the nineteenth session; and it was agreed with them that an universal council should be celebrated, at which their prelates should be present. Pope Eugene sent deputies into the East, to agree about the place where the council was to be held. They did not hinder the bishops of the council of Basil from labouring at the reformation of the Church, for which end they employed the twentieth and the following sessions to the twenty-seventh, when they resumed the affair of the Greeks, who were to come to the council: after this there were contests about the place where the council should be held. The pope declared it should be held at Florence, and sent galleys to bring the Greek ambassadors; and the council sent also some on their part. Those of the pope prevented them; and the emperor, John Palæologus, embarked in them, with his bishops and officers. During this negotiation, the council proceeded against the pope; and, upon his not appearing at the time they had appointed, they declared him contumacious. The pope on his part transferred the council to Ferrara, and opened it the tenth of January, 1438. Notwithstanding this, the bishops of the council of Basil continued to proceed, although the pope had transferred that council to Ferrara. The pope came to that city himself, declared void all that had been done at the council of Basil since the translation of that council; on the other hand, the council declared the convocation of the council of Ferrara null and void. At last, the emperor of the Greeks, the patriarch of Constantinople, and the other Greek bishops, arrived, and came to Ferrara, where the deputies of the Greeks had several conferences with the Latins, about purgatory, and the addition of the symbol. The pope transferred the council of Ferrara to Florence, where the disputes between the Greeks and Latins were continued. At last, the Greek emperor obliged the Greeks to sign a decree of union between the two Churches, in which the Greeks approved the doctrine of the Latins, and acknowledged the pope's authority, agreeably to the canons and decisions of councils. This decree of union was signed on both sides, on the fifth of July, 1439. But, in meanwhile, the prelates, who were assembled at Basil, proceeded against pope Eugenius, deposed him on the seventh of May that same year, and deputed commissioners to elect a pope. Those commissioners elected Amadeus, duke of Savoy, who was retired into the solitude of Ripallia, in the diocese of Geneva, where he lived as a hermit. His election was confirmed by the council, and he was named Felix V. He came to the council of Basil, while pope Eugenius continued the council at Florence, and there received the Armenians, Jacobites, and Ethiopians. Pope Eugenius and the council of Basil did mutually condemn one another. France continued to acknowledge Eugene for pope; and in the meanwhile, in an assembly held at Bourges in 1440, approved the decrees of the council of Basil relating to discipline, with some modifications. In Germany a new general council was proposed, to judge of the rights of the two popes. Pope Eugenius transferred the council of Florence to Rome, by his bull of the third of May, 1442. The council of Basil still continued; but, on the tenth of August, Felix retired to Lauzanna, with part of his cardinals, and would not come any more to Basil for all the entreaties they could make. At last, the wars of Germany, the retreat of the prelates—subjects of king Alphonsus, the overtures which the emperor made for holding of a new council, the absence of Felix, and the little assistance the prelates could hope

CHICHE-
LEY,
Abp. Cant.

A. D. 1441.
*The lady
Cobham and
some others
tried for a
plot against
the king.*

lains to the lady Cobham, duchess of Gloucester, were apprehended for compassing the king's death by necromantic practices. Bolingbroke being examined before the privy council, confessed, that he was carried to some unlawful curiosities at the instance of the lady Eleonora Cobham, who desired to know her fortune. This lady, it seems, upon the apprehending of these priests, had taken sanctuary at Westminster in the night, which made her the more suspected: she was afterwards brought before the archbishop of Canterbury, the cardinals of Winchester and York, and the bishop of Salisbury, and examined in St. Stephen's chapel: the charge ran high, and was no less than necromancy, witchcraft, heresy, and treason. And here Roger Bolingbroke came in evidence against her, and make good his former information. One Marjery Gurdemaine, of Eye, near Winchester, was likewise tried for witchcraft, and burnt in Smithfield about this time. The lady Cobham was indicted for treason at Guildhall, charged with procuring the four persons above-mentioned to make a figure of the king in wax; which, by the force of their incantations, was to operate upon his health, bring him into a consumption, and make him decay proportionably to the melting of the image, which was placed before a gentle fire. In short, the lady Cobham was convicted; however, the king refused to take the forfeiture of her life, and only committed her to the

Fabian,
fol. 191.
Stow's AN-
nals, p. 361.

for at Basil, obliged them to break up, after having appointed a general council to be held three years after in the city of Lyons, and that of Basil continued in that city if possible, or in that of Lausanna. This decree was published in the forty-fifth session of the council of Basil, held the sixteenth of May, 1443. There was but the shadow of a council at Lausanna after this, where scarce any thing was done. However, the schism continued to the death of Eugene IV., which happened on the twenty-third of February, 1447. Nicolas V., who was elected in his place on the sixth of March, a gentle and peaceable man, willingly listened to the proposals of an accommodation made him by the Christian princes. Felix and his adherents being as much disposed to peace, the accommodation was made upon advantageous conditions to both parties: viz. that Felix should renounce the pontificate, but should be the first cardinal, and perpetual legate from the holy see in Germany; that all excommunications on either side should be revoked, as also all other punishments denounced either by the councils or by the contending popes upon those of the opposite party; that the cardinals, bishops, abbots, beneficiaries, and officers, of both sides, should be maintained in their places; that dispensations, indulgences, and other graces, granted either by councils, or either of the contending popes, as well as the decrees, dispositions, and regulations, made by them, should subsist; in fine, that Nicolas V. should assemble a general council in France, seven months after the accommodation. All these conditions were executed except the last. Felix renounced the pontificate, and Nicolas V. was acknowledged by all for lawful pope. He employed the rest of his pontificate in quieting the troubles of Italy, and died the twenty-fifth of March, 1455."

custody of sir Thomas Stanley, who kept her prisoner in Chester castle. HENRY VI.

Bolingbroke, Hume, and one William Woodham, were tried for high treason, and condemned: the two last were pardoned, but Bolingbroke, alias Onely, was executed at Tyburn: at his death he protested his innocency as to treason against the king; but confessed he had gone too far in the inquiries of his art, and asked God Almighty's pardon.

Id. p. 382.

Fox makes a martyr of this sir Roger Onely, alias Bolingbroke, and puts him in his calendar, though for what reason is hard to imagine, unless he believed him a Wicliffite. The lady Cobham is said to have been of that persuasion, and therefore this martyrologist makes no difficulty to prefer her to the dignity of a confessor, and takes a great deal of pains to vindicate her memory; but this justification rests wholly upon slender conjectures, which even in Fuller's opinion, seem not sufficient to counterbalance the credit of the courts of justice. And notwithstanding the regard Fox discovers for this lady, Stow reports, that the duke of Gloucester tarnished his reputation by entertaining a scandalous commerce with her before marriage; and, at the close of her life, adds, that her pride, avarice, and licentiousness, were the occasion of her ruin.

Fox's Acts and Monuments, Calendar. Feb. 11. Id. Feb. 12.

The next thing that occurs to notice, is the death of archbishop Chicheley, which happened on the twelfth of April this year. He was a prelate of great conduct and integrity, answered the expectations of his post, and proved very serviceable both to the Church and kingdom. He preserved the jurisdiction of his see, and appeared boldly against licentiousness, without conniving at any man's greatness: and yet he managed with such prudence and dexterity, as never to lose the king's favour. He understood the true use of a great fortune, and spent his estates upon the encouragement of learning, the interest of religion, and the relief of the poor. Besides his benefactions already mentioned, he founded two colleges in Oxford, All Souls and Bernards. All Souls consists of a warden and forty fellows: the whole number of that society, including officers and servants, amounting to seventy. His other foundation of Bernards, afterwards enriched by a considerable settlement, made by sir Thomas White, mayor of London, sunk in the name of St. John's College. This arch-

Stow's Annals, p. 376. 382.

The death and character of archbishop Chicheley.

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Antiquit.
Britan.
Duck. in
Vit. Chiche-
ley, p. 47,
48.
Godwin in
Archiepisc.
Cantuar.
668.

bishop was likewise a considerable benefactor to his metropolitical church. He repaired the library, and furnished it with a choice collection of books, and gave a great many jewels and other rich ornaments for the service of the cathedral. His bounty to indigent scholars in the universities was likewise considerable. He sat nine-and-twenty years, and was buried in the north part of the choir at Canterbury.

His successor was John Stafford, son to the earl of Stafford. This noble prelate discovered an early inclination for learning, and prosecuted his studies all along with great industry. He took the degree of doctor at law, at Oxford, and practised as advocate in the court of Arches. Archbishop Chicheley taking notice of his abilities, constituted him his vicar-general. From hence passing through several preferments, he was made privy councillor, and lord privy seal to king Henry V. He was likewise lord treasurer, and preferred to the see of Bath and Wells; from whence, upon the death of Chicheley, he was translated to Canterbury by pope Eugenius.

*Stafford
translated to
Canterbury.*

This year, Lewis Luseburg, or Luxenburg, bishop of Ely, died. This prelate, who was cardinal and archbishop of Rouen, and related to the royal family, had the see of Ely given in commendam by the king, because the revenues of his archbishopric were much sunk by the war in Normandy. The archbishop, to fortify the king's grant, wrote to pope Eugenius for his confirmation: the pope, by the advice of the conclave, ratified the king's letters-patent: the pope was so zealous to oblige the king and cardinals, that he made no difficulty to revoke his bull which he had passed for the translation of the bishop of Worcester to this bishopric.

*The arch-
bishop of
Canterbury
disputes
Luxenburg's
title to the
see of Ely
against the
crown and
pope.*

However, this promotion was disrelished by archbishop Chicheley. He looked upon the commendam as an oppressive innovation, and a breach upon the canons. And therefore, when cardinal Luxenburg sent his deputy to take possession of the temporalities, and enter upon the jurisdiction of the see of Ely, archbishop Chicheley opposed his title: His reason for beginning this contest was, because Luxenburg made no application to the see of Canterbury, but pretended to govern a see in that province, without taking notice of the metropolitan. Archbishop Chicheley therefore cited the clerks of Luxenburg's agent before him at Lambeth, to answer to certain articles: and upon their not appearing, suspended them

for contumacy. The cardinal's proxy sent immediately to Rome, and procured a bull of absolution for his clerks. And thus, when the archbishop of Canterbury found himself overweighed by the courts of England and Rome, he thought it advisable to acquiesce and consent to the commendam.

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Angl. Sacr.
pars 1. p. 669,
670.

The parliament records in sir Robert Cotton's Abridgment give somewhat a different report of this matter; the relation stands thus: "the archbishop of Rouen, to whom the pope, at the death of the bishop of Ely, had granted during his life, all the profits of the said bishopric of Ely, by the name of administrator, shewed his bull to the king, who utterly rejected it: notwithstanding, for his service done in France, the king made him a grant of the administration aforesaid."

Cotton's
Abridg-
ment, p. 623.

To proceed. Stafford, in the second year of his translation, held a convocation at London: and a motion being made by the court for the grant of a subsidy, the clergy moved for petitioning the king, that the statutes of Provisors and Præmunire which were wrested to the prejudice of the Church by the common lawyers, might be either repealed, or explained to a more favourable sense: They likewise moved that there might be some penalty enacted in parliament against those that should bring churchmen into the king's courts against their privilege, and harass them with unjust and vexatious suits. But the convocation, after granting a tenth, broke up without coming to any resolution about these points. Soon after the recess, the archbishop published an order, that there should be no fairs nor markets held in churches or church-yards, upon Sundays or holy days, excepting in harvest time.

This year, Henry Wardlaw, bishop of St. Andrew's, in Scotland, died. Archbishop Spotswood gives him the character of a good governor; stating that he suppressed some licentious customs, and was a most hospitable prelate. This Wardlaw made the bridge at the mouth of the river Eden; and, which was a nobler service, he founded the university of St. Andrew's, and settled readers in logic, philosophy, divinity, and other faculties.

*The death
and cha-
racter of
Wardlaw,
bishop of
St. An-
drew's.*

*The univer-
sity of St.
Andrew's
founded.*

In forming this learned society, he took his model from the university of Paris, and procured the pope's confirmation in the year 1412. Mr. John Sheves, official, Mr. William Stephen, afterwards bishop of Dunblane, and sir John Lister,

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a canon of the abbey, had the divinity chair. Mr. Lawrence Lendors read upon the canon law, and Mr. Richard Cornwall upon the civil: Mr. John Gaw, Mr. William Fowlis, and Mr. William Crosier, were philosophy professors. But, notwithstanding the scheme was thus contrived for the benefit of learning, the professors had no salaries settled on them. Bishop Wardlaw, after having governed his see thirty-five years, died in the castle of St. Andrew's, upon the sixth of April.

Spotswood's
Hist. lib. 2.
p. 56, 57.

The next year the archbishop married Margaret, daughter to Reyner, king of Sicily and Jerusalem, to king Henry, the solemnity of her coronation being likewise performed at the same time.

Antiquit.
Britan. in
Stafford.
May 31,
1445.

To proceed. The ecclesiastical jurisdiction being much cramped by the common lawyers, and the statutes of Provisors and Præmunire unreasonably played upon the courts Christian, the bishops thought it convenient to meet in convocation, to consult about a remedy against this oppression. At their coming together, both houses presented an address to the king upon this subject. And here, setting forth the hard usage they met with in the king's courts, they took the liberty to suggest, "that they saw no reason why they should be thought less concerned for the interest of the king and kingdom, or less believed in matters relating to customs and constitution, than those who profess the common law; especially considering the ecclesiastical courts used to proceed by stated rules, and plain directions of law, whereas the common lawyers are frequently governed by precedents, which are sometimes counter and contradictory to each other. And thus, by having recourse to new ruled cases, and supplemental authorities, the measures of justice become more arbitrary and uncertain.

669.

A. D. 1446.
The convocation petition the king for redress against the misconstructions of the statute of Præmunire.

The convocation likewise complained, "that the profession of the law pretended a privilege (by what right," say they, "we know not) to interpret acts of parliament and explain the mind of the legislators: and by thus practising upon the statutes, they sometimes ground their opinions upon mysterious and unintelligible reasons, and so wrest the laws contrary to the meaning and intention of parliament."

The convocation continues, "they humbly conceived, the king had no ground to question the fidelity of the prelates, excepting for some precedents in former reigns, in which the clergy had failed the crown, and adhered to the pope. But

now those very laws which, at the instance of the prelates, were made against papal encroachments, and for the advantage of the king's prerogative, are turned against the clergy, and wrested very much to their prejudice; as appears (to say nothing more) by the remarkable misconstruction of one single word in the statute of Præmunire: in which, it is plainly enacted, 'that if any purchase or pursue, or cause to be purchased or pursued in the court of Rome, or *elsewhere*, any such translations, processes, and sentences of excommunications, bulls, instruments, or any other things which touch the king, against him, his regality, or his realm,' &c.

16 Rich. 2.
cap. 5.

"From these words of the statute, the common lawyers, when disposed to entangle the prelates, pretend, that ecclesiastical judges are liable to the penalty of a præmunire if they happen to make the least trip, or interfere never so little with the king's courts.

"Now as long as the terror of this construction is countenanced, the ecclesiastical court must needs be much maimed in their jurisdiction, and the business of it grow dangerous and impracticable; which proceeding is still more unreasonable, because this very statute was passed for the benefit of the prelates. For before the making of this law, the most unqualified and unworthy persons, and who had no other merit but their money, used to make application to the pope, and, by the strength of their pocket, purchase some of the best benefices and dignities in the Church. And thus the prelates, by the ambition and avarice of the court of Rome, were deprived of their right of patronage, and the free disposal of preferments in their own gift. To prevent this inconvenience therefore it was enacted, that for the future none of the king's subjects should presume to solicit for any provisions, or Church preferment at the court of Rome; or denounce, publish, or execute any summons, processes, excommunications, or ecclesiastical censures, pronounced or decreed by the pope at Rome, or elsewhere, upon the score of such provisions in England, or elsewhere, against the king or any of his subjects.

"Which word 'elsewhere,' some unfair common lawyers unreasonably wrest against the prelates, and pretend they fall under the penalty of the act, provided they meddle with, or prosecute any matter belonging to the jurisdiction of Westminster-hall, not only at Rome, but in any ecclesiastical courts

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or consistories, though within the kingdom. But it is evident, this explanation is very foreign and counter to the intention of the law makers, who inserted these words, 'in the court of Rome, or elsewhere :' which clause was put into the bill because the pope was frequently absent from the city of Rome, residing sometimes at Lyons, Pisa, Avignon, and other remote places, where he used to insist upon the privilege of provisions, (or disposing of ecclesiastical benefices,) no less than when he lived at Rome. Besides, the pope's legates used to do the same thing in their master's name. Now to obviate these inconveniences, it was necessary to insert the word 'elsewhere' in the bill, to prevent the pope's encroachments, and instruments of oppression, not only signed and expedited at Rome, but in any other place whatsoever.

670.

"It is therefore a plain contradiction, both to law and equity, that these statutes, that were made for the benefit of the prelates, should be explained out of all sense and justice, and wrested to their damage and misfortune. Besides, if the bill had carried such an extraordinary sense of rigour against the ecclesiastical jurisdiction, nobody can imagine the bishops could be so void of common discretion, as to have been so forward in the passing it : For, in earnest, if the prelates happen to take the cognizance of matters belonging to the courts in Westminster-hall, and reach in any measure into the king's jurisdiction, are they to suffer the same punishment with the pope's provisors ? Without question, the punishment, in all equity and reasonable construction of law, ought to be proportioned to the fault ; therefore if they exceed the bounds of their proper jurisdiction, let them be checked with prohibitions, and not lie under so heavy a penalty, unless there is plain law to warrant it. And if they shall take no notice of these prohibitions, let them be punished for contempt : for the plain meaning of laws ought not to be overruled by the ambiguity of words and terms ; nor the penalties stretched to cases unmentioned : but if the intention of the legislators is not sufficiently clear upon the account of a doubtful word or expression, when this happens, the law ought to be explained in a favourable sense."

They added farther, "they looked upon it as a great hardship to be forced to abide by the opinions and sentence of the lay judges, who seemed inclinable to act by such measures as

would perfectly ruin the ecclesiastical jurisdiction, and make it despicable and insignificant." In fine, the design of their address was, "that the word elsewhere, which gave occasion to this unfortunate misconstruction, might be explained by authority of parliament; and that the ecclesiastical judges might not be liable to a præmunire, unless they took no notice of prohibitions from the king's court."

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VI.

And lastly, "that those persons who seem to be under a bias of partiality for their own jurisdiction, and attacked the clergy in so violent and unfriendly a manner, may for the future be barred the power of granting prohibitions, trying causes of this nature, and pronouncing sentence upon ecclesiastical judges. And that when there shall arise any controversy concerning the limits and jurisdiction of ecclesiastical and civil courts, that indifferent persons may be pitched upon as judges in all such causes, and who are not supposed biassed upon the score of interest or disaffection."

Antiquit.
Britan. in
Stafford,
p. 287.

What effect this address had, is somewhat uncertain: but in the next reign, the clergy met with all the success in this business which the prerogative could give them.

*The death of
Lyndwood,
bishop of
St. David's.*

This year, the famous Lyndwood dyed. To say something of him; he was preferred for his merit by archbishop Chicheley, and made official of the Arches: this prelate knowing him to be a man of great learning, and fit for business, recommended him to king Henry V., who gave him a public commission, and employed him in an embassy, first to Spain, and afterwards to Portugal: in the reign of king Henry VI. he was made lord privy seal, and not long after, bishop of St. David's. He was particularly eminent for his skill in the canon law, and besides other works, which are lost, he published a celebrated book called his Provincial. This performance is a collection of the English ecclesiastical constitutions from Stephen Langton to Chicheley inclusively. These constitutions are digested into an exact method according to the subject-matter, and explained by a very learned commentary.

Antiq. Brit.
p. 285.
Duck. Vit.
Chicheley,
p. 40.

The latter end of this year, in February, there was a parliament summoned at St. Edmundsbury in Suffolk. Soon after the meeting of the lords and commons, Humphrey, duke of Gloucester, the king's uncle, was put under an arrest; and about a week after was found dead in his bed. It was given out, he died of grief, for fear of failing in his defence at his

*The death of
Humphrey,
duke of
Gloucester.*

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trial. His corpse was exposed to view to prevent the suspicion of foul play. However, it was thought he was taken off by a violent death: and for this conjecture there lay strong presumptions against the marquess of Suffolk. This prince was generally beloved, and was called the good duke of Gloucester. He studied at Oxford for some time, and made a considerable progress in the belles-lettres. He was a generous patron to men of learning, both English and others. He built the university of Oxford a public library, and furnished it with a choice collection of books from France and Italy. Pitts takes notice of him for an author, for he wrote an astronomical tract; several letters to men of learning, digested into one volume, &c. His corpse was carried from Bury to St. Albans, and honourably interred there.

Fabian.
p. 194.
Stow, p. 336.
Pitts de
Illust. Angl.
Script. p. 639.
A. D. 1447.
April 11.
*The death of
the cardinal
of Winches-
ter.*

The next year, cardinal Beaufort, bishop of Winchester and the king's great-uncle, departed this life. He studied for some time at Oxford, but had the greatest part of his education at Aix-la-Chapelle, where he applied himself to the civil and canon law. Being of the royal family, he was preferred young to the see of Lincoln; from whence, after seven years, he was translated to Winchester. He made a great figure in the State, as well as in the Church, and was called the rich cardinal: and to shew this distinction was not misapplied, he lent his nephew king Henry V. twenty thousand pounds at once, which, in those times, was a prodigious sum. Toward the latter end of his life, he disengaged from state affairs, as far as it was practicable, and confined himself to the functions of his character. Besides other charitable benefactions, he founded an hospital near St. Cross's at Winchester, settled an estate upon it of an hundred and fifty-eight pounds per annum, according to the then valuation of money, besides the lands belonging to the college of Fordinbridge. This prelate had been thrice lord chancellor, and sat three-and-forty years in the see of Winchester.

671.

Godwin in
Episc. Win-
ton.
Stow and
Holinshed.
*Felix the 5th
set up against
Eugenius.*

This year, the death of pope Eugenius put an end to the late schism: for, upon the deposing this pope, the council of Basil elected Amedæus, duke of Savoy, who took the name of Felix V. To support this election, these Fathers sent commissioners to the assembly at Bourges, to engage the king of France in Felix's interest. These delegates endeavoured to make good four points: first, the supreme authority of general

councils, even with respect to the pope ; secondly, that it was reasonable to renounce Eugenius for his opposition to this doctrine, and that the sentence pronounced against him was defensible and well grounded ; thirdly, that Felix was a person of merit and proper qualifications, and his election regular and canonical ; and lastly, that the maintaining Felix's title, and the proceedings of a general council, would prove very serviceable to the Church, and was the most likely expedient to put an end to the divisions of Christendom.

HENRY
VI.*The contest
between these
two popes.*

To this the French king replied, that he always held the Fathers of Basil for a lawful council, that he had sent his ambassadors thither, and that he disowned the council of Ferrara ; but as to the deposing of Eugenius and the election of Felix, he demurred to that point, being not sufficiently informed to come to a resolution about the lawfulness of what had passed ; and, therefore, till he had a fuller view of the case, he should continue in the obedience of Eugenius.

Concil.
tom. 13.
col. 1586.

This answer was some disappointment to Felix's party. However, their expectations were better satisfied from other quarters : for the king of Arragon wrote to the council of Basil, and saluted them in the style of a general council. Pope Felix likewise was owned by the empress dowager and queen of Hungary, and by the dukes of Bavaria and Austria ; and, for farther encouragement, the university of Paris, the universities of Germany, and that of Cracovia, wrote in defence of the authority of the council above the pope, and acknowledged Felix.

Id. col.
1587.Id. col.
1588.

To proceed : many princes and prelates of Germany, met in a diet at Metz, as abettors of the new pope. As for the English, their answer was much the same with that of the French : they professed a great regard for the council, and approved the decrees, excepting what passed against Eugenius, whom they acknowledged for lawful pope ; and when the council of Basil sent a second delegation into England, though some hopes were given, they received no positive answer.

Du Pin,
Hist. Eccles.
cent. xv.
chap. 3.

Scotland, excepting some lords, declared for Eugenius : and here, this pope's title was so vigorously abetted, that the bishops, meeting in a provincial council, excommunicated Felix. But in Poland he was more successful, and had a promise of being owned, upon condition he would give their king the title of king of Hungary, and repay the money which

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had been collected by indulgences to promote the union with the Greeks. Piedmont and Savoy were Felix's subjects, and therefore it is no wonder they appeared for him. The duke of Milan entered upon a treaty with him; and the duke of Calabria owned him by his ambassador at the council of Basil. Alphonsus, king of Arragon, likewise declared for him, in the year 1441; but this was only a politic step to make better terms with Eugenius, and disengage him from favouring the French pretensions to the kingdom of Naples, as appeared afterwards.

Ibid.

*The councils
of Florence
and Basil
break up.*

Session 44.

In the year 1442, pope Eugenius translated his council from Florence to Rome. On the other hand, the Fathers of Basil published a decree for nulling all that might be done in prejudice of their authority. And now, Felix and part of his cardinals retiring from Basil to Lausanne, that council began to dwindle and languish; and not long after, the wars of Germany, the going off of the bishops of king Alphonsus's dominions, the importunity of the emperor Frederic for holding another council, together with the absence of Felix, obliged the Fathers of Basil to break up, having first fixed another general council to be held three years after at Lyons. This last provision was made by a decree published the sixteenth of May, in the year 1443. In the mean time, their session was to recommence at Basil, provided it was found practicable, or otherwise the Fathers were to remove to the city of Lausanne.

Session 45.

*The schism
closed upon
the death of
Eugenius
by Felix's
resignation
to Nicholas
5.*

And thus an end was put to the councils of Basil and Florence; and, though both of them were tired with the contest, neither would yield. As for their translating themselves, there was little done pursuant to that resolution: this expedient being only pitched upon to lay the disputes asleep, and secure an honourable retreat to either party. However, the schism was kept on foot during the life of Eugenius; but his successor, Nicholas V., being a person of a healing temper, was willing to hearken to an accommodation. On the other hand, ambition having no ascendant over Felix, he was without difficulty persuaded to resign. He had honourable conditions granted, was made the premier cardinal, and perpetual legate to the holy see in Germany. And thus the schism was perfectly closed, and Nicholas V. was universally owned by the Western Church.

Concil.
tom. 13.
col. 1344,
1345.

672.

Du Pin,
ibid.

To return to England. The pope, presuming on the king's

favour, by the late present of a consecrated rose, attempted the levying a tenth upon the clergy: but the king's good humour was not altogether so passive as his holiness expected; and, therefore, to prevent the impoverishing his subjects, he commanded the archbishop of Canterbury not to execute the pope's bull, nor promote the collecting any money. The archbishop made the king's prohibition his excuse, and thus the nuncios were forced to return without doing their business.

HENRY VI.

The king refuses the pope a tax upon the English clergy.

Antiquit. Britan. p. 288.

However, though the pope was disappointed in a supply from the English clergy, he went on vigorously with his supremacy in other matters, and filled most of the vacant sees. But here Jocelin is mistaken in reporting Wainflete was made bishop of Winchester by way of provision: for it appears, by the register of that church, that the election was made by the chapter, that they had a "congé d'élire" to proceed upon, and that Wainflete was chosen upon the king's recommendation.

Vit. Wainflete. per Gul. Buden. A. D. 1448. *The nobility break into parties.*

About this time, the State began to be disturbed and broken into parties, which occasioned very fatal consequences, as will be observed by and by. The king, though a devout prince, had no great vigour for the administration, and gave the queen too great an ascendant. This princess, being of an enterprising ambitious temper, intruded too far into the government, and aimed to make herself absolute. The marquess of Suffolk, a fit instrument for the carrying on this design, was made her favourite, and had the title of duke conferred upon him. Richard, duke of York, took offence at the rise of this minister, and, finding the juncture proper for his purpose, discovered his title to the crown to his friends, and formed an interest; but the king, having no intelligence of what was concerted, gave the duke the command of an army, and sent him into Ireland to suppress a rebellion. The duke proved successful in the expedition, quieted that kingdom, and made a strong party to abet his claim when occasion should serve.

Stow, Holinshed.

And now, the misunderstandings among the nobility, together with the infidelity or ill management of the duke of Suffolk, proved very unfortunate to the English interest in France. The provinces of Anjou and Maine had been lately delivered up to the king of Sicily; and, this year, all Normandy was lost. In this duchy there were a hundred strong towns and forts, one archbishopric, and six bishoprics.

A. D. 1449.

The loss of Normandy.

Stow's Annals, p. 383. 387.

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FORD,
Abp. Cant.

These miscarriages were, in a great measure, charged upon Pole, duke of Suffolk, who, at a parliament at Leicester, was impeached for betraying the king's affairs in France. The impeachment consisted of several articles, eight of which amounted to high treason.

The duke being brought before the lords, and the charge opened, he declined being tried by his peers, and cast himself upon the king's mercy. The king undertook the judgment, acquitted him of the capital articles, but banished him for five years for high misdemeanours.

A. D. 1450.

After the pronouncing this sentence, it was moved, on the behalf of the bishops and temporal lords, "that it might be enrolled that the same judgment was by the king's own rule, and not by their assent; and required that this precedent might not be made use of to main their peerage."

Cotton's
Abridg-
ment, p. 644.
*The lords
spiritual
and tem-
poral enter
a protesta-
tion to save
their right of
being tried
by their
peers.*
Id. fol. 661.
*Cade's in-
surrection.*

By the enrolling this protestation, it appears the bishops had an equal right of being tried by their peers with the lords temporal. Why else should it be moved, in behalf of the bishops, that this case of the duke of Suffolk might not be drawn into a precedent to the disadvantage of their peerage?

This year, Jack Cade published a list of grievances against the government, and made an insurrection in Kent. It was thought this disturbance was countenanced underhand by some great interest; and some years after, at a parliament at Coventry, the duke of York was charged with holding intelligence with Jack Cade, and abetting that commotion, to make his way to the crown. As for Cade, notwithstanding he had drawn together a great number of the peasantry, and forced his way into London, yet, managing his success with indiscretion and insolence, he began to lose ground, and grow disrelished, inso-much that his troops dispersed upon the king's pardon; and, not long after, he was taken in Sussex by one Eden, a Kentish gentleman, and slain at Hothfield.

Stow, p. 390.
et deinc.
Holinshead.
A. D. 1452.

About two years afterward, the archbishop summoned a convocation to London. The king sent several temporal lords to the clergy, to acquaint them with the ill condition of the English affairs in France. This report was seconded by the dean of St. Severin, near Burgundy, who, coming lately from Aquitaine, informed the convocation, in a set speech, that that province was disposed to a revolt, and in great danger of being lost. The convocation appeared very willing to prevent

this misfortune, and immediately granted the crown two tenths. HENRY VI.

One Clemens Vincentius, the pope's nuncio and collector, being now in London, and perceiving the inclinations of the clergy so forward to assist the king, hoped to find them no less disposed for his master's service. To work them to his purpose, he made a tragical report: "What great danger pope Nicholas and the conclave had lately escaped, and with what difficulty they disappointed the conspiracy of Stephen Porchar; that this Stephen, a Roman gentleman, had drawn the stewards and libertines of Rome into his interest, with a design to cut off the pope and the whole college of cardinals; but that now, by the blessing of Providence, the chief incendiary and some of his accomplices were taken and executed." From hence the nuncio proceeded to desire the convocation to draw up a form of prayer, to be used throughout the province of Canterbury, for the preservation of the pope and conclave: adding withal, "that a letter from the English clergy to his holiness upon this subject would be taken very kindly; suggesting that Rome was degenerated to the licentiousness of Old Babylon; that it was, as it were, the sink of all wickedness and disorder; and, therefore, it was highly advisable for his holiness to quit the town, and settle in some other country: and if this address," continues the nuncio, "comes recommended with the promise of a supply, there is no question but that the pope will quickly remove his court, take leave of Rome and Italy, and have the greatest esteem imaginable for the English clergy."

673.

A coarse character given to Rome by the pope's nuncio.

But the artifices of the court of Rome being no secret to the convocation, the nuncio was disappointed, and could procure nothing from them excepting a form of prayer.

While this synod was sitting, the archbishop of Canterbury fell sick, and died at Maidstone. To what has been said of this prelate, I shall add the commendation given him by archbishop Chicheley. This Chicheley, about a year before his death, wrote to pope Eugenius for leave to resign the archbishopric: the reason of this request was, because he found himself worn out with age and infirmities. In this letter he recommends John Stafford, then bishop of Bath and Wells, for his successor. And here he tells the pope, "That, in his conscience, he thought his brother of Bath and Wells a person of the greatest merit, and in all respects best qualified for the

Antiquit. Britan. p. 289.

July 6.

The death and character of archbishop Stafford.

KEMP,
Abp. Cant.

see of Canterbury. That, besides his eminent learning, and other qualifications by which he was remarkably distinguished from the greatest part of his order, the nobleness of his birth, the superiority of his relations, and the interest he had gained by his hospitality, were still farther motives to prefer him to that post. And, upon the whole, he did not believe any other person could support that character to such advantage, and prove so serviceable to the Church, as this prelate."

Angl. Sacr.
pars 1.
p. 572.

Upon the death of archbishop Stafford, the monks of Christ's Church elected John Kemp archbishop of York, and cardinal of St. Balbina. Pope Nicholas, being not willing to let any branch of the supremacy sleep, took no notice of the monks' election, but translated Kemp from York to Canterbury, by a provisional bull. He was born at Wye, in Kent, and bred at Merton college, in Oxford, where he commenced doctor of law. His first preferment was the archdeaconry of Durham; afterwards, he was made dean of the Arches and vicar-general to archbishop Chicheley; and acquitting himself to a great degree of commendation, his next advancement was somewhat surprising; for, as Jocelin reports, he was now made governor of the duchy of Normandy. While he continued in this post, he was elected bishop of Rochester: where, after he had sat three years, he was translated to Chichester; from Chichester to London, and from London to York. In the first year of his translation to Canterbury, he summoned a convocation to London; where, excepting the grant of a subsidy, there was nothing done.

Antiquit.
Brit. p. 289.

Id. p. 290.

Ibid.
Archbishop
Kemp dies.

The next year the archbishop fell sick at Lambeth, and died the 22d of March, having sat about a year and a half.

This year, John Talbot, earl of Shrewsbury, was defeated by the French, and slain at Chatillon. Soon after this defeat, the remainder of the English provinces surrendered, Bourdeaux being the last town which held out on that side: and thus all Aquitaine, comprehending the territories of Gascoigne and Guienne, was lost from the English crown, in which it had continued near three hundred years. It was made parcel of the English dominions by the marriage of Eleanor, daughter and heir to William, duke of Aquitaine, to king Henry II. The richness and extent of this duchy may be somewhat conjectured by the number and distinction of the lords spiritual and temporal within that compass; there being no less than

four archbishoprics, four-and-twenty bishoprics, fifteen earldoms, and two hundred and two baronies. And now the English had nothing remaining upon the continent excepting the town and dependencies of Calais. This misfortune was probably occasioned by the competitions of York and Lancaster: for notwithstanding the house of York had not yet held up their title, and appeared in the field with colours displayed, yet the design was privately formed, and the great men divided into parties. These misunderstandings weakened the force of the nation, and disabled the government from acting with its usual vigour.

HENRY
VI.

This year, likewise, proved fatal to the Greek empire; for upon the 29th of May, Constantinople, the capital city, was taken by storm by Mahomet II. The emperor Constantine lost his life very honourably with his dominions, and died fighting upon the breach.

Holinshed,
p. 641.
Cotton's
Abridg-
ment, p. 682.
Mezerai.
674.

Upon the vacancy of the see of Canterbury, the monks of Christ Church made choice of Thomas Bourchier, bishop of Ely, for their metropolitan. This election had particular circumstances of commendation; for whereas either the regale or the pontificate used frequently to interpose and overrule the chapter, the monks were now perfectly left to their inclination, and the business carried with all the freedom and unanimity imaginable. The pope's confirmation being obtained without any difficulty, the archbishop was installed with great solemnity at Canterbury.

A. D. 1454.
January 26.

This prelate was nobly extracted, brother to Henry Bourchier, earl of Essex, and made cardinal of Ciriacus by pope Nicholas.

Soon after his instalment, he begun a visitation in Kent, and made several regulations for the government of his diocese. To mention some of his provisions:—

*The arch-
bishop visits
the diocese
of Canter-
bury.*

First. He decreed, "that those religious who threw off the habit of the cloister, and entered upon parochial cures, should lose their benefices, and be punished as revolters from their order."

Secondly. "That Church livings should not be let to farm without the bishop's leave."

Thirdly. "That marriages and last wills should not be made without two witnesses at the least." He likewise passed several

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CHIER,
Abp. Cant.

other constitutions for the reformation of the clergy and laity, and ordered them to be published at St. Paul's Cross.

Antiquit.
Brit. p. 293.
Concil.
tom. 13.
col. 1394.
A. D. 1455.
*A complaint
of the decay
of learning,*
§c.
Gascoigne
in I parte
Dict. Theol.
See Wood.
Hist. Uni-
vers. Oxon.
l. 1. p. 220.

As for learning and religion, they were but, generally speaking, in a state of declension: for, as an author of character, who lived at this time, complains, "A right discharge of the functions of a parish priest was almost grown into disuse, and made impracticable. That this mischief was occasioned by non-residence, by promoting unworthy persons, by excessive allowance of pluralities, by granting university degrees to persons who had neither morals, nor any other circumstance of merit to recommend them." This writer, who was some time chancellor of Oxford, complains of the government of that university, "That degrees were purchased without any regard to life or learning; that this connivance and bribery in the university overspread the country with ignorance, and made the parishes ill supplied. He goes on and declaims against the relaxation of discipline in the court of Rome; and reports, that pope Calixtus III. brought a very ill precedent into the Church of England in favour of a young person of quality." It seems this pope had given a dispensation to George Neville, brother to the great earl of Warwick, to be elected bishop of Exeter, and receive the profits of that see, notwithstanding he was no more than three-and-twenty years old, and was not capable of being consecrated till four years after. Notwithstanding this disability, his holiness furnished him with a bull, not only to receive the profits, but likewise to hold those other Church preferments he was possessed of before.

*Bishop
Peacock's
seven propo-
sitions op-
posed at
Oxford.*
A. D. 1457.

About this time, the university of Oxford were warmly employed in confuting the opinions of Reginald Peacock, bishop of Chichester. The learned Oxford antiquary reduces the controversy to seven propositions maintained by this prelate.

First. He affirmed, "that no bishop, by virtue of his character, was bound to preach in his diocese."

The second proposition being much the same with the first, I shall pass it over.

Thirdly. He held, "that bishops, as bishops, were not bound to be furnished with the preaching and instructive part of learning proper to a parish priest, but should rather employ their time in studying polemical and casuistical divinity."

Fourthly. "That bishops may appear in the pulpit, or quit it at their pleasure: and that they are at the same liberty with respect to any other branch of the office of a parochial priest."

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VI.

Fifthly. "That there may be several warrantable, and even necessary reasons, for bishops to be absent from their dioceses: and that, in such cases, non-residence is matter of merit and commendation: and that, during such emergencies, they would sin if they should do otherwise."

Sixthly. "That the spiritual interest of a diocese may be more serviceably pursued than by the business of preaching, taking that word in the common acceptation."

Seventhly. "That neither the pope nor the English prelates are guilty of simony, either upon the score of receiving their sees by provisions, or the payment of first fruits."

These assertions Peacock maintained in a sermon at St. Paul's Cross, when bishop of St. Asaph, in the year 1447.

Wood.
ibid.

This Peacock, by the partiality of the regents at Oxford, gained his degree of doctor in divinity without performing the exercises required. Being thus qualified, he made his way to the see of St. Asaph, and afterwards to that of Chichester, by the interest of Pole, duke of Suffolk, and Hart, bishop of Norwich. Gascoigne reports him to have written several heretical books in English, and that he had infected some of the young students of Oxford with his novelties: to mention some particulars:—

675.

He is said to decry the authority of the four celebrated Latin Fathers, St. Jerome, St. Ambrose, St. Augustine, and St. Gregory the Great: and that, when their testimony was urged, he used to throw it off with contempt, and say, "he valued them no farther than they could prove their point by natural reason." And thus he fell in with the doctrine of Petrus Abælardus, whose maxim it was, "that he who believed without natural reason, settled upon an overhasty and ill-grounded faith." This opinion of Abælardus was confuted by St. Bernard; and it is a remarkable sentence of Gregory the Great, "that a man's belief, which stands purely upon principles of science, has nothing of merit in it."

*Some of
Peacock's
heterodoxies.*

Homil. 26.

To proceed. Peacock maintained, "that the meaning of the holy Scriptures was to be collected only by the force of

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natural reason. And as for the generality of preaching, he called it no better than bawling in the pulpit. Besides this, he denied the Apostles were the authors of the creed which goes under their name; questioned the received doctrine of several articles, and made human reason the last judge of the controversy. He likewise drew up and published a long creed in English, which was condemned at London by the archbishop. He denied the descent of our Saviour into hell: and though he granted the article of the Catholic Church might pass, he added, Christians were not bound to the observance of the canons, any farther than they could be found agreeable to reason and good sense." Farther, this Peacock seems to have been a person of a floating desultory humour, and unsettled in his judgment to such a degree, as sometimes to preach and write counter to himself, and contradict his former opinions. For about two years after his maintaining the seven propositions above-mentioned, "he declaimed against the bishops in the pulpit in very warm intemperate expressions; railed on them for their titles and revenues, for appearing with a splendid equipage; and notwithstanding he had lately discharged them from the exercises of the pulpit, he now reproaches them for their omissions of this kind: he is so hardy as to affirm, that it was either their ignorance or their luxury that occasioned this negligence: and that if they would do any good in preaching, they must declaim against their own practice, and recommend those good qualities they had not the honesty to be masters of."

His intemperate satire against the bishops.

With the ill consequences upon it.

This satire upon the hierarchy proved popular, inflamed the mob to a tumult, and carried them to such a pitch of distraction, that they murdered Molens and Askue, bishops of Chichester and Salisbury, and pulled down their palaces. They likewise drove the bishops of Lichfield and Norwich from their sees, and pursued them through the country; plundered and killed several advocates and judges belonging to the spiritual courts; and harassed the inferior clergy in Kent and Wiltshire at a barbarous rate.

Wood,
p. 222.

But after the death of his great patron, the duke of Suffolk, which happened in the year 1450, the tide turned against Peacock, and he began to fall under a general odium. And now, the archbishop, in a synod at Lambeth, had his writings examined; and being summoned thither, he was obliged to

make his appearance, and recant his writings, particularly those books in which he had maintained, "preaching was no part of the episcopal office." From Lambeth, he was sent down to Canterbury, where he seemed to be under penance: but whether he was resigned to this discipline or not, is somewhat questionable, by the verses he used to repeat to those that made him a visit.

HENRY
VI.
November
28.

He is censured by the archbishop, &c., recants, and his books are burnt.

"Wit hath wonder, that reason cannot skan;
How a moder is mayd, and God is man."

To this heterodox rhyme, Gascoigne, above-mentioned, returned this answer:

"Leve reason, beleve the wonder;
Belief hath mastry, and reason is under."

Some few days after, this bishop was remanded to London for a farther trial. And now, having submitted to a second recantation of his writings, he was brought to St. Paul's Church-yard in his episcopal habit. And here, his books being publicly burnt, he confessed his pride had brought all this disgrace upon him. From London he was sent to Maidstone to receive his last sentence, and was deprived of his see: but where, or how, he passed the rest of his time, is somewhat uncertain.

December 4.

However, it is probable his penance might be tolerably easy, considering the satisfaction he gave in his recantation, which stands thus in Stow:

Wood, id.
et p. 223.

"In the name of the Trinity, Father, Son, and Holy Ghost, I, Reginald Peacock, bishop of Chichester, unworthy; of my own power and will, without any manner of coercion or dread, confess and knowledge, that I here before this time, presuming of my natural wit, and preferring my judgment and natural reason before the Old and New Testament, and the authority and determination of our Mother Holy Church; have held, written, and taught otherwise than the holy Roman and universal Church teacheth, preacheth, or observeth. And against the true Catholic and Apostles' faith, I have written, taught, and published, many and divers perilous doctrines, books, works and writings, containing heresies and errors, contrary to

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the faith Catholic, and determination of holy Church." After this, he makes a recital of four of his heterodox propositions: the first of which, "denying the necessity of believing our Saviour's descent into hell," has been mentioned already: and the other three I shall transcribe for the reader by and by. After this recital, the bishop goes on with his recantation in the manner following:

"Wherefore I, miserable sinner, which heretofore long time have walked in darkness, though by the mercy and infinite goodness of God reduced into the right way, and light of truth; and considering myself grievously to have sinned, and wickedly to have informed and infected the people of God; return and come again to the unity of our Mother Holy Church, and all heresies and errors written and contained in my said books, works and writings, here solemnly and openly revoke and renounce: which heresies and errors, and all other species of heresies, I have before this time, before the most reverend Father in God, and my good lord of Canterbury, in divers and lawful forms, judicially abjured, submitting myself, being then, and also now at this time, a very contrite and penitent sinner, to the correction of the Church, and of my said lord of Canterbury.

"And over this, exhorting and requiring, in the name and virtue of Almighty God, in the salvation of your souls and mind, that no man hereafter give faith and credence to my said perilous doctrines, heresies and errors: neither my said books keep, hold, or read in anywise: but that they all such books, works and writings, suspect of heresies, deliver in all goodly haste unto my lord of Canterbury, or to his commissioners and deputies, in eschewing of many inconveniences, and great perils of souls, the which might else be cause of the contrary. And over this, in declaration of my conversion and repentance, I here openly assent, that my said books, works and writings, for declaration and cause above rehearsed, be deputed into the fire, and openly brent in ensample and terror of all others," &c.

Stow's An-
nals, p. 402.
Ex Regist.
Bourchier.
Fox's Acts
and Monu-
ments.
p. 929.

The books written and recanted by him are thus entitled:
First. "Of Christian Religion," and a book pertaining there-
unto.

Second. "Of Matrimony."

Third. "Just Apprizing of Holy Scripture:" divided into three parts.

Fourth. "The Donet of Christian Religion."

Fifth. "The Followers of the Donet."

Sixth. "The Book of Faith."

Seventh. "The Book of filling the Four Tables."

Eighth. "The Book of Worshipping."

Ninth. "The Provoker of Christian Men."

Tenth. "The Book of Council."

HENRY
VI.

Bale and Godwin gave a different character of this prelate. The first of these represents him as a person of great learning, elocution, and an eminent divine; that he appeared boldly against the corruptions in the Church; that at his being convented before the archbishop of Canterbury, his tenets were not confuted by solid reasonings, and arguments drawn from the holy Scriptures: but that he was overruled by human authorities; borne down by indirect methods, and driven upon a recantation by force and terror. Thus Bale, who commonly expresses himself with great vehemence and passion against those that dissent from him. But bishop Godwin, who is a more temperate and judicious writer, reports Peacock censured for the following opinions, which are different, and some of them contrary to those mentioned by the learned Wood; which we are not to wonder at, since Peacock was unsteady in his judgment, and confessed that he had written several things without due consideration.

He is differently represented by Bale.

Bale, cent. viii.

His tenets mentioned by bishop Godwin are these: "that human reason ought *not* to be preferred to the holy Scriptures: that the bishops who purchased their preferments of the pope came unwarrantably into their sees: that no person is bound to be governed by the determinations of the Roman Church: that it is not necessary to salvation to believe the natural presence of Christ in the holy eucharist: and lastly, that the universal Church may err in points of faith."

Wood, p. 222.
Godwin in Episc. Cicestrens.
By what has been said of him already, probably the word 'not' ought to be left out.

That Peacock held some of these opinions, and fell into the doctrine of the Lollards, is pretty evident, by his being joined with Wickliff in the censure of the university of Oxford; where, some few years after, the books of both these authors

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Wood, lib. 1.
p. 230.

were ordered to be burnt, and those students who held their opinions excommunicated, and expelled the university.

As to the Church, there occurs nothing remarkable for some few years. The next thing therefore which deserves the reader's notice, is a great revolution in the State; which I shall briefly mention.

*The duke of
York lays
claim to the
crown.*

The duke of York, as has been observed, had formed a resolution of setting up a title to the crown. This scheme being concerted before his going into Ireland, he left the execution of the design with the lords of his party. These lords, headed by his eldest son, the earl of March, levied an army, and published a declaration of grievances against the government. King Henry, drawing down forces to suppress this commotion, came to a battle at Northampton. In this dispute the king lost the field, with ten thousand of his men, and was himself taken prisoner. This advantage being gained by the lords, they immediately called a parliament in the king's name, and sent for the duke of York out of Ireland. The duke finding his affairs thus forward at his arrival, opened his design, and claimed the crown in the house of lords. The pedigree which he set forth in proof of his title was drawn from Lionel, duke of Clarence, third son to king Edward III., who had issue, Philippa, daughter and heir, married to Edward Mortimer, earl of March, who had issue, Roger Mortimer, earl of March, son and heir to the said Philippa, which Roger had issue, Edmund, earl of March, Roger, Ann, and Eleanor; which Edmund, Roger, and Eleanor, dying without issue, the said Ann remaining sole heir, was married to Richard, earl of Cambridge, son of Edmund Langley, fifth son of king Edward III., which said earl of Cambridge had issue, Richard Plantagenet, now duke of York. And thus it appears, the house of York were descended, by the mother's side, from Lionel, duke of Clarence, third son to king Edward III. Now the issue of the Black Prince failing in king Richard II., and William, of Hatfield, second son to king Edward III., dying without children, the right of succession must of course devolve upon the heirs of Lionel, duke of Clarence, and not upon the line of Lancaster, descended from John of Gaunt, who was but fourth son of the said king Edward III.

677.
A. D. 1460.

October 16.

Holinshed,
p. 665.
Cotton's
Abridg-
ment,
fol. 665.

Holinshed
and Cotton.
Ibid.
Stow's An-
nals, p. 410.

Upon the setting forth of this claim, the king ordered the

judges, sergeants, and attorney-general, to examine the pedigree, and reply to the duke's pretensions; but they thought fit to decline the controversy. In short, the lords, at last, found out a method to compromise the matter. The expedient was this: that the king should enjoy the crown during his life, and the duke and his heirs succeed him. And thus the duke being declared heir-apparent to the crown, it was made treason to compass his death; and the lords spiritual and temporal were obliged to swear in full parliament to maintain his title. These articles and some others for the duke's security, being agreed by the king, were entered upon the parliament-rolls.

HENRY
VI.
*The difference com-
promised by
the lords.*

Cotton,
fol. 666, 667.
Ibid.

The duke, for a farther support of his interest, got himself made protector, and procured an act empowering him to suppress all rebellions and insurrections.

His next point was to secure the queen. This lady, he had reason to imagine, would not sit down tamely and see her husband's royalty eclipsed, and her son disinherited, without making some attempt for their recovery. To prevent being embarrassed from this quarter, the duke prevailed with the king to send for the queen and her son to London. The queen, instead of obeying the order, levied an army in the north, under the command of the dukes of Exeter and Somerset. The protector, receiving intelligence of this preparation, leaving the king under the guard of his friends the duke of Norfolk and the earl of Warwick, marched down with a small force to Wakefield, where, fighting rashly at a great disadvantage of numbers, he lost his life and the battle.

*The articles
broken by
the queen's
raising an
army.*

December
24.
*The duke of
York de-
feated and
slain.*

Holinshed,
p. 659.

Edmund, earl of March, had better fortune at Mortimer's-cross, near Ludlow, where he defeated the earls of Pembroke, Ormond, and Wiltshire, who had raised a considerable body in Wales to surprise him and stop his march. But not long after, the house of Lancaster had a turn of victory at St. Alban's, where the queen beat the earl of Warwick, who was attempting to join the earl of March; and, in consequence of this victory, the king, who was in the army of the house of York, was recovered out of their hands.

Stow and
Holinshed.

King Henry and the queen, not making for London after their success, gave the earls of March and Warwick an opportunity of entering the city, where, calling a great council of the lords spiritual and temporal, the earl of March set forth the late agreement between king Henry and his father, complained

*Edward,
earl of
March, pro-
claimed
king.
March 4.*

BOUR-
CHIER,
Abp. Cant.

March 4.
Id.
A. D. 1461.
March 29.
*He gains a
great victory
at Towton :
thirty-five
thousand
slain on both
sides.*

Id.

June 26.
Antiquit.
Brit. p. 293.

*The cha-
racter of
Henry 6.*

678.

of the breach of articles, and, by the interest and activity of his party, was acknowledged for king, and proclaimed.

The Londoners declaring for the house of York, did not discourage the Lancastrian party, who, raising a great army in the north, came up with the enemy at Towton, near Ferrybriggs, in Yorkshire, where an obstinate battle was fought, and the victory fell to king Edward, who, though but forty thousand strong, defeated sixty thousand. The news of this misfortune being brought to York, to the late king Henry, he retreated with his queen and son into Scotland.

King Edward, on the other side, having now an opportunity to give his title the advantage of the usual solemnity, was crowned at Westminster by the archbishop of Canterbury.

And now, having brought the reign of king Henry to a period, it may not be improper to add a word or two concerning him by way of character. He was a prince of a very gentle and religious disposition, had nothing of a martial genius, and very little of that secrecy and reserve which is necessary for a prince. He seemed not to have concerned himself in looking into the designs of the house of York, nor was he at all solicitous about diverting a storm, or guarding against misfortune : in short, he seemed rather formed for a cloister than the government. However, it must be said to his commendation, that his temper was extremely merciful and unresenting ; he had no passionate sense of injuries, nor any relish for revenge. His devotion and the regularity of his private life were likewise very remarkable. Whatever miscarriages happened in the administration ought to be attributed to the mismanagement of his ministers, to which his own easiness and inactivity gave too much encouragement. If it is objected, his wearing the crown in prejudice of the house of York looks like an inconsistency with the character of a conscientious prince, to this it may be answered, that king Henry does not seem to have been lawyer and genealogist sufficient to have believed himself an usurper : for the line of Lancaster's having held the crown for two descents before him, and the acquiescence of the house of York, might easily perplex the question, and mislead a more inquisitive genius than that of this prince. I say the passiveness and acquiescence of the house of York might very probably convey their title out of sight, and make their right unintelligible to king Henry. And notwithstanding Richard, duke of York, pre-

tended that his uncle, the earl of March, and his father, Richard, earl of Cambridge, kept their claim on foot in the reigns of Henry IV. and V., yet it is pretty plain this allegation contradicts matter of fact; and, therefore, this part of the speech was made for him. For, first, Edmund Mortimer, earl of March, took the field for Henry IV. against Owen Glendower, who made him prisoner; and though this earl, upon a disgust for not being ransomed, engaged afterwards with that Welsh gentleman against the king, yet it does not appear that he set up any claim to the crown. And in the next reign, when Richard, earl of Cambridge, who married the daughter of this earl of March, formed a design to dispossess king Henry and set the crown upon his father-in-law's head, the earl of March was so far from asserting this right and abetting the enterprise, that he immediately went to king Henry V. and made a discovery.

EDWARD
IV.
Holinshed,
p. 656.

Now, the branches of March and York letting their claim sleep all this while, the subjects had no reason to begin a war, or quarrel with the government in the house of Lancaster. The case standing thus, we may reasonably believe king Henry VI. might be satisfied with his title, and not think himself under any obligation to resign to the house of York: I say, it is very likely he might live without scruples about this matter, till Richard, duke of York, set forth his pedigree, and proved his descent from Lionel, duke of Clarence. To proceed:—

Stow's An-
nals, p. 327.
346.

King Henry was a great patron to the commonwealth of learning, as appears by his two noble foundations of Eton, and King's college in Cambridge; his benefactions likewise to All Souls and Magdalen colleges, in Oxford, were very considerable. But, notwithstanding this encouragement, the university of Oxford was much lessened in the number of the students. The reason of this declension is supposed to have proceeded from the withdrawing the usual salaries and exhibitions, and by overlooking the members of the university in the disposal of church preferments. Farther, this decay of learning is partly resolved into the great number of impropriations to monasteries. Religious houses had for some time made it their business to draw parochial cures within their property and patronage. They were sometimes so fond of this privilege as to settle an annuity or part with a manor to the laity for an impropriation. They found an advantage in converting the profits of livings to the

The declension of the university of Oxford, and why.

Wood.
Antiquit.
Univers.
Oxon. lib. 1.
p. 224.

Ibid.

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use of the convent : for, by having the revenues thus augmented, they were in a better condition to support emergent expenses, and purchase liberties and exemptions. Thus the abbey of St. Edmondsbury in Suffolk, in Cratfield's time, procured a license from the pope to choose their abbot without consulting the see of Rome ; and, in consideration of this favour, they obliged themselves to pay a rent-charge of twenty pounds per annum to the pope, and twenty marks a-year into the exchequer to redeem their abbey lands from being seized into the king's hands upon every vacancy. To support this charge, they procured two parishes to be appropriated to their monastery, notwithstanding they were already possessed of more than three-score under the same circumstances. And of this kind, there might be several other instances given.

And thus, by perverting the design of the endowment of churches, and robbing the parochial clergy of their patrimony, religion and learning suffered very much : for the monasteries, being frequently over-solicitous for their interest, used to afford a very slender consideration to those who supplied the cures ; and thus the parishes were put into the hands of ignorant incumbents. This misfortune gave occasion to frequent contests and vexatious suits among the parishioners ; whereas formerly, when the parish priests were men of learning and character, these differences were taken up and decided by them. But now, such disputes falling into the hands of lawyers, —who, when not men of conscience, made it their business to perplex and prolong the controversy,—the country was more than ever embroiled ; and, being in a great measure exhausted by law-suits, they were disabled for pious uses and benefactions to learning.

679. Besides, the exhibitions to the universities, as has been observed, were in a great measure withdrawn. The reason of the failing of this fund, which was mostly furnished by the bishops, was this : the prelates in this reign, by spending too much of their time at court, and making too great a figure there, disabled themselves from assisting men of learning, and neither gave the customary entertainment to scholars in their houses, nor supplied them at the universities.

Ibid.

And here Gascoigne, above mentioned, observes, “that before the reign of Henry VI., the kings of England never detained any bishop at their courts, unless for a short time ; neither had

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they any of that order for their confessors. And when the director of their conscience, who was generally a doctor in divinity, happened to be elected to any bishopric, he immediately quitted his office, and went down to his see; and while things were thus managed, doctors were men of great learning and esteem, and had the precedency of archdeacons, deans, and knights." Thus far this author.

The avarice and extravagant partialities of the court of Rome, were another occasion of the declensions in the Church and universities. For if men brought money and strong recommendations, that court frequently overlooked the considerations of probity and merit.

The weight of these grievances put the university of Oxford upon addressing the archbishop of Canterbury to step in to their relief, and give check to the excesses of papal provisions. The archbishop undertook the business, and made a synodical constitution, that for the future, no person should be admitted to holy orders without a testimonial from the archdeacon of the place, or the chancellor of the university, or his deputy. This expedient, though it gave some hopes of reformation at first, proved insignificant, by the mercenariness of the bishop's officers, who seldom would wait for any testimonials of this kind.

Neither was this declension of learning particular to England: for even in Italy itself, there was a general complaint of this misfortune, which made pope Nicholas V. build a noble library in the Vatican, and give unusual encouragements to men of letters: but as for Oxford, the reputation of the students was so far sunk, that the university of Paris broke off their correspondence, as if they thought it a disparagement to take notice of them any longer.

Id. p. 225.

In the beginning of November this year, the parliament met at Westminster, in which there was a long declaration set forth of the king's title to the crown; and here the reign of Henry IV. is called a tyrannical usurpation; and that prince is charged with the barbarous murder of king Richard II.

Cotton's
Abridg-
ment, p.670.

In this parliament, Margaret the late queen, Edward called prince of Wales, and several others, were attainted for the death of Richard, duke of York: and which is more remarkable, the act of attainder passed upon the late king Henry VI.

Cotton, *ibid.*

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CHIER,
Abp. Cant.

And thus the law reached him through the shelter of a king *de facto*.

There was likewise a recital at large of the agreement between Henry VI., Richard, duke of York, and the present king, and how the articles were broken in several particulars by the said Henry. Upon the score of which breach it was declared, that king Edward IV. was fully discharged from the performance of any branch of the said agreement.

Ibid.

A. D. 1462.
An extra-ordinary charter of privilege granted to the clergy.

The next year the king granted the clergy and religious a very extraordinary charter of liberties. By virtue of this grant, they were discharged from the jurisdiction of the temporal courts in criminal causes. And if any of them happened to be indicted for felony, rape, treason, &c., the king's ministers of justice were obliged to put them into the hands of their respective ordinaries upon demand: which ordinaries were empowered to try the cause, with all the incidents and emergencies, and proceed to a final sentence. And in case any of the king's judges, sheriffs, bailiffs, &c., should happen to arrest, attach, or imprison any person in holy orders, they should be liable to the penalty of excommunication. And farther, the clergy are empowered by this charter to take tithe wood, though of more than twenty years' growth.

Ex Biblioth.
Cotton,
Cleopatra,
fol. 11.
See Records,
num. 52.

To which we may add, from the learned Jocelin, that the clergy were fortified with an authority under the broad seal to defend their privileges in civil causes, and rescue their jurisdiction from those that should break in upon it: "this they were authorized to do both by putting the old laws in execution, and by making supplemental canons, if they thought proper. And that they might go on in all causes within the verge of the ecclesiastical jurisdiction, without disturbance, they were screened from the penalties of the statutes of Provisors and Præmunire: and in case of any prohibition, they were empowered to go on with the process of their courts without being obliged to procure a consultation. And if any of the king's judges should obstruct or discourage any archbishop, bishop, archdeacon, official, commissary, or any ecclesiastical judges whatsoever, by awarding any writs, or directing any prosecution against them; that, in such case, upon the complaint of the archbishop, bishop, or other ecclesiastical judge so hindered or discouraged, (which complaint the king promised

to receive and give credit to,) the temporal judge was obliged to make his appearance in Chancery, at the day appointed by the complainant, under the penalty of forfeiting two hundred pounds; where he was likewise to answer his contempt to the king, and in case he was found to encroach upon the spiritual jurisdiction, his order or sentence was to be set aside, and made void by the king's authority."

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Antiquit.
Britan. in
Bourchier.
p. 294.
A. D. 1463.

*The censures
of the Church
against
breach of
sanctuary.*

Concil.
tom. 13.
col. 420.

A. D. 1464.
*The late king
Henry de-
fected at
Hexham.*

The next year, sitting the parliament, a convocation met at London, in which the clergy very willingly granted a tenth to the crown, in acknowledgment for the late favour of their charter. And here a complaint being made of the violation of sanctuaries, the utmost censures of the Church were decreed against those who should drag any persons out of churches, or other privileged places, and carry them to prison. There was likewise a constitution passed for the regulation of the habit of the clergy.

The late king Henry, being assisted by the Scots, and receiving a reinforcement from his own party, marched into England, and was defeated at Hexham by the marquess of Montacute, brother to the earl of Warwick. This unfortunate prince, after the loss of the battle, retired into Lancashire, where he was taken, brought to London, and imprisoned in the Tower.

This year the art of printing was conveyed into England. Now this discovery being so beneficial to learning, and, indeed, such an immortalizing invention, it ought not to be overlooked in history. I shall therefore give a brief account how this secret was thus early imported, and where first made use of for the public service.

*Printing
brought into
England by
the arch-
bishop of
Canterbury.*

The archbishop of Canterbury being informed, that the inventor, Tossan, *alias* John Guthenberg, had set up a press at Haarlem, was extremely desirous to make the English masters of this mystery. To this purpose, about five years before, he prevailed with king Henry VI. to dispatch one Robert Tournour, belonging to the wardrobe, privately into Haarlem. This Tournour having a thousand marks put in his pocket, of which the archbishop furnished three hundred, embarked for Holland. And, to disguise the matter, he took one Caxton, a London merchant, along with him, pretending himself, I suppose, to be of the same profession. And thus concealing his name and his business, he went first to Amsterdam, then to Leyden, and

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at last settled at Haarlem : where after having spent a great deal of time and money, he sent to the king for a new supply : giving his highness to understand, that he had almost compassed the enterprize. In short, he persuaded Frederick Corselli, one of the compositors, to carry off a set of letters, and embark with him in the night for London.

Upon their arrival, the archbishop, thinking Oxford a more convenient place for printing than London, sent Corselli down thither. And for fear he might slip away before he had discovered the whole secret, they set a guard upon the press. And thus the mystery of printing appeared ten years sooner at this university, than at any other place in Europe, Haarlem and Mentz excepted. Not long after, there were presses set up at Westminster, St. Alban's, Worcester, and other monasteries of note. The first books printed were upon arguments of divinity and physic, it being prohibited to publish any law books in this manner.¹

Wood's
Hist. Uni-
vers. Oxon.
l. 1. p. 226,
227.

¹ The incidental notices of the progress of arts and sciences give peculiar interest and variety to the pages of Collier. The history of the Church and religion has been essentially interwoven with all the advancements of society in politics and literature ; and no philosophic historian will attempt to separate those developments of civilisation, which Providence has joined together by indissoluble relations. The art of printing is now confessed to have had an Oriental origin, and to have been practised in China and other Eastern empires, long before the period alluded to by Collier. The reader, who wishes to examine critically into this interesting topic, will find it exceedingly well discussed in Johnson's *Typographia*. This is not the place to introduce any extensive disquisition on the general history of printing ; but it may be worth while to illustrate the particular period of it to which Collier alludes, by the observations of a learned cyclopediast.—“Who the first inventors (says he) of the European method of printing books were, in what city, and what year it was set on foot, are questions long disputed among the learned. In effect, as the Grecian cities contended for the birth of Homer, so do the German printers for that of printing. Mentz, Haerlem, and Strasburg, are the warmest on this point of honour, and these are left in possession of the question, which is not yet decided : though it must be owned that Mentz has always had the majority of voices. John Guttemberg, and John Fust, of Mentz ; John Mentel, of Strasburg ; and L. John Koster, of Haerlem, are the persons to whom this honour is severally ascribed by their respective countrymen ; and they have all their advocates among the learned. However, their first essays were made on wooden blocks, after the Chinese manner. The book at Haerlem, the vocabulary called ‘*Catholicon*,’ and the pieces in the Bodleian library and that of Bennet-college, are all performed in this way ; and the impression appears to have been only given on one side of the leaves, after which the two blank sides were pasted together. But they soon found the inconveniences of this method, and therefore bethought themselves of an improvement ; which was, by making single letters distinct from one another ; and these, being first done in wood, gave room for a second improvement, which was the making them of metal ; and, in order to that, forming moulds, matrices, &c., for casting them. From this ingenious contrivance we ought to date the origin of the present art of printing, contradistinguished from the method practised by the Chinese. And of this, Schoeffer, or Scheffer, first servant, and afterwards partner and son-in-law, of Fust, at Mentz above-mentioned, is pretty

The next year king Edward married the widow of sir John Gray, and daughter to Richard, lord Woodville. The great earl of Warwick, who was sent ambassador to France, to treat a match with the lady Bona, the duke of Savoy's sister, was very much disgusted at the king's inconstancy, and the slur which was put upon his own negociation. This impolitic step gave the king great trouble, and forced him at last to quit the kingdom for some time. And had he not been relieved by the marriage between his sister and the duke of Burgundy, it is probable he could never have returned. And now his brother the duke of Clarence marrying the earl of Warwick's daughter, was corrupted by that malcontent, formed a strong faction, and appeared in the field against him. This misfortune being

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A. D. 1465.

Habington,
Stow's An-
nals.
A. D. 1468.
*King Ed-
ward forced
to quit the
kingdom.*

generally allowed to be the inventor: so that he may properly be reckoned the first printer; and the Bible, which was printed with moveable letters in 1450, the first printed book. The next was 'Augustine de civitate Dei,' then Tully's Offices, printed about the year 1461. In these books they left the places of the initial letters blank, and gave them to the illuminers to have them ornamented and painted in gold and azure, in order to render the work more beautiful, and, as some think, to make their books pass for manuscripts. Thus, at present, in some curious works, the initial letter at the beginning of a book or chapter is sometimes left out, and a space is left for its being afterwards printed with various ornaments from a copper-plate. Some authors tell us, that Fust carrying a parcel of Bibles with him to Paris, and offering them to sale as manuscripts, the French, upon considering the number of books, and their exact conformity to each other, even to a point, and that it was impossible for the best book-writers to be so exact, concluded there was witchcraft in the case; and, by their actually indicting him as a conjuror, or threatening to do so, extorted from him the secret: and hence the origin of the popular story of Dr. Faustus. From Mentz the art of printing soon spread itself throughout a good part of Europe. Haerlem and Strasburg had it very early; which, as the current of authors represent it, occasioned their pretending to the honour of the invention. From Haerlem it passed to Rome, in 1467; and into England, in 1468, by means of Thomas Bourchier, archbishop of Canterbury, who sent W. Turner, master of the robes, and W. Caxton, merchant, to Haerlem to learn the art. These privately prevailing with Corseilles, an under-workman, to come over, a press was set up at Oxford, and an edition of Rufinus on the Creed was printed the same year in octavo. From Oxford, Caxton brought it to London about the year 1470, and the same year it was carried to Paris. Hitherto there had been nothing printed but in Latin and the vulgar tongues; and this first in Roman characters, then in Gothic, and at last in italic: but, in 1480, the Italians cast a set of Greek types, and they have also the honour of the first Hebrew editions, which were printed about the same time with the Greek. Towards the end of the sixteenth century, there appeared various editions of books in Syriac, Arabic, Persian, Armenian, Coptic, or Egyptian characters, some to gratify the curiosity of the learned, and others for the use of the Christians of the Levant. Out of Europe, the art of printing has been carried into the three other parts of the world: for Asia, we see impressions of books at Goa, and in the Philipppines; at Moroecco, for Africa; at Mexico, Lima, Philadelphia, New York, Boston, &c., for America. The Turks, indeed, rigorously prohibit printing throughout their empire, as imagining that the too frequent communication with books might occasion some change in their religion and government; yet the Jews have several editions of their books printed at Thessalonica, and even at Constantinople."

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CHIER,
Abp. Cant.

followed by the revolt of the marquess of Montacute, who carried off six thousand men for his brother Warwick, the king thought it not advisable to hazard a battle. And having no prospect of a reinforcement, or any opinion of the fidelity of his subjects, he withdrew privately, embarked at Lynn in Norfolk, and landed in Holland.

Id.

A. D. 1470.
*He returns,
and recovers.*

But, as it happened, his exile was of no long continuance; for receiving some small succours from the duke of Burgundy, he landed at Ravenspur, and marched to York: where taking an oath not to disturb king Henry, and that he pretended to no more than the duchy of York, he was suffered to enter the town. And now marching southward, and recovering the friendship of his brother the duke of Clarence, he found himself strong enough to face the enemy. In short, a great battle was fought at Barnet near London, where the earl of Warwick and marquess of Montacute were slain, and their army totally defeated.

A. D. 1471.

April 14.

Soon after this advantage, the king marched against the late queen Margaret and her son, and gained a decisive victory at Tewkesbury. The late prince of Wales was taken after the battle, the king having promised in a proclamation, that no harm should be done to his person. However, by failing in the respects of behaviour, and giving the king a rugged answer, he was stabbed in a heat by the dukes of Clarence and Gloucester, the marquess of Dorset, and the lord Hastings.

Habington.

May 21.

*The late
king Henry
murdered.*
Id. Stow.

Upon this success, the king countermarched to London with a body of thirty thousand men; and the same night that he entered the city, the late king Henry was murdered in the Tower, but by whom the fact was done was not certainly known. After these commotions the State settled, and king Edward passed the remainder of his reign without disturbance.

I must now pass to the northern part of the island, where something remarkable relating to the Church occurred.

*Kennedy,
bishop of St.
Andrew's,
his death
and charac-
ter.*

James Kennedy, bishop of Dunkeld, and nephew to king James I. by his sister the countess of Angus, was, after Wardlow's death, elected bishop of St. Andrew's. Upon his translation to this see, he revived the ancient discipline, and effected a great reformation in his diocese: for, by the regularity of his own example, and the strict observance of the canons, he made the ecclesiastics a very unexceptionable body. His direction and conduct were likewise very serviceable to the king and

kingdom : for, when the insurrection of the earls of Douglas and Crawford pressed king James so hard, that he once resolved to quit the government and retire into France, the bishop, by his interest and dexterity, wrought a misunderstanding among the malcontents, and broke the force of the rebellion ; and thus the king was put in a condition to weather the storm, and recover his authority. And in the beginning of the reign of king James III., when the face of the public was very much disturbed, the prudence of this prelate's management kept things from coming to extremity, insomuch that no considerable shock was felt during his time. The force of his conduct may easily be conjectured by the confusions which broke in upon Church and State soon after his death. Besides his being an admirable patriot and Church governor, he was a great benefactor to learning. He founded St. Salvator's college, in St. Andrew's, finished the buildings, settled a large revenue, and furnished it with ornaments and curiosities of great value. He died in the year 1466, having sat two-and-twenty years in the see of St. Andrew's.

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He was succeeded by Patrick Graham, his nephew, bishop of Brechin, a person of great probity and worth. The Boyds, who then had the ascendant at court, envying his preferment upon the score of some misunderstandings between them and the Kennedys, endeavoured to stop his journey to Rome for his confirmation. The bishop, perceiving the Boyds had made the procuring the king's licence impracticable, travelled without it, and was well received by pope Paul II.

Buchan,
lib. 12.
Spotswood's
Hist. book 2.
p. 57, 58.

During his stay at Rome, he procured a bull of exemption for the Church of Scotland from Sextus IV. And whereas formerly the bishops of that kingdom were under the jurisdiction of the metropolitical see of York, they were now declared independent, and St. Andrew's elected into an archbishopric, with twelve suffragans.

A. D. 1471.
*The bishops
of Scotland
made inde-
pendent of
the see of
York.*

But some of the Scottish prelates, not being willing to come under the metropolitical jurisdiction of St. Andrew's, made the king a large present, and petitioned him to solicit the pope for a revocation of part of the bull. In short, his holiness was prevailed on to gratify this remonstrance, and erect Glasgow into an archbishopric. And thus the suffragans were divided between that see and St. Andrew's: those belonging to this latter were the sees of Dunkeld, Aberdeen, Murray, Caithness,

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Dumblane, Brechin, Ross, and Orkney; the three remaining bishoprics of Galloway, Argyle, and the Isles, were made suffragans to the archbishopric of Glasgow.

That which brought the pope to this new regulation, and prevailed with him to make the Church of Scotland independent, was a complaint preferred by bishop Graham, that the archbishop of York's being metropolitan of Scotland was a great disservice to that Church: for when England and Scotland were upon terms of hostility,—which frequently happened,—the Scots had no opportunity of having recourse to their metropolitan, and bringing appeals to him.

Concil.
tom. 13.
col. 1445.

A. D. 1476.

Some few years afterward, this pope gave the English clergy a friendly instance of his supremacy, and sent a bull to protect them from the encroachments of the laity. The particulars of this grievance will be best understood by translating part of the instrument, which runs thus:—

*The pope's
bull to screen
the English
from the
oppression
of the laity.*

“Sixtus, bishop, servant of the servants of God, &c. As we are bound, by virtue of our pastoral office and by the authority of the canons, not to suffer the clergy to invade the rights or encroach upon the courts of secular persons, so, on the other hand, we are equally obliged to prevent the privileges of the ecclesiastics from being disturbed, and to admonish the laity not to exceed the limits of their jurisdiction, and oppress the Church. Now, having, to our great grief, received a complaint from the archbishops, bishops, abbots, priors, inferior prelates, and the whole clergy of England and Wales, that the artifices of the grand enemy and fomentor of discord have so far prevailed, that some wicked and ill-disposed persons make it their business to indict and prosecute clerks and religious, and force them to appear before temporal judges upon frivolous pretences, and false suggestions; by which scandalous informations and practices the clergy are frequently imprisoned, forced to part with the revenues of the Church, to compound for their liberty, to quit their benefices, tithes, issues, and profits, or farm them out upon arbitrary and unreasonable terms; being not permitted the peaceable enjoyment of their revenues, houses, and cures, to the great prejudice and scandal of the Christian religion, the eternal ruin of such oppressors, and the no little contempt of the apostolic see.

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“We therefore, by the assistance of God, being desirous to put a stop to this course of violence, especially in a kingdom

which has formerly had the honour to cherish and protect religion, have, at the instance and petition of the archbishops, bishops, &c., made this firm and irrevocable decree, that whoever for the future shall, out of disaffection, malice, envy, fraud, or mercenary views, prosecute, indict, or cause to be imprisoned, any clerk or monk,—or, by fraud or terror, force them to sell, let to farm, or resign, their pensions, tithes, freeholds, or any other part of their revenues,—that all such persons shall be *ipso facto* excommunicated: from which censure they shall not be absolved, unless by the pope, or the bishop of the diocese, excepting at the point of death, nor then without making a proper satisfaction.” This bull runs with a “non obstante” to all precedent papal constitutions and canons whatsoever, and bears date the fourteenth of May, 1476.

This pope, at the instance of the university of Oxford, granted that learned body a bull of privilege, dated the thirteenth of September, this year. The reason why the university solicited for this favour, was, because their former exemptions procured from the see of Rome were either lost or revoked; particularly the famous grant of pope Boniface VIII. had been cancelled. This instrument of Sixtus IV. takes notice, that it was set forth in the bull of Boniface, that several kings of England, of famous memory, had granted this privilege, amongst others, to the university of Oxford, “That, for the greater convenience and ease of the students, their chancellor for the time being should have the cognizance and correction of all contracts, trespasses, and misdemeanours, within the precincts of the university, where one of the parties was either a scholar, a servant to any of that body, or otherwise belonging to the jurisdiction of the chancellor; and that no person under the circumstances and distinctions above-mentioned should, by virtue of the king’s writs, be forced to make their appearance or take their trial in any foreign court, unless in prosecutions for murder, mayhem, or pleas concerning freehold; and that the masters, doctors, and scholars, had peaceably enjoyed this royal privilege long beyond the memory of man.” The bull of Boniface proceeds to recite, “That the university requested an extent of privilege with respect to the Church, and that their body might be exempted from the jurisdiction of all archbishops, bishops, and other ordinaries whatsoever; and that the chancellor should be empowered to

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Biblioth.
Cotton.
Cleopatra,
E. 11.
Concil.
tom. 13.
fol. 1446.

*The pope
confirms the
privileges of
the university
of Oxford.*

BOUR-
CHIER,
Abp. Cant.

decide all emergent differences, and punish all trespasses and crimes above-mentioned, with a liberty of exercising all manner of spiritual authority upon the university members; and that all suspensions, excommunications, or interdicts, denounced and published against the said chancellor, scholars, &c., should be void, and of none effect." This bull of Boniface is revived by Sixtus IV., and all the franchises granted by the kings of England confirmed.

Wood.
Antiquit.
Univers.
Oxon. l. 1.
p. 230.
*Archbishop
Neville's
death.
His ex-
traction,
with the
turns and
traverses of
his fortune.*

This year, George Neville, archbishop of York, departed this life. This prelate was son to Richard, earl of Salisbury. His brother, the great earl of Warwick, got him preferred to the see of Exeter before he was of age to be consecrated, as has been already observed. He was made lord chancellor in the year 1460, being then, as Godwin reports, but five-and-twenty years old. When the earl of Warwick was suspected of a revolt to the late king Henry, king Edward, to weaken that malcontent's interest, took the broad seal from his brother George; but afterwards, when the late king Henry was taken prisoner, and the earl of Warwick was so politic as to conceal his disaffection to the government, king Edward made no opposition to the bishop's promotion in the Church, but seemed contented with his being translated from Exeter to York. But about three years after, the earl of Warwick declaring openly for the restoration of Henry, the archbishop of York deserted the crown, and went into his brother's interest; and when king Edward was surprised in his camp at Wolney, and taken prisoner, the earl of Warwick put him into the hands of this archbishop, who conveyed him to Middleham castle, in Yorkshire. It must be said, he treated the king honourably under this confinement, and gave him liberty to hunt in the park with a slender guard; by which civilities,—if I may call them so,—he made his escape, and recovered his kingdom. After the battles of Barnet and Tewkesbury, when the Lancastrian party was wholly suppressed, archbishop Neville was committed to prison; but Henry VI. being now dead, and the king delivered from the apprehension of a rival, he gave this prelate his liberty.

Habington,
Stow.

683.

About a year after, when the king kept his court at Windsor, the archbishop invited him to hunt at Moor Park, in Hertfordshire. The king, perceiving he had now an opportunity of executing his design against Neville, accepted the

invitation, and appointed the time. The archbishop, to make the better preparation to receive the king, ordered a great quantity of wrought plate, which had been hid during the wars, to be brought to the house, borrowed a great deal of his neighbours, and, in short, was in every way fitted for a most magnificent entertainment. The day before the king was to come, he sent two gentlemen down to Moor Park, with a commission to arrest the archbishop for high treason: the particulars of the charge were, that he held correspondence with the earl of Oxford, who had now fortified himself at St. Michael's Mount, in Cornwall. And thus the archbishop's rich furniture, plate and money, were all seized to the value of twenty thousand pounds, and himself imprisoned. Amongst his other effects, he lost his mitre, which was taken in pieces, and the jewels set in the crown. The rest of his temporal estate, and the revenues of his archbishopric, were likewise seized. After he had continued under confinement in England four years, he was sent prisoner to Calais, where he passed his time in a very unfurnished condition. At last the interest of his friends procured him a discharge: but it was thought, the unexpected hardship he had met with, occasioned his death, which happened the same year he was enlarged. This archbishop held a provincial synod in the year 1466, and published several constitutions for the regulation and defence of the Church. But these provisions being mostly a repetition of what has been mentioned already, I shall pass them over.

The next year is remarkable for the rigorous prosecution of the duke of Clarence. He was attainted by act of parliament, for endeavouring to bring an odium upon the government, particularly for reporting, that one Thomas Burdet, lately convicted of treasonable words, was illegally executed: the duke was likewise charged in the bill, for spreading a report, that the king took the liberty of necromantic practices, and made no scruple to poison his subjects. It was further objected, that to disable the king and his posterity to enjoy the crown, he had published a horrid slander against his own family, aspersed his mother's honour, declared the king a bastard, and by consequence unqualified to reign. And though this last article, and that of necromancy and poisoning, are supposed to be feigned suggestions; yet by the artifices of the duke of Gloucester, and the importunity of the queen's rela-

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Habington.
Godwin in
Archiepisc.
Eborac.

Concil.
tom. 13.
col. 1421.
et deinc.
A. D. 1477.
*The at-
tainer and
death of the
duke of
Clarence.*

BOUR-
CHIER,
Abp. Cant.

tions, the king was so far prepossessed against his brother Clarence, as to pass the bill. And the duke, now prisoner in the Tower, was soon after stifled in a butt of malmesey. The severity of these proceedings was generally condemned, and may be justly reckoned as a blemish upon this reign: and therefore, to say the king was forced upon this rigour by the solicitations of his court, and afterwards sorry for what was done, is short of a full vindication. It was thought the king had not outgrown the impressions of an old disgust: and that the duke's engaging with the earl of Warwick, and getting an entail of the crown upon himself, in case king Henry's issue failed, was not altogether forgotten.

Abingdon.
Stow's An-
nals, p. 430.
Habington.

A. D. 1473.
*Gray, bishop
of Ely, dies.*

The next year affords little in Church history, excepting the death of William Gray, bishop of Ely: this prelate was nobly descended, his family being barons of Codnor. He was bred first in Baliol college, in Oxford, and afterwards travelled to Ferrara, in Italy. And having a strong genius for study, he made a great proficiency in the languages, and other parts of learning. He was a person of a general knowledge and capacity; and understood men and business no less than books. These qualifications, together with the advantage of his birth, recommended him to the esteem of king Henry VI., who made him his resident at Rome. And here, pope Nicholas V. admiring him for his learning, preferred him to the see of Ely; and at his return into England, he was made lord chancellor. He was a considerable benefactor to his cathedral, both in building and church furniture. He died at his manor of Downham, after having sat four-and-twenty years.

August. 4.
Godwin in
Episc.
Elicus.

I must now entertain the reader with a brief account of the close of this reign. The king, notwithstanding the indisturbance he enjoyed at home, was by no means satisfied with the course of his affairs abroad: for Lewis XI. of France, who had agreed to a marriage between the dauphin and the lady Elizabeth, king Edward's daughter, and taken an oath to perform the treaty; this prince, I say, notwithstanding the solemnity of the engagement, broke his faith, and married his son to Margaret, daughter to Maximilian, duke of Austria. Besides this injustice, he denied the payment of the annual tribute of fifty thousand crowns.

King Edward, thus doubly affronted, resolved on a revenge, and prepared for an expedition into France. But this enter-

prise proved abortive by the king's death; who fell sick at Westminster, and died, as it is thought, by the use of too plentiful a diet. The executors of his last will and testament were, Thomas, archbishop of York; John, bishop of Lincoln; Edward, bishop of Chichester; John, bishop of Ely; William, lord Hastings; Thomas, lord Stanley; and sir Thomas Montgomery, knight. These executors exhibited the will to the archbishop of Canterbury, and desired some time to deliberate whether they should act, or decline the trust. The archbishop complied with their request, and in the interim put the king's goods and chattels into the hands of William Daubeney, Richard Lawrence, and Robert Forster, by way of sequestration, taking the broad seal, privy seal and signet, into his own custody.

EDWARD
IV.
The death of
king Ed-
ward.
Sir Thomas
More, Ha-
vington.
684.

As for king Edward, he was deeply sensible of the licences and miscarriages of his life, died very penitently, and made the most of the short opportunity of reflection afforded him.

Antiquit.
Brit. in
Bonrchier.

To say something of him by way of description. This prince had εἶδος ἄξιον τυραννίδος, and seemed to be made for empire. Comines, who saw him, when chased out of his kingdom by the earl of Warwick, reports him the finest person he ever beheld. This commendation does not look overstrained: for he had stature and strength of limbs, cleanness of shape and complexion, regularity of features, together with a lively air of sweetness and majesty.

His cha-
racter.

Neither were the qualities of his mind at all vulgar, but answered to his outside in many respects. He had a martial education, which suited his genius, and prepared him to make his way to the throne. He was furnished with temper and reach of thought for a general. And for the executing part, no man could charge the enemy with more fire, or distinguish himself to greater advantage. His heart was hot, and his head cool, which are the true qualifications for the command of an army. His good and bad fortune was sometimes very sudden and surprising: however, he managed gracefully enough, kept his feet, though the ground was slippery, and avoided the two extremes of haughtiness and dejection.

He gave a remarkable instance of his regard to religion at the battle of Tewkesbury: for going into a church with his sword drawn, a priest met him at the door with the consecrated

BOUR-
CHIER,
Abp. Cant.

elements, and refused him entrance, till he promised his pardon to several who had taken sanctuary. The king, notwithstanding he met with this check from a naked subject, received it when the fight was scarcely over, when his blood was in a ferment, when resentment is supposed to be most unmanageable; notwithstanding this disadvantage, instead of offering the priest violence, he granted his request. Which command of temper was the more commendable, considering one of this order had lately been very disserviceable to his affairs. For about half a year before, when the tide began to turn, and the rebellion gained ground, one Dr. Goddard preached up king Henry's title, at St. Paul's Cross, misled the consciences of the audience, and disposed them to a revolt. In short, this prince, by the advantages of natural parts, courage, and early experience, appears to have been very well furnished for the functions of government and war.

But after all, his good qualities were not without an alloy. His revenge, and an over regard for his own greatness, carried him sometimes too far, and made him break his word in a very deplorable manner. Witness his beheading the duke of Somerset, and several others, after he had promised them pardon to the priest above-mentioned. He was likewise unhappily overruled by his pleasures, kept Shore's wife, and took other unwarrantable liberties.

His government, after the disturbances of the civil war, was smooth and agreeable. Besides, his condescensiveness recommended him strongly to the affections of the subject. He had nothing of the distance and reserve of majesty: he loved to keep his crown out of sight, to stoop his grandeur, and lie open to freedom and access. This quality, in conjunction with the rest, made the latter part of his reign very popular, and his death extremely regretted. He lived one-and-forty years, and reigned two-and-twenty. He left issue, by Elizabeth his queen, two sons: Edward, prince of Wales, and Richard, duke of York: and seven daughters, of which Elizabeth, the eldest, was afterwards married to king Henry VII.

Sir Thomas
More's Life
of King
Richard,
p. 35.

*Queen's Col-
lege founded
by two
queens,
Margaret
and Eliza-
beth.*

His queen, Elizabeth, who survived him, finished the foundation of Queens' college, in Cambridge. This house was first begun by Margaret, queen to king Henry VI.: but the misfortunes of the house of Lancaster prevented her from going the length of the design. When Fuller wrote, the revenues

were improved to a maintenance for a master, nineteen fellows, three lecturers of Hebrew, arithmetic, and geometry, and eight Bible clerks, besides college servants. To proceed :

The prince of Wales succeeded his father, by the name of Edward V. This prince, who was about thirteen years of age, kept his court at Ludlow at his father's death. Upon his accession to the crown, he set forward to London, in order to his coronation. But this reign proving very short and tragical, that solemnity was never performed: for Richard, duke of Gloucester, had already formed a design to usurp the government. This project being pushed with great vigour and barbarity, was compassed in a little time. His first step was, to cut off the queen's relations, and possess himself of the king's person. To make this part of the scheme practicable, he prevailed with the queen to persuade her brother the lord Rivers, the marquess of Dorset, and the lord Grey, her sons by her first husband, not to bring up the king with the guard of an army: that such a formidable appearance might alarm the country, and create a jealousy of mal-administration; that it would be interpreted as if the lords about the king designed to engross the government. These suggestions being countenanced by the queen, passed more unsuspected upon her relations. In short, the bait was swallowed, and the court moved on slenderly attended.

The duke of Gloucester, and Stafford, duke of Buckingham, setting forwards to meet the king, seized the lord Rivers and the lord Richard Gray, at Northampton, and imprisoned them in Pontefract castle. And thus, having gotten the king into their custody, they brought him to London.

The queen, hearing of these violent motions, that her brother and son were surprised in their inn, and put under an arrest, took the alarm, and retired with her younger son, the duke of York, to sanctuary, at Westminster. And Rotherham, archbishop of York, then lord chancellor, being apprehensive of a storm upon the government, delivered her the great seal for the king's use: but afterwards, concluding he might be questioned for what he had done, he took it again.

At the king's coming to London, the duke of Gloucester was chosen protector by the council; and the broad seal was taken from the archbishop of York, and given to Russell, bishop of Lincoln.

EDWARD
V.

Fuller's
Hist. of
Univers. of
Cambridge,
p. 80, 81.

*The young
king brought
up to London
with a slender
guard.*

685.

Sir Thomas
More's Hist.
Richard 3.

*The queen's
relations im-
prisoned,
and the duke
of Gloucester
possesses
himself of
the king's
person.*

BOUR-
CHIER,
Abp. Cant.

*This duke
made pro-
tector.
He makes a
speech at the
council-
board to
bring the
duke of
York out of
sanctuary.
Id.*

The protector, thus far advanced, endeavoured to get the duke of York within his power; for unless both the brothers were secured, he knew his project would miscarry. To gain this point, he makes a speech at the board, charges the queen with malice and sinister designs in running off with her son into sanctuary. That this pretended fear was a deep reflection upon the lords of the council; as if those who were appointed by the nobility to take care of the king, were not fit to be trusted with his brother; and that it would be a great dishonour to the kingdom, to give occasion to believe the king's brother should stand in need of the protection of a sanctuary. He pretended, farther, that the age of these two princes being near the same, there was no person so proper to divert the king, and keep him company, as his own brother. From hence he proceeded to move, that some person of honour and interest with the queen, might be sent to persuade her to put the duke of York into their hands: and here he pitched upon the cardinal archbishop of Canterbury, to undertake the matter.

*He is se-
conded by
the duke of
Bucking-
ham.*

The council approved both the motion and the man; and the archbishop of York likewise promised to solicit the queen, and do his utmost in that affair. However, he declared strongly against applying to force, and violating the privileges of sanctuary. He mentioned this, because the duke of Gloucester had mentioned a rougher expedient, provided entreaty and argument could not prevail. The duke of Buckingham, who was gained by the protector, seconded his motion, and went the whole length of his sentiment. And to give the better colour to their proceedings, he enlarged upon the abuse of sanctuaries: he alleged, "these places were frequently made a shelter for thieves, murderers, and traitors: he granted, that when men are undone by misfortunes at sea, or other unforeseen accidents, it is reasonable they should have some place of retreat, to screen them from the cruelty of their creditors. He was likewise of opinion, that when there were competitors for the crown, and the title was questionable, there should be some place of retreat for the unfortunate of either side: but that there was no reason this privilege should be stretched to the countenance of fraud and injustice; or, indeed, to give a needless security to those who are already under the protection of the law: for what occasion can that man have for a

sanctuary, who has the constitution for his defence, and stands guarded by the government. He goes on to apply this reasoning, and offers to show, the duke of York had neither any need, nor pretence for a sanctuary. And first, he was capable of committing no crime, and therefore had no pretence to withdraw from the severity of the law. Why should innocence have an imputation thrown upon it, and be put in a place which supposes misbehaviour? Besides, people cannot claim sanctuary as they do baptism, by proxy and godfathers: no man can have this privilege without asking it himself. Now I desire to know what judgment this young prince can have to act for himself, or what crime he can be guilty of, to make such a request?" Several of the bishops and clergy at the board agreed with the protector and the duke of Buckingham, so far as to affirm, that they thought it reasonable that when a debtor went off with his goods into a sanctuary, the goods should be delivered to the creditors; and, if stolen, to the owner. That this was no more than bare restitution, and by consequence could be no violation of the laws of God or the Church.

The duke of Buckingham, upon this slender concurrence, resumes the discourse, pushes the argument, and puts the question, "that if a man's wife, who has a mind to elope, should take sanctuary for such a liberty, might not her husband fetch her out of the church at Westminster without any offence to St. Peter? And suppose a boy," continues he, "should take sanctuary because he is afraid to go to school, must he be kept there from government and instruction, and not be delivered to his master? I have often heard of sanctuary men, but never of sanctuary children before now." His conclusion was, "that those who were conscious they had occasion for such a security, might keep it if they pleased: but as for the duke of York, he could be no sanctuary person, upon several accounts. His age was not come up to capacity or misbehaviour: he had neither judgment to desire this privilege, nor fault to deserve it: neither was his life or liberty in any danger of suffering by the law. And therefore, to rescue him from his mother, and bring him to court for his advantage, was, in reality, no breach of sanctuary."

686.

This harangue of the duke of Buckingham's had its effect upon all the lay part of the council: several of the bishops,

Ed

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CHIER,
Abp. Cant.

and clergy likewise, having no apprehension of any harm intended the young prince, came to this resolution with the rest ; that in case the queen refused to part with her son, they should take him by force. However, it was thought most proper to begin with gentle applications. To this purpose, cardinal Bouchier, with several other lords, was sent to the queen to gain her consent.

*The cardinal
sent to per-
suade the
queen to part
with her son.*

The cardinal, suspecting no foul practice, made use of the arguments urged by the two dukes, represented them as the sense of the council, and did his utmost to succeed in the affair. But the queen, whose fears were more alarmed by her affection, and who seems to have seen farther into the protector's designs, was by no means satisfied with what was offered. She told the cardinal, "the juncture looked very mysterious and uncomfortable ; that her brother and two of her sons were already imprisoned without colour of law ; and she had reason to apprehend that those who had taken away their liberty against justice, would carry on the injury, and proceed to extremities ; that the illegality of the late proceedings, was sufficient to justify her caution ; that she had no assurance in the protector's friendship, and therefore desired to be excused from resigning both her sons to his disposal."

*The queen's
reply to the
cardinal.*

Id.

The cardinal replied, "there was nothing intended but what was honourable and just ; that the protector and the council desired the duke of York might be sent to court, for fear her highness might convey him out of the kingdom." The queen answered, "that those suspicions were ill founded ; that her son's health would not allow of such a remove, neither could she project a greater security than he had at present ; and that no tyrant was ever yet so hardy, as to break in upon the privilege of that holy place. She wished the protector might answer the meaning of that title ; but thought his reasons for her parting with her son were odd and unconvincing. It is very hard," continues this princess, "that the inoffensiveness of any person should throw him out of common privilege, and weaken his security ; and that a place, which affords refuge to a thief in several cases, must not be allowed to shelter one that is innocent. But the protector pretends, the child cannot demand the privilege : to convince him this is a mistake, he shall hear him ask it, if he pleases.

"But supposing he had neither capacity or inclination to

ask it: suppose, farther, he should desire to quit the place. EDWARD
 In this case, if I should dissent, and ask the privilege for him, V.
 he that should take him out against my consent, would be
 guilty of the breach of sanctuary. I desire to know," says the
 queen, "whether this security does not extend to my goods, as
 well as my person? My lord cardinal, you know it does: and
 if nobody can so much as seize my horse, can you imagine they
 have any right to carry off my child? I say my child; who,
 besides his belonging to me on other accounts, is my ward, as
 the learned in the law inform me: for, since no tenure by
 knights' service is descended to him, the law makes his mother
 his guardian. Now no man, I am assured, can force my ward
 from me, out of sanctuary, without invasion upon religion.
 And therefore, if the natural privilege of a mother should fall
 short; if the child should not demand this security in his own
 right; yet, since the constitution puts him into my hands, it
 is within my liberty to require it for him: unless you can sup-
 pose the law should secure a child's interest by assigning him
 a guardian for goods and lands, and at the same time make no
 provision to guard his person. And if precedents signify any
 thing, I will give you a late one in myself. When the king,
 my husband, was chased out of his dominions by the rebellion,
 I retired to this place for protection: here the king, my son,
 was born, and both of us preserved till the government reco-
 vered.

Id.

"Since, therefore, the constitution gives the guardian the
 custody of the infant; since the law of nature allows the
 mother so great an interest in her children; since religion
 makes the sanctuary impregnable, and my son is possessed of
 this privilege; I can by no means part with the security.
 And, to deal clearly, I have not courage enough to put him
 in the protector's hands, who is already possessed of his
 brother; and who, if both the children should miscarry, might
 probably lay claim to the crown."

687.

Ibid.

The cardinal perceiving the queen distrust the protector,
 grow warm in discourse, and discover an aversion for com-
 pliance, resolved not to draw out the dispute, but put the point
 upon a short issue. He told her, "that if she pleased to trust
 the duke, her son, with himself and the other lords, he would
 pawn both body and soul for his security: but if she was un-
 alterably resolved to the contrary, he would then forbear solici-
 tude."

The cardinal overreached by the protector, gives the queen a rugged answer, and brings her to a compliance.

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CHIER,
Abp. Cant.

ing, and never give her highness any more trouble." Adding withal, "that he thought the queen had a mean opinion of the honesty or understanding of himself and the rest of the council; and that her suspicion amounted to a charge of treachery, or want of common sense."

This freedom of expostulation in the cardinal was a sign of his believing too fast, and that he was perfectly overreached by the protector.

The queen, seeing the cardinal disconcerted, and ready to take his leave, finding herself surprised, and that the conveying her son to any other place was altogether impracticable, concluded it more advisable to comply, than submit to force: for by the voluntary delivering of the young duke, and committing him to their trust, she thought the honour and inclination of the lords would be faster engaged for his preservation.

Id.

And now both the princes being in the protector's custody, he removed them from the bishop of London's palace to the Tower, that place being pretended the most convenient for keeping their court.

This great point being gained by the protector, he opens the extent of his project to the duke of Buckingham, and engages him by large promises. Catesby and Ratcliff were likewise two active instruments in the protector's junto.

Now the time for the coronation drawing near, the cardinal of Canterbury, the archbishop of York, the lord chancellor, the bishop of Ely, the lord Stanley, the lord chamberlain Hastings, &c., met in council in the Tower, to adjust and furnish out the ceremony. While these lords were thus employed, and unapprehensive of any revolution, the other party met by themselves, and concerted measures to make the protector king. The lord Hastings being looked on as an obstacle to the enterprise, was first to be taken out of the way. For though this nobleman was a declared enemy to the queen's relations, yet it was generally believed, he was not to be corrupted in his loyalty to the king. The protector therefore, surprising him in the Tower, beheaded him immediately without trial; and about two hours after, put out a proclamation to justify the singularity of the execution; pretending the danger of the case, and the interest of the public, as an excuse for omitting the forms of law.

The lord Hastings, lord Rivers, and others, beheaded without being brought to trial.

The same day the lord Hastings suffered at London, the

lord Rivers, Richard lord Grey, and sir Thomas Vaughan, were beheaded at Pomfret in the same arbitrary and illegal manner. EDWARD
V.

The way being thus smoothed to the usurpation, the protector prevailed with sir Edmund Shaw, mayor of London, to gain over the city. And that the assistance of the pulpit might not be wanting, Dr. Shaw, the mayor's brother, and one Penker, provincial of the Augustine Friars, were pitched on to put a varnish upon the project, and dispose the people to own Richard for their sovereign. To this purpose they were to allege illegitimacy against Edward IV. and his issue. The pretended blemish of the late king's birth, was to be briefly touched; but the bastardy of his children pressed home, and a contract with the lady Elizabeth Lucy insisted on: though this lady, when examined upon oath, denied any engagement of this kind, and chose rather to suffer in her reputation, than attest a falsehood.

Dr. Shaw, being preinstructed in the matter of his sermon, comes up at St. Paul's Cross, taking these words for his text: "Spuria vitulamina non agent radices altas;" i. e. "bastard slips shall never take deep root." From these words, he took occasion to show, "that the keeping the engagements of matrimony was commonly rewarded in the issue, and entailed a blessing upon remote generations: but that those children which were brought into the world by the libertinism of their parents, were often unhappy. And though adulteries might be concealed for some time, and inheritances cast upon those who had no right; yet Providence always orders the matter so, as to prevent the perpetuity of the injustice.

the true posterity are restored to the interest of their ancestors. And having proved this point from several instances in the Old Testament, and other histories, he began to enlarge upon the commendation of Richard, late duke of York, called him the protector's father, and put the audience in mind, that the crown was entailed upon him and his issue by act of parliament. From hence he took the liberty to declare, the protector was the only right heir to Richard, duke of York: that king Edward, being contracted to the lady Elizabeth Lucy, his marriage with the queen was by no means lawful, and, by consequence, his children were all illegitimate. Besides, there were strong presumptions to the disadvantage of king Edward's birth: for those, who were best

Sunday,
June 19.

Wisdom,
iv. 3.
Eccles.
xxiii. 25.
*Dr. Shaw's
scandalous
sermon at
St. Paul's
Cross.*

BOUR-
CHIER,
Abp. Cant.
688.

acquainted with the secret management of affairs in the late duke's family, never took king Edward or the duke of Clarence for his children. And indeed, king Edward had neither the good qualities nor resemblance of Richard, duke of York: but the lord protector, this noble prince, this great example of worth and bravery, is the exact picture of the duke his father: his features and air, his temper and his person, his out and his inside, are perfectly the same: this is his father's own countenance, a demonstrative likeness, and a lively copy of that noble original."

Now it was preconcerted, that when this remarkable part of the harangue was pronounced, the protector should have come in. And thus, by striking the critical minute, they hoped the people might have been prevailed with to close with the flattery, and cry out "King Richard!" But, as it happened, the train took fire too soon, and, before the protector appeared, the remarkable passage was over. And when the doctor endeavoured to retrieve the opportunity, by repeating the words, the audience were amazed at his confidence, and made no return. The doctor being thus disappointed, and almost hissed home, kept altogether out of sight, and died soon after with the shame of the prevarication. The miscarriage of his sermon aggravated his remorse for the undertaking. He began now to consider, that the drawing a blemish upon a prince's birth, defeating his title by calumny, and poisoning the people by false reports in so weighty a matter, must needs be a flaming wickedness. The consciousness of so black an undertaking proved too strong for him upon reflection. And thus the uneasiness of his mind preyed upon his constitution, threw him into a mortal distemper, and, in a little time, made him, as it were, his own executioner. As for friar Penker, if he had dipped so deep in the conspiracy as Dr. Shaw, (which some question,) his conscience was too much hardened to affect his health.

Id.

To proceed: the duke of Buckingham, with several lords and gentlemen in the protector's interest, went to Guildhall, to dispose the city for their purpose. And here the duke, making a speech, set forth the misgovernment of the late reign, aggravating the miscarriages, and misreporting matter of fact. Amongst other things, he offered to prove the nullity of the late king's marriage with the lady Grey, made their issue illegitimate, and pretended the crown belonged to the protector

*He dies with
grief upon
the miscar-
riage.*

June 21.
*The duke of
Bucking-
ham's speech
at Guild-
hall.*

by hereditary right. At the end of his speech, he expected the company should have shouted "King Richard!" the mayor having promised to prepare a party for that purpose: but, it seems, the duke's motion was so hardy and surprising, that none of them had the assurance to approve his lengths. And being baffled once or twice, and received with silence, when the question was put for having Richard for their king, at last the mayor and the duke, by making some of the mob, and preinstructing their servants, gained a shout for king Richard.

RICHARD
III.

Id.

The next day, the mayor, the aldermen, and the chief of the common council, waited on the protector in their formalities, and addressed him to accept the government. Now to carry on the farce the better, he seemed startled at the proposal, pretended a great affection to his brother's children, and declined the offer. But when they replied, they were resolved never to be governed by king Edward's issue, and that in case he refused the crown, they must think farther, and set it upon some other head: since the matter was pressed thus home, he told them, he would satisfy their request, and force his inclinations to undertake the government. The usurpation thus begun, it was thought fit to give it the advantage of a speedy coronation: and therefore, about three days after, the solemnity was performed with the same preparations which were provided for king Edward V.

June 22.

The mayor and aldermen, &c. wait on the protector at Baynard's Castle.

He undertakes the government with a pretended unwillingness.

Id.

And as one wickedness commonly makes way for another, the protector's next step was, the dispatching his two royal nephews. The private manner of murdering these two princes drew a question upon the fact; which made the impostures in the next reign pass more unsuspected, and appear with a better grace.

King Edward, and his brother the duke of York, murdered in the Tower.

Id.

Richard, now settled in the throne, began to overlook the duke of Buckingham, who brought him thither. This duke, being disappointed in what he had been promised, and denied the earldom of Hereford, resolved on a project for a revolution. And having Morton, bishop of Ely, his prisoner in Brecknock castle, he opened his design to this prelate, and consulted him in the scheme for carrying it on. After some debate, it was agreed to offer the government to the earl of Richmond, as being the next heir of the line of Lancaster. However, that the proposal was to be made with this condition, that the earl

The duke of Buckingham and Morton, bishop of Ely, concert a scheme for the de-throning king Richard.

BOUR-
CHIER,
Abp. Cant.

should engage to marry the lady Elizabeth, eldest daughter to king Edward IV. That by this marriage, there would be an end put to the disputes between the houses of York and Lancaster, and the nation no more liable to the disturbances of competitions, and civil wars.

Hall,
Holinshed.

689.

The duke and bishop having settled the main matter, employed Reinold Bray, a clergyman, to break the design to the countess of Richmond. This lady closing with the proposal, engaged the queen-mother, by promising her son should marry the lady Elizabeth. Things being thus far concerted, Urswick, the queen-mother's confessor, was dispatched into Bretagne to the earl of Richmond. The earl, well pleased with the intelligence, prepared for the execution of the enterprize.

The duke rises, mis-carries, and is beheaded.

King Richard in the meantime, though apprehensive a plot was carrying on, was at a loss how to trace it: however, he fancied the duke of Buckingham might probably be at the head of some such matter by way of revenge. To sound him therefore, he sent him an invitation to court. The duke excusing himself upon the score of ill health, increased the king's suspicion: upon which he sent him a peremptory order to attend him immediately. The duke, now in no condition to dissemble any longer, returned a flat denial. And being sensible such a refusal would be interpreted a defiance, he immediately prepared for his defence, raised an army of his dependants and tenants in Wales, and marched through Dean Forest, with a design to have passed the Severn at Gloucester. Had this point been gained, which he had no reason to despair of, Courtney, bishop of Exeter, and his brother sir Edward, had joined him with a great force; which, with the assistance concerted in other places, had in all likelihood put an end to king Richard's reign: but all these measures were broken, and the strength of the preparation disappointed by an accident. For it happening to rain hard for ten days together, the Severn swelled, and overflowed the country to that degree, that the passing the river was impracticable. And now the duke's forces having time to reflect, and being ill-paid and furnished, repented their engagement, and left him to shift for himself. In short, he was forced to abscond at one Banister's, a servant of his, who, for a thousand pounds in the proclamation, betrayed him to the sheriff of Shropshire. Being

thus seized, he was brought to king Richard to Salisbury, where, after he had confessed the conspiracy, he was beheaded without any trial.

RICHARD
III.
Novemb. 2.

The design thus broken, king Richard was at leisure to contrive for his farther establishment. For this purpose, he summoned a parliament to Westminster, in January following. At the opening of this session, a bill was presented to the king in the name of the three estates, the lords spiritual, the lords temporal, and commons. This bill set forth its being “formerly drawn up by way of petition, and addressed in the name of the three estates to the duke of Gloucester. But because neither the said three estates, nor the persons presenting the petition in their names, were then assembled in parliament; to prevent ambiguities and exceptions, they desired it might be strengthened with the forms of law, pass the royal assent, and have the full authority of an act of parliament.”

*King
Richard
calls a par-
liament, in
which his
hereditary
title is
recognised.*

Thus we see the business of this bill was to put a new varnish upon Richard’s title, and procure him the public approbation. Now by the complexion, and extraordinary passages in this instrument, it is easy to perceive it was drawn by the direction of the court: for having made a violent satire upon the administration under king Edward, it is alleged in the bill, “that the pretended marriage, as it is called, between king Edward and Elizabeth Grey, was made with great presumption, without the consent of the lords, and brought about by the witchcraft of the said Elizabeth; her mother Jaquet, duchess of Bedford, assisting her in that black design. That the said pretended marriage was made in a private chamber, without publication of banns, contrary to the laws of God’s Church. It was likewise urged in the bill, that before this pretended marriage, king Edward stood pre-contracted and troth-plight to one dame Eleanor Butler, daughter to the earl of Shrewsbury: from whence the bill inferred king Edward’s issue illegitimate, and incapable to inherit.”

Cotton’s
Abridg-
ment, p. 709.
et deinceps.

It was likewise set forth, “that in the seventeenth year of king Edward IV., George, duke of Clarence, brother to the said king Edward, was attainted of high treason; by reason of which attainder, all the issue of the said George stand barred of all right and claim they might otherwise have had to the crown of England.” The next inference is, “that by reason of these defects and interruptions in the royal line,

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CHIER,
Abp. Cant.

Richard, duke of Gloucester, was the next heir: and then, after some flourish upon the birth, merit, and capacity of this prince, he is declared undoubted king of the realm of England, and his son Edward, heir-apparent to the crown."

Holinshed,
Stow.

After the passing of this bill, there was another act made for the attainting the earl of Richmond, and several other lords and gentlemen who had retired into Bretagne upon the miscarriage of the late enterprise.

And now to flatter the people, and recommend his government, king Richard signed a bill to disable the crown from levying money under the name of a benevolence.

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But notwithstanding the compliance of this parliament, he was far from being thoroughly settled. The circumstances of the late plot lay hard upon his spirits. He was now perfectly convinced of the project of uniting the two houses: that this was to be brought about by the marriage of the earl of Richmond with the lady Elizabeth: that this alliance would transfer the right of the house of York upon his competitor. To baffle this scheme, he prevailed with the queen-mother to quit the protection of sanctuary, and put her daughters into his hand. And while he was busy in countermining the earl of Richmond, his queen Ann, daughter to the great earl of Warwick, happened to die: and it was strongly suspected this lady had no fair passage out of the world.

Holinshed,
Stow.

King Richard, thus disengaged, endeavours to strengthen his title by incest, and resolves upon a match with the princess Elizabeth, his niece.

A. D. 1485.

And to leave no expedient untried, he dispatches his ambassador Hutton into Bretagne to solicit that duke to deliver up the earl of Richmond. And here, by the strength of bribery, he brought the chief minister to his bent. As for the duke, he was easily governed, and not capable of business. But notwithstanding the secrecy of this promise, Morton, bishop of Ely, then in Flanders, got intelligence of what passed; and sent Urswick to the earl of Richmond to inform him of the danger, with advice to withdraw into France. The earl having received a safe-conduct from Charles VIII., retired into his dominions, opened his enterprise, and met with a friendly reception.

King Richard, on the other side, being apprehensive that the design went on and that the party was strong, though it was

hard to pitch upon the persons, courted his niece afresh : but meeting with a repulse, he thought it not proper to force her inclinations till his government was better settled. RICHARD
III.

However, the earl, being no stranger to king Richard's impetuous temper, was afraid he might proceed to violence, and marry the princess against her consent.

To prevent this misfortune, which might have proved fatal to the whole business, he procures a small assistance of men and money from the French king, embarks for England, and lands at Milford Haven. He met with a reinforcement as he marched along, though not to any great numbers. However, having a promise of further assistance, he made a halt near Leicester, and resolved to venture a battle. The enemy meeting him at Bosworth Field, the armies charged, and king Richard was defeated and slain. Id.
August 22.

To say something by way of character of this unfortunate prince. He was small of stature, and ill-shaped ; his aspect rugged and unpleasing. He had a vigorous and enterprising genius, and wanted neither courage nor conduct for a good general. His eagerness to gain an interest made him sometimes overstrain his circumstances : and thus, by being profuse in one place, he was forced to be griping and oppressive in another. He was close and secret in his designs, and a perfect master in the art of dissimulation. He could balk his humour upon occasion, and stoop his pride to a plausible and popular behaviour. To give him his due, it does not seem to have been always savage temper which pushed him upon cruelty, but an insatiable desire of authority and empire. The predominancy of his ambition had almost worn out the natural impressions of justice and humanity. He was so absolutely governed by this passion, that he never boggled at any sanguinary expedient which made for his purpose. However, his practice did not always sit easy upon his mind : after the murder of his royal nephews, his guilt awakened upon him. He seemed mightily disturbed in his air and motion, clapped his hand upon his dagger, and walked in a guarded posture. His sleep was short and broken, his dreams frightful ; and sometimes he would start out of his bed, and run surprised about the chamber. It is said, the night before the battle at Bosworth, his mind was terribly harassed. It is probable, the prospect of the danger might make his crimes appear in their King
Richard's
character.
More.
Polydore
Virgil.
lib. 25.

BOUR-
CHIER,
Abp. Cant.

proper colours, let his conscience loose with greater force, and give him an apprehension of miscarriage.

However, his pride was so stubborn and invincible, that neither the presage of misfortune, nor the weight of his guilt, could sink him to cowardice. He charged the enemy with all the bravery imaginable, made his way through their troops to come at the earl of Richmond, bore down his standard, killed his standard-bearer, sir William Brandon, and dismounted sir John Cheney, a stout man-at-arms: and having cut open his passage to Richmond, he laid at him with such fury, that, in all likelihood, the earl would not have been long able to have sustained the shock. But the lord Stanley deserting with three thousand men, the advantage shifted to the other side. King Richard was overborne with numbers, and died fighting among the thickest of the enemy.

He reigned two years and one month. As to his religious benefactions, he founded a collegiate church in Middleham, in Yorkshire, and another in Tower Street, London. He likewise founded a college in York, with provision for a hundred priests, and endowed Queens' College, in Cambridge, with five hundred marks per annum.

Buck, Stow.

*The earl of
Richmond
proclaimed
king.*

Upon the victory at Bosworth, Henry, earl of Richmond, was proclaimed in the field, and Richard's crown set upon his head by sir William Stanley. At his first assuming the regal character, he projected the securing himself against the male line of the house of York. Upon this view, he imprisoned Edward, earl of Warwick (son and heir to the late duke of Clarence), in the Tower. And to give an expectation of making good his promise of marrying the lady Elizabeth, he sent directions for that princess's repairing to London, to the queen-dowager's court: and being apprehensive his success at Bosworth might strike a terror into the people, and make them afraid of a conquest, he took care to remove that jealousy. To this purpose, he endeavoured to lay aside his military figure, and made his forces look more like a retinue of state, than the appearance of an army.

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*The earl of
Warwick
imprisoned.*

To make his title more independent, he resolved to postpone his marriage with the princess Elizabeth, till he had summoned a parliament, and his own coronation was over: which solemnity was, it may be, deferred some little time by the mortality of the sweating sickness, which began towards the latter

end of September, and lasted about a month. And now, the town being clear of infection, the king was crowned by archbishop Bourchier, upon the thirtieth of October.

HENRY VII.

The king crowned.
Lord Bacon's Life of Henry 7. Complete History of England, vol. 1. p. 578. et deinceps. *A parliament summoned.*

The seventh of November, this year, the king held a parliament at Westminster. His design in calling it was to procure an entail of the crown himself; to reverse the attainders, and indemnify those who had appeared for him; and, lastly, to get those of the other party attainted, who were persons of the greatest figure, and had gone farthest in the interest of king Richard. As to the bill for the entail of the crown, excepting that he refused the least mention of the princess Elizabeth, he managed that matter with great temper and conduct: for the act was neither declarative of the right of the house of Lancaster, nor introductive of a new title, but penned in general terms interpretable to either sense. The words are, "the inheritance of the crown should rest, remain, and abide in the king," &c. And as for the limitation of the entail, it went only to the heirs of his body, not mentioning his right heirs, but leaving that point to be governed by law; that so by this ambiguous reserve, the entail might seem rather a personal favour to him and his children, than a total disinherison of the house of York.

The settlement of the crown penned in ambiguous terms.

Id. p. 581.

When the bill for reversing the attainders was read, there were exceptions made against several members of the house of commons. It was objected, they were outlawed for high treason in the late reign, and by consequence were under a disability for voting in parliament. The judges being consulted upon this point, gave it as their opinion, that the knights and burgesses attainted by course of law should forbear the house, till an act was passed for the reversal of their attainders.

Exceptions against those members who stood attainted.

At this consultation of the judges, it was debated whether the king himself was not under an incapacity of this kind, and if so, what expedient was to be thought of to disengage him? Upon this question, it was unanimously resolved, "that the crown takes away all defects and stops in blood; and that, from the time the king assumed the crown, the fountain was cleared, and all attainders and corruption of blood discharged."

The resolution of the judges upon this point, and likewise with respect to the crown.

Ibid.

Towards the latter end of this year, the king married the princess Elizabeth: at which solemnity, as he observed, the people showed greater satisfaction than either at his own coro-

January 18.

BOUR-
CHIER,
Abp. Cant.

nation, or first entry into London. The discovery of this general affection to the house of York kept the king's jealousy awake, and made no agreeable impression upon his marriage.

Id. The beginning of the next year, Bouchier, cardinal, and
A. D. 1436. archbishop of Canterbury, died, after having sat two-and-thirty
The death of years. His greatest public benefaction was the gift of an
Bouchier, hundred and twenty pounds to the university of Cambridge.
archbishop This sum was laid up with another hundred pounds given by
of Canter- Mr. Billingsworth, formerly master of Corpus Christi College,
bury. and the chest called Billingsford and Bouchier's chest.

Morton suc-
ceeds him.

Upon the vacancy of the see, Morton, bishop of Ely, who was very instrumental in the late revolution, and returned into England with the then earl of Richmond, was, by the recommendation of this prince, elected by the monks of Canterbury, and confirmed by pope Innocent VIII.

Antiquit.
Brit. p. 296.

This year William Wainfleet, bishop of Winchester, died. He was son to Richard Patten, by Marjory, daughter to sir William Brereton. This Patten was a gentleman in Lincolnshire, and lived at Wainfleet, which was the reason the bishop took that surname. He was educated first at Winchester school, and afterwards at Oxford. As to his preferment, he was first schoolmaster of Winchester, then provost of Eton, and lastly preferred to the see of Winchester in 1447. He likewise had the management of the great seal for several years: but that which stands most to the advantage of his memory, is the founding of Magdalen college, in Oxford; which, for building and large revenues, can be paralleled by few colleges in Europe. This endowment takes in forty fellows, thirty demies, four chaplains, eight clerks, and sixteen choristers.

This prelate lying under a suspicion of disloyalty, or at least being too languid in the interest of the crown, king Henry VI. thought fit to clear him of this imputation in a letter to pope Pius II. In this letter, the king gives him a great character for his fidelity and merit, and recommends him strongly to his holiness's esteem. To conclude, he was a person of great piety, and very remarkable for his obliging temper, and compassion to the poor.

Budden in
Vit. Wain-
fleet.
Wood. Hist.
et Antiquit.
Univers.
Oxon. l. 2.
p. 187, et
deinc.

To proceed: the king, notwithstanding his abilities to govern, began to lose the affections of the subject. His deferring the queen's coronation, and taking all occasions to

depress the house of York, looked like an excessive partiality to his own line ; and by thus growing less in the esteem of his people, plots were more practicable, and impostures more easily credited.

HENRY VII.

One Richard Simon, a priest in Oxford, was resolved to try his fortune, and make the most of the juncture. To this purpose, he prevailed with his pupil, Lambert Simnel, a baker's son, of about fifteen years of age, to personate Richard, duke of York. They threw the imposture into this form, upon a report that Edward Plantagenet, earl of Warwick, was to be executed: but a rumour being soon after spread that this prince had made his escape out of the Tower, and that the country were much pleased at the news, he changed his scheme, and made his pupil pass for the earl of Warwick. However, he did not think fit to open the scene in England: but understanding that the Irish were much inclined to the house of York, he set sail for that kingdom. And here, at his landing, Simnel was entertained up to his pretensions, countenanced by the Lord Thomas Fitzgerald, and other persons of quality, and crowned king at Dublin.

692.

Lambert Simnel pretends himself earl of Warwick, and sets up a title to the crown.

Bacon, p. 583.

Id. p. 584.

However, he met with a check from Octavianus, archbishop of Armagh: this prelate sent the pope word of his being an impostor, endeavoured to draw the earl of Kildare from his interest, and refused to appear at his coronation.

Simnel's success was owing to Margaret, duchess of Burgundy, and second sister to king Edward IV., who came over to his interest. This princess, looking upon king Henry as an usurper upon her own family, needed no other motive to engage her in the enterprise. Simnel, therefore, being reinforced with two thousand of her troops, commanded by Swart, embarked for England, and landed at Fouldrey, in Lancashire; and not long after was joined by De la Pool, earl of Lincoln, and of the house of York; by the lord Lovell, and sir Thomas Broughton, the earl of Kildare being likewise one of his general officers.

Sir James Ware's Annals of Ireland, ad an. 1487. He is countenanced in Ireland, and by the duchess of Burgundy.

The king, on the other side, to expose the imposture, and undeceive the people, had the earl of Warwick carried through the principal streets in London, and shown at St. Paul's to a numerous assembly. After this, he raised an army, marched against the rebels, and meeting them at Stokefield, in Nottinghamshire, gave them battle. The fight was maintained

June 20, 1487.

MORTON,
Abp. Cant.

*He is de-
feated at
Stokefield in
Notting-
hamshire.*

*A synod at
London.*

*The privi-
leges of
sanctuary
restrained by
the pope.*

obstinately for three hours, but at last the enemy was defeated, the earl of Lincoln, the lord Thomas Fitzgerald, the lord Lovel, Martin Swart, and sir Thomas Broughton, being all killed upon the spot. The counterfeit Plantagenet, and the priest, his tutor, were taken prisoners. The king, thinking the sparing Simnel's life might preserve the memory of the cheat, and prove serviceable to his affairs, first made him a turnspit in his kitchen, and afterwards one of his falconers; and as for the priest, he was degraded at a synod held under Morton, delivered to the mayor and sheriffs of London, committed close prisoner, and heard of no more. After the defeat of Simnel's party, several persons engaged in the insurrection took sanctuary; but the pope disappointed them of this protection, and dispatched a bull, by virtue of which, those who had the privilege of sanctuary, and were afterwards guilty of treason, murder, theft, burning of houses, sacrilege, or destroying the country, should be dragged from those places of refuge, and left to the law. Now this, it seems, was the case of Humphrey Stafford, and some other criminals. This is Jocelin's account: but my lord Bacon, who seems to be more exact, reports the passage with some variety of circumstances. He tells us, the pope sent the king a very just and honourable bull, and qualified the privileges of sanctuary in three points.

First. "That if any person registered as a sanctuary man should sally out of sanctuary by night, or otherwise, and commit trespass, or annoy the country, and retreat in again; in such a case, the person was to forfeit the security of that place for ever."

Secondly. "That notwithstanding the person of a sanctuary man was protected from his creditors, yet his goods out of sanctuary should lie open to seizure and course of law.

Thirdly. "That if any person took sanctuary for treason, the king might appoint him keepers to prevent his escape."

This was not the first favour, as it was then esteemed, which the king received from the court of Rome: for this pope had some time before dispensed with the fourth degree of consanguinity in his marriage, and confirmed his title to the crown.

Bacon.
Antiquit.
Brit. in
Morton.

At the synod above-mentioned, several indiscreet intemperate preachers were called to an account for taking too much

liberty with their bishops, and making themselves popular by declaiming against them: the London clergy were likewise reprimanded for frequenting public-houses, and appearing too expensive in their habit.

HENRY VII.

Antiquit.
Brit. p. 298.

In November, this year, the queen was crowned, but the deferring the respect thus long, made it look more like reason of state than inclination.

The next year, when the public disturbances were over, pope Innocent sent the king a bull for excommunicating all the rebels, which the archbishop published through the whole province. And now the court of Rome having been disappointed in making open demands of money upon the English, changed their battery, and applied to a more covert expedient: for now John Gigles, the pope's collector, came over furnished with a bull, containing very unusual and scandalous powers. By this instrument he had full authority to pardon usury, simony, theft, murder, rapine, debauchery, and several other crimes; battery against the clergy, faction against the pope, and some other cases reserved to the cognizance of his holiness, only excepted.

A. D. 1488.

A. D. 1489.

693.

Antiquit.
Brit. p. 298.
ex Regist.
Morton.

About this time archbishop Morton received a bull from the pope, empowering him to visit exempt monasteries, and all other places, privileged from archiepiscopal and ordinary jurisdiction.

To say something of the State; where the next remarkable occurrence is the appearing of Perkin Warbeck upon the stage, and his counterfeiting Richard Plantagenet, duke of York. This imposture had stronger colours than the last, kept upon its legs several years, and made a great blaze in the world. Perkin, to touch briefly upon his history, was son to John Osbeck, a convert Jew of Tournay. This Osbeck being a sort of a merchant, lived in London for some time with his wife Catherine de Faro. During his stay here, this son was born, and christened Peter by king Edward IV., who did his father the honour to stand godfather. Not long after, Osbeck returning with his family to Tournay, bred his son at Antwerp, where, conversing frequently with English company, he learned that language perfectly well. And being a very handsome lively youth, he was privately brought to the duchess of Burgundy. This princess perceiving that he had person, sense, and assurance enough to support a noble character, was resolved

*Perkin
Warbeck
counterfeits
the duke of
York.**His original.*

MORTON,
Abp. Cant.

A. D. 1492.

Bacon.

*He is set up
by the
duchess of
Burgundy.*

*And abetted
by several
princes, &c.*

to try the experiment, and make him pass for the duke of York. To make this project practicable, she kept him privately at her court a considerable time, had him instructed in the decencies of behaviour, taught him to counterfeit an unfortunate greatness, and fence against ensnaring questions; and in short, informed him of all the history and circumstances relating to the duke of York.

Perkin, thus furnished, was conveyed with great secrecy from the duchess's court, and sent to Portugal: where, after he had staid till the juncture was ripe, he set sail for Ireland, from whence receiving an invitation from the French king, he made a voyage into France, where he was honourably received, and treated in the character of the duke of York. But this ceremony was all reason of state: for upon the peace at Bonlogne between France and England, Perkin was dismissed. And now, for fear of being surprised, he retired into Flanders to the duchess of Burgundy. And here, pretending himself a perfect stranger, he acted the part of an exiled prince, and sought for protection. The duchess seemed to compassionate his misfortune, and entertained him suitably to what he appeared. By this time, Perkin's figure improved considerably, and several Englishmen of condition made part of his retinue. There were likewise several persons of quality in England drawn into his interest. This imposture would, in all likelihood, never have succeeded thus far, had it not been for the concurrence of the following circumstances.

First, It was not very easy to disprove Perkin and lay open the cheat, for there were no more than four persons that could depose upon knowledge to the murder of the duke of York: that is, sir James Tyrrell, the person employed by king Richard, John Diton, and Miles Forest, his servants, who executed the villany, and the priest of the Tower that buried the two young princes. Of these four, Miles Forest and the priest were dead; and as for sir James Tyrrel and John Diton, though they concurred in their testimony, and spoke home to the point, yet their examination being private, and no use made of their depositions in the king's declarations, these circumstances, I say, made the evidence seem imperfect to some people, and the cause a little perplexed.

Secondly, The people were dissatisfied with the management of foreign affairs, and particularly with the late peace with France: by which treaty, the king had thrown up the quarrel about the duchy of Bretagne, acquiesced in the marriage between the heiress Ann and Charles VIII., and suffered that great province to be annexed to the crown of France. But,

Thirdly, The capital grievance, and that which gave the greatest discontent, was the injury done to the queen, by his smothering the title of the house of York, and refusing to reign in her right.

Id. p. 608.

These circumstances gave advantage to Perkin's cause, and made the imposture go down the better. On the other side, the king omitted no expedient to countermine the plot, and pull off the mask. To this purpose, sir William Poynings, and Dr. Warham, afterwards archbishop, were sent to Flanders, and joined in an embassy to Philip the archduke; and being admitted to an audience, Dr. Warham delivered himself to this effect:

“He set forth what a dishonour this imposture was to all sovereign princes: that since the counterfeiting the royal impression in money was reckoned so great a crime, what degree of infamy and guilt must it be to forge a royal title, and counterfeit the king's pedigree and person? From hence, he proceeds to show the incredibility of the duke of York's being alive. To make out this; he takes the murder of king Edward V. for an uncontested fact. From this supposition, he argues, it was utterly improbable, that Richard III. should only order the murder of the eldest brother, do his business by halves, and damn his soul to no purpose. And as to the ruffians, who can imagine they should relent in the midst of their barbarity, and stop short in the execution; who can imagine they should do this, after they had been hardened in villany, and stained their hands in the blood of their king? Had they had the least remains of conscience or humanity, they would never have engaged in so black an enterprise: and if they had nothing of these qualities, what should throw them into such a dangerous fit of compassion, and make them preserve the life of another person, with the apparent hazard of their own? From hence he went on to inform the archduke, that the king his master

Dr. Warham's speech at the archduke's court against the entertainment of Perkin.

694.

MORTON, Abp. Cant. was in a condition to lay open the cheat to a demonstration, to set forth Perkin's pedigree, and trace his life to his cradle." And after some smart reflections upon the duchess of Burgundy, he concludes with desiring "that Perkin might be put into his master's hands, or at least banished the dominions of the archduke."

The answer returned to the ambassadors was this :

"That the archduke, in regard to king Henry, would give the pretender no manner of assistance : but as to the duchess dowager, she was absolute within the territories of her dower, and therefore he could not prescribe to her inclination in this point, nor hinder her from entertaining what persons she thought fit."

The king looked upon this as an evasive answer, being well satisfied that a jointure has no incidents of royalty or sovereign jurisdiction belonging to it : besides, the archduke did not hold up to the length of his promise, but gave aid to Perkin under-hand.

Perkin honourably received by the king of Scots, but afterwards discarded by him.

Not long after, Perkin's interest was broken in Ireland by the deputy sir Edward Poynings ; and therefore fearing his party might decline in England, he set sail with a body of men made up of several nations and desperate fortunes ; and appeared upon the coast of Kent ; but being disappointed by the loyalty of that county, he returned to Flanders. His next voyage was an attempt upon Ireland, but finding the government firm and settled, and none but a few of the wild Irish disposed to engage, he left that country, and addressed himself to James IV., king of Scotland. To be brief in his history, he received a friendly countenance at this court, the king of Scots entertained him as duke of York, married him to Catharine Gordon, daughter to the earl of Huntley, raised an army to abet his title ; and marched along with him into England. When Perkin had entered his pretended dominions, he published a proclamation to make the ground of his claim public, and dispose the people to come in : but nobody appearing, the king of Scots plundered the country, returned home, and discarded Perkin.

A. D. 1497.

But this discouragement did not sink his spirits so far as to drop the enterprise ; he resolved to try Ireland once more, and arrived at Cork : and here, though some people came over to him, yet not having enough to face the government, he quitted

the country, embarked for England, and landed in Cornwall, where he was joined by about three thousand rustics. And now he assumed the regal title, and altered his style of duke of York into Richard IV. His first attempt was the siege of Exeter: but this town making a good defence, and the king's forces marching to its relief, he thought fit to raise the siege. From Exeter he moved to Taunton, with a resolution to fight the enemy: but finding his men desert, and his forces too weak, he slipped away, about midnight, to Beaulieu in the New Forest, where himself and several of his company registered themselves sanctuary-men.

HENRY VII.

Id. p. 622.

*Perkin besieges Exeter.**Removes to Taunton.**Takes sanctuary.*

The king being informed of Perkin's condition, debated with his council what should be done with him. The board were divided upon the question: some were of opinion, the king's method was to force him out of sanctuary, and order his execution. That the necessity of the case was a sufficient excuse for overruling the privilege of consecrated places. Others alleged, that since the insurrection was broken and dispersed, and Perkin himself secured, it was not worth the king's while to apply to an expedient so liable to misconstruction. A third party advised the king to give Perkin a promise of his life upon his quitting the sanctuary: that this was the only way to be thoroughly informed of the circumstances of the plot, and give the world entire satisfaction. The king was governed by this last opinion. In short, Perkin was brought to the court, made a full discovery of the imposture, was shown publicly in the streets, and committed to prison: from whence making his escape, he was seized and executed at Tyburn. This counterfeit, from his first setting up, gave the king about five or six years' disturbance, which, for brevity's sake, I have laid together.

A. D. 1498
Is imprisoned and executed.
Ibid. p. 625.
A. D. 1499.

During the course of this imposture, sir William Stanley, lord chamberlain, was tried for high treason, cast, and executed. The charge against him, was his saying to sir Robert Clifford, "that if he were sure that young man (meaning Perkin) was king Edward's son, he would never bear arms against him."

A. D. 1495.
Sir William Stanley beheaded.

This, it is confessed, was a hard case, both in respect of the conditional expression, and the other words. But as to the conditional expression, the judges interpreted it to a sense highly criminal: affirming it was a dangerous thing to admit 'ifs' and

MORTON,
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‘ands’ to qualify words of treason. That by this latitude, any man might publish his disloyalty, and cover himself from danger. And as for the positive part, “that he would not bear arms against king Edward’s son;” though the words seem calm, and carry no farther than a neutrality, yet it was construed a preference of the house of York, and a plain overruling of the king’s title by the line of Lancaster. This implication touched the tenderest part, and was never to be forgiven by an ambitious prince; and therefore the extraordinary merit of sir William Stanley in saving the king’s life at Bosworth, and setting the crown upon his head, was not sufficient to procure his pardon. But to soften this rigour, some writers report, that Stanley gave a direct promise of assistance to Perkin, and furnished him with money.

Id. p. 611.

To proceed. This conspiracy proved fatal to the earl of Warwick, who was tried by his peers for abetting Perkin’s insurrection, and for compassing the destruction of the king. The earl confessing the indictment, had judgment, and was shortly after beheaded on Tower Hill.

Id. p. 626.
Nov. 28.

The taking off this young prince, who had been imprisoned all this reign, without pretence of misbehaviour, was deeply censured: the king therefore, to relieve his reputation, endeavoured to transfer the odium upon the Spanish court. This apology had some colour; for when the marriage between prince Arthur and the princess Catherine was set on foot, Ferdinando wrote to the king of England, that he had no assurance of the succession to the house of Lancaster, as long as the earl of Warwick was living: and that the prospect being thus dark and disturbed, he was unwilling to send his daughter into England.

Ibid.

Farther, while Perkin kept his pretensions on foot, there happened a commotion in Cornwall. This insurrection was occasioned by the levying of a subsidy, and held no intelligence with Perkin. The rebels were first brought into the field by Michael Joseph, a farrier of Bodmin, and Thomas Flammock, a lawyer. This latter used to tell his neighbours, “the law was on their side;” and by pretending to be a patriot, and declaring strongly for property, gained a great interest among the peasants. “This man,” says my lord Bacon, “laid himself very learnedly out upon the subject, as if he thought it possible to raise a rebellion without breaking the peace.” But not to insist upon the particulars of his argument, he advised

A. D. 1497.

An insurrection in Cornwall.

them in the conclusion to put themselves in a military posture, to march inoffensively to London, and deliver the king a petition against oppressive taxes, and evil councillors.

HENRY VII.

Id. p. 617, 618.

This seditious discourse making an impression on the peasantry, they immediately armed themselves, marched from Cornwall to Taunton in Somersetshire, and murdered a commissioner for the tax: from hence they moved to Wells: here the lord Audley came over to them, and undertook to be their general. After they had tried their fortune to no purpose in Kent, they encamped on Blackheath, with a design to move forward for London, being about sixteen thousand strong. But before they could execute this resolution, they were charged and defeated by the king's forces. The chief rebels being taken, the lord Audley was beheaded on Tower Hill, and Flammoock and the farrier hanged, drawn, and quartered, at Tyburn. The incendiaries being thus dispatched, the king pardoned the rest by proclamation; and thus the disturbance was laid asleep.

Id. p. 619.

The chief rebels executed.

To return some years back to the Church.

King Henry being desirous to aggrandise his own family, and draw a new lustre upon the house of Lancaster, addressed pope Alexander for the canonization of king Henry VI. Pursuant to this request, his holiness directed a commission of inquiry to Morton, archbishop of Canterbury, and Fox, bishop of Durham. This commission was accordingly executed; however, the ceremony did not proceed. Some say, the reason why it sunk was, because the court of Rome held up the charge of the solemnity too high; but the common demand amounting to no more than fifteen hundred ducats, makes this supposition improbable. Others therefore are of opinion, the conclave declined to canonize this prince, upon the score of his slender abilities. They were afraid the dignity of the saints might suffer, if a person of such moderate sense were taken into their order. To which we may add Habington's conjecture, who believes the wrong title of the house of Lancaster might make the pope refuse the granting this honour. But whatever the true reason was, the matter died under debate, and the king contented himself with the removal of Henry VI.'s corpse from Windsor to Westminster; but did not think fit to take even this step without the pope's leave.

King Henry VI.'s canonization miscarries.
A. D. 1494.

See More-ry's Supplement, article Henry 6.

Antiquit. Brit. in Mor-ton, p. 299.

Habington's Life of Edward IV. Antiquit. Britan. p. 299. Concil. tom. 13. col. 1469.

And here it may not be improper to mention the prelimi-

MORTON,
Abp. Cant.

696.

Concil.
tom. 13.
col. 1476.

The proceedings in order to a canonization.

A. D. 1497.
Concil.
tom. 13.
col. 1470.
Ex Regist.
Principal
Morton.

naries requisite to canonization; together with some of the doctrines and circumstances relating to this solemnity. Especially since the point was carried soon after upon another occasion. For though king Henry VI. was refused this privilege, yet about three years afterwards, archbishop Morton prevailed for his predecessor Anselm. This prelate's memory passed the test in the conclave, and was entered upon the calendar without any opposition.

To begin therefore, it is the persuasion of the Church of Rome, that none but the pope has any authority to give one saint preference to another, and, by consequence, none has the right of canonizing excepting himself. The grounds of this belief are :

First. "It is one of the cases of greatest importance, and therefore must be reserved to the decision of the Apostolic see."

Secondly. "Because this matter includes an inquiry concerning miracles, which brings the question within the compass of a point of faith. For this reason, the Apostolic see ought to have the cognizance of the case."

Thirdly. "Since the declaring the sense of doubtful places in Scripture belongs to the pope, it follows *à fortiori*, that questions about life and sanctity, are to be determined by him."

Fourthly. "This decision ought to be made by his holiness, for fear the unwariness of some bishops might be imposed on."

Fifthly. "To prevent the saints being multiplied to an inconvenient number, by which means devotion might grow cool, and sanctity be undervalued." The strength of these reasons I shall leave to the judgment of the reader.

As to the proceedings in order to a canonization, the method stands thus :

First. "Some prince, nobleman, or, at least, some person of character and credit, must address the pope for this favour, neither is once sufficient to serve the turn; the application must be several times repeated with great earnestness."

Secondly. "The pope is to direct a commission to two or three prelates to inquire into the life and miracles of the per-

son. As to the question about his life, they are to examine what signal service has been performed, what extraordinary hardships he has undergone, and how unexceptionably he has held on throughout the whole progress. They are likewise to inquire whether he stood clear of vanity, and was of an humble resigning temper: because 'God resists the proud, and gives grace to the humble.'"

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After satisfaction given, as to conduct and morals, inquiry is to be made into the miracles wrought by the person in his lifetime, or after his death. Now, to complete the essence of a miracle, there are four things required.

1st. "That the effect is assignable to nothing but the Divine power, and is neither the production of art nor the devil."

2dly. "That it is contrary to the course of nature; of which they give two instances: the turning of Moses's rod into a serpent, and the faculty of speech given to Balaam's ass."

3dly. "That it must result from the merit of the person, and not from the force of any form of words. This exception is thrown in to distinguish the power of working miracles from the supernatural effect, which follows upon the consecration of the eucharist: where, as they affirm, bread and wine by the force of the words, are transubstantiated into the body and blood of our Saviour."

The fourth note of a miracle is, "That it must be wrought for the strengthening of faith, and the advantage of religion."

Upon the whole, unless these four requisites concur, the pretence of miracles will not pass in the scrutiny for canonization.

Thirdly. "After the commissioners of inquiry have made their return, the pope refers the examination of the report to some of his chaplains, or other persons of capacity and discretion as he shall think fit: and by this committee the whole narrative is ranged under heads, and drawn into the form of the court."

Fourthly. "The pope asks this committee their opinion, whether they think the relation sufficiently attested, and whether the merit of the person is great enough for the honour desired."

MORTON,
Abp. Cant.

Fifthly. "If the pope is satisfied with the inquiry, he first decrees the canonization privately among some of the cardinals."

Sixthly. "After this advance, his holiness makes a public report in consistory, of the whole proceedings, and requires the prelates then present to give their advice."

Seventhly. "There is a set day assigned for a public appearance at a certain church; where a great many tapers are lighted, the floor covered with carpets, and the place ornamented in other respects. At this solemnity, the pope and cardinals, all the clergy, and great numbers of the laity, are usually present. And here his holiness makes a speech upon the subject, reciting the whole process and proof, desiring the people to pray that God would preserve them from falling into a mistake in a matter of such consequence."

Eighthly. "Upon this, the congregation fall upon their knees, a prayer for the occasion is said, and the 'Veni Sancte Spiritus,' or some other suitable hymn, is sung."

697. Ninthly. "Then the pope, rising from prayer, pronounces the person to be canonized a saint; orders him to be entered upon the holy register, to be treated with the respect of a saint, and have a holy day assigned him in the calendar."

Tenthly, and Lastly. "The office 'Te Deum Laudamus' is sung, and the pope officiates at a solemn mass, in honour of the canonized person."

And here, it may not be amiss to observe the distinction between canonizing and beatifying. Beatification is a lesser degree of honour, and amounts to little more than the pope's testimonial for the sanctity and happy state of the person, neither is there any religious application made to him; but those who are canonized are put into the litanies, and invoked with the rest of the saints. This distinction of their condition requires a different proof to raise them to their respective degrees. And therefore, no person can be canonized without proof of miracles wrought by him: whereas an attestation of extraordinary sanctity is sufficient to qualify for beatification.

Ibid.

A. D. 1496.

*Shevez, arch-
bishop of St.
Andrew's,
his death.*

Two years afterwards William Shevez, archbishop of St. Andrews, departed this life. This prelate, by the strength of his court interest, did a great many ill offices to his predecessor Patrick Graham, and by misrepresentation of his conduct to

the court of Rome, first got himself made coadjutor, and afterwards archbishop of the see, having procured a sentence of deprivation against Graham. Archbishop Spotswood observes, that the state of the Church was now in a very ill condition: that merit was discouraged, and discipline overruled by the regale. That benefices were very unhappily disposed of at the Scottish court: and that those, who could recommend themselves best to the vanity and libertinism of great men, were mostly preferred. As for canonical elections, they were, in a manner, quite overborne: neither was the court of Rome at all to be excused in this matter: for the pope never refused any abbots or priors who came furnished with the king's recommendation. And by this partiality and excessive complaisance, the government of the monasteries came by degrees into the hands of men of secular tempers; men, who having received their education at court, brought the liberties of that place along with them. But as for the discipline of their order, and the hospitality expected from the endowments, they were altogether regardless of that matter.

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Lesley de
Rebus
Gestis
Scotor. lib. 8.
p. 306.
Spotswood,
book ii.
p. 59.
*The declining
condition
of the Church
of Scotland.*

Id. p. 60.

Shevez, some years before his death, had a dispute with Robert Blacater, archbishop of Glasgow, upon points of jurisdiction. For the see of Glasgow having been lately, as has been observed, erected into an archbishopric, Blacater insisted upon the privilege: Shevez, on the other side, refused to own him under that distinction. In short, the contest grew up into a faction, and each of the prelates had many abettors, both of the clergy and laity. However, the difference was reconciled in a little time; Glasgow was pronounced a metropolitanical Church, and the honour of precedency reserved to St. Andrews.

While the archbishops were thus contesting for jurisdiction, certain articles were dispersed in the counties of Kyle and Cuningham, against the received doctrines of the Church. The tenets were these:

- I. That images ought neither to be made nor worshipped.
- II. That religious respect ought not to be paid to relics.
- III. That it is not lawful to fight in defence of the faith.
- IV. That Christ gave the power of binding and loosing to Peter only, and not to his successors.
- V. That Christ ordained no priests to consecrate.

*New tenets
in religion
maintained
in Scotland.*

MORTON,
Abp. Cant.

VI. That after the consecration in the mass, there remains bread, and that the natural body of Christ is not there.

VII. That tithes ought not to be paid to the clergy.

VIII. That our Saviour at his coming cancelled the authority of secular princes.

IX. That every faithful man and woman is a priest.

X. That the unction of kings ceased and determined at the coming of Christ.

XI. That the pope is none of Peter's successor, excepting in reference to what our Saviour spoke, when he said to him, "Get thee behind me, Satan."

XII. That the pope imposes upon the people with his bulls and indulgences.

XIII. That mass for the dead procures no relief to the souls in purgatory.

XIV. That the bishop's blessing is insignificant.

XV. That indulgences ought not be granted to encourage a war against the Saracens.

XVI. That the pope exalts himself above God.

XVII. That it is not in the pope's power to release from the punishment of purgatory.

XVIII. That the excommunication of the Church is no more than a scarecrow.

XIX. That swearing is unlawful in all cases whatsoever.

XX. That priests are no more barred marriage under the Gospel, than under the Law; and that true Christians receive the body of Christ every day.

For maintaining and dispersing these tenets, about thirty persons were cited before the council, and some of them gentlemen of rank. When the archbishop of Glasgow opened the charge against them, they answered with such an air of resolution, that it was thought most advisable to drop the prosecution, for fear they should make a farther defence in the field, break through their third article, and draw down an "evangelium armatum" upon the clergy. When they were discharged therefore, they were only admonished to avoid novel doctrines, and acquiesce in the belief of the Church. To proceed :

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Id. p. 61.

A. D. 1498.
*A marriage
between the
houses of
England and*

About two years afterwards a rencounter upon the borders was very fortunate in the issue. By this accident, the late truce was improved into a peace for the life of both kings, and the

way opened to a more lasting correspondence between the two nations. The case was this. During the truce, some Scottish young gentlemen passed the castle of Norham, and went into the town to divert themselves: but their entertainment was quickly disturbed by the garrison: who, setting upon them when they suspected no harm, wounded several, and forced the rest to retire with precipitation. Upon this outrage, king James wrote a sharp expostulatory letter to king Henry. The king of England disowned his giving the least countenance, and laid the affront wholly upon the garrison; adding withal, that if any of his subjects had made an infraction upon the truce, they should be severely punished. The occasion of the quarrel being given by the garrison of Norham, Fox, bishop of Durham, was very solicitous to make up the breach, because that castle belonged to his bishopric. To this purpose, he wrote to the king of Scots, offered to refer the damages to that prince, and make full satisfaction according to his highness's award. The king of Scots, being pleased with the probity and frankness of the bishop, sent him a friendly invitation to come and discourse him more at large concerning the regulation of the borders. The bishop acquainting king Henry with this motion, procured his leave, and had a public character to negotiate in Scotland. In short, he waited on the king of Scots at the abbey of Melrose; where, by his address, he quickly brought that prince to temper, and removed the misunderstanding. And now the king having a great opinion of the bishop's interest and conduct, told him privately, that he was willing to come to a more friendly correspondence with the English court, and enter upon such measures as might give a firm foundation for a peace. That this mutual advantage might be easily compassed, provided king Henry would give him his eldest daughter Margaret in marriage: that he designed to send an embassy into England about this business: but before the matter was made thus public, he thought fit to advise with the bishop, that his honour might not suffer in the overture; for a refusal in this affair would much annoy him.

The bishop persuaded king James to delay the embassy a little, and giving hopes of succeeding in the match, took his leave, and came to the English court. The king being informed by the bishop, of the king of Scots' inclination to marry his eldest daughter, was pleased with the proposal.

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VII.*Scotland
brought on
by bishop
Fox.*

MORTON,
Abp. Cant.

Upon this the bishop gave the king of Scots private intelligence, to send his ambassadors forthwith with powers to treat concerning the match ; which was done accordingly.

A. D. 1499.

Lesley de
Rebus Gestis
Scotor. lib. 8.
p. 323, 324.
Bacon,
Hen. 7.
ad an. 1498,
1499.

Bacon in
Hen. 7.

And that king Henry might not be disappointed in this alliance, the bishop advised him to finish the articles of the peace before he entered upon the treaty of the marriage. This order was observed, and a peace concluded in the first place. From hence they proceeded to the articles of the match, which took some time to adjust, as we shall see afterwards.

About this time, Christopher Columbus dispatched his brother Bartholomew to king Henry, to acquaint him with a proposal about the West Indies, and to make an offer of that country, upon condition the king would furnish him for the discovery. But Bartholomew Columbus happening to be taken by pirates, in his voyage to the English court, the overture was made too late : for before the terms were adjusted, his brother Christopher had succeeded in the attempt, and engaged with the king of Castile.

CENT. XVI.
A. D. 1500.
May 29.
*The death of
Rotheram,
archbishop of
York.*

To return to England : where the next thing which comes up to notice is, the death of Thomas Rotheram, archbishop of York. The name of his family was Scott ; but being born at Rotheram in Yorkshire, he took that name, according to the custom of those times. He was bred at King's college in Cambridge, and was afterwards master of Pembroke-hall. He was lord privy-seal and lord chancellor in the reign of Edward IV. His first see was Rochester, from whence he was translated to Lincoln, and thence, after nine years, to York. While he sat at Lincoln, he was a considerable benefactor to the university of Cambridge ; built the gate belonging to the schools, made the walks of each side, and built the public library. After his translation to York, he founded a college at Rotheram, for the maintenance of a provost, five priests, six choristers, and three masters for the education of youth ; one of which was to teach grammar, another music, and a third writing. When this college was suppressed, the valuation of it was given in at eighty-five pounds per annum. To proceed : archbishop Rotheram finished Lincoln college in Oxford, which was left imperfect by the first founder, bishop Fleming. Beside the benefaction in the building, Rotheram added and endowed five fellowships to the former seven. And, to conclude

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with him, he left his successors a very rich mitre to make good the loss of that which was taken away from archbishop Neville.

In the beginning of winter this year, archbishop Morton died at his manor of Knoll, in Kent. He was born at Beer, in Dorsetshire, and descended from a gentleman's family. He had good natural abilities for a ground-work, and made great improvements in the study of the law, and other parts of learning: these advantages recommended him to the esteem of king Henry VI., who gave him several preferments in the church, and brought him to the council-board. Notwithstanding the frequent revolutions of the public, and the misfortunes of this prince, Morton continued always firm to his interest. This constancy, king Edward IV. had the generosity to value; insomuch, that after the death of king Henry VI., Morton was, as it were, courted to his favour, sworn into the privy council, promoted to the see of Ely, and made one of the king's executors by his last will. Upon the death of king Edward, Richard, duke of Gloucester, designing to make his way to the throne, by the murder of his nephews, committed Morton to prison. He knew this prelate was a person of too much integrity and courage to be either bribed or frightened into a compliance. By what means the bishop gained his liberty, and how serviceable he was in the union of the houses of York and Lancaster, has been already related. Henry VII., at his accession to the crown, made him lord chancellor; which office he managed with great commendation, and held to his death. He was this king's chief minister all along, who had an entire confidence in him; and, it must be said, the king made a prudent choice: for Morton's genius, learning, secrecy, and experience, all concurred to make him a very able statesman. Notwithstanding all these good qualities, he was neither beloved by the nobility, or the people. He seems to have been envied by the first, and misunderstood by the latter. One thing which made him unpopular was, the suspicion he lay under of putting the king upon the demand of subsidies and other exactions: but this was a wrong imputation. For, as it appeared afterwards, the archbishop was so far from leading the king into these unacceptable measures, that he rather tempered his rigour, and qualified his projects for raising money.

His conversation was not without distance and reserve, and his answers were sometimes harsh and disobliging; but then

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Godwin in
Archiep.
Eborac.
September.
*The death of
Morton, cardinal
and
archbishop
of Canter-
bury.*
His character.

*He was
created cardinal
in the
year 1494.*

Bacon in
Hen. 7.
ad an. 1500.

DEAN,
Abp. Cant.

this humour was commonly put on, not out of pride, but design. It was to make an essay upon the temper and abilities of his inferiors, and see what they were good for: it was to try how they could bear up under unexpected language, disentangle themselves on the sudden, and stand the shock of a surprise. He disposed of his fortune suitably to his character, and the largeness of his revenue; and was very remarkable for his munificence and liberality. At his death he bequeathed almost all his estate to pious uses. He left the lady Margaret, his god-daughter, a golden cup; his mitre and archiepiscopal cross to the church of Ely; and took an oath of his executors, to maintain twenty scholars at Oxford, and ten at Cambridge, for twenty years. Amongst his other good qualities, we must not forget the conscientious freedoms he took with the king, representing his miscarriages to him, with that gravity and reprehension which became his station. He sat thirteen years at Canterbury; and was buried under the choir in his cathedral, in a fine chapel built by himself.

Antiq. Brit.
Harpfield,
p. 625.

et deince.
Godwin in
Archiepisc.
Cantuar.
Alcock,
bishop of
Ely, his death
and character.

The next month, John Alcock, bishop of Ely, departed this life. He was born at Beverley, in Yorkshire, and bred at Cambridge. His first considerable preferment was the mastership of the rolls. His next promotion was the see of Rochester; from whence he was translated to Worcester, and made lord president of Wales; and was thence removed to the bishopric of Ely. He was a person of an unexceptionable regularity; of extraordinary discipline and mortification. To mention some of his most considerable benefactions; he founded a school and chantry at Kingston-upon-Hull. He built a great hall at his palace in Ely, and founded Jesus college, in Cambridge. This place was formerly a nunnery, dedicated to the honour of St. Radigund; but now, it seems, the nuns having taken too much liberty, and gone off from their institution, the pope and the king consented to the dissolution of the house, and gave it bishop Alcock, who turned it into a college, and settled an estate for a master, six fellows, and as many scholars. He sat fourteen years, and was buried in a chapel built by himself on the north side of the choir.

Fuller's
Hist. Uni-
vers. Cam-
bridge.
Godwin in
Episc.
Eliens.
Antiq. Brit.
Angl. Sacr.
pars 1. p.
124.

The see of Canterbury, soon after the vacancy, was filled by Henry Dean, translated from Salisbury.

This year there was a jubilee at Rome: some little time before the solemnity, pope Alexander made use of an expedient

to fill his coffers. For this purpose, he dispatched his nuncios to several princes' courts. These agents were empowered to assign over the benefits of the jubilee, and excuse the custom of making a voyage to Rome, provided people were willing to pay for the dispensation. For the managing this business, Jaspas Pons, a Spaniard, was sent by the pope into England. He is said to have acted with so much address and discretion, that he levied considerable sums with little or no scandal. It was thought the king had a share in the advantage: but by a letter of cardinal Adrian's to the king some few years after, it appears to have been otherwise.

To dispose the English to part with their money with less regret, the nuncio gave out it was to be spent upon an expedition to Palestine. To gain credit to this suggestion, he delivered the king a bull from pope Alexander, to invite him into the holy war.

The bull sets forth, "That the pope being sensible of the unexpected progress of the infidels, had entered upon several consultations about securing the remainder of Christendom, and giving a check to the common enemy. That this point being debated in the conclave before the ambassadors of several princes, the enterprize was at last agreed upon, and a resolution about the measures concerted.

"The scheme was this: Hungary, Poland, and Bohemia were to march into Romania. The French and Spaniards to attack the Turk in Greece; and the pope, the king of England, the Venetians, and such other states as were considerable at sea, should sail with a strong fleet to Constantinople. And to this purpose, his holiness, who was resolved to hazard his person, had dispatched his nuncios to all the princes of Christendom, to persuade them to lay down their animosities, and get ready their troops and treasure, for so glorious an expedition."

The king's answer was;

"That no prince on earth was more inclined to shew his respects to the pope, nor more forward to engage his force and fortunes in this holy war than himself: but that lying so remote from the Turk's dominions, no troops could be sent conveniently either by sea or land: that nothing of this could be done without double disadvantage both of charge and time,

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VII.

A. D. 1500.
A jubilee at Rome.
Antiq. Brit. p. 302.

700.
Adrian was the king's pensioner at Rome.
Bacon, Hen. 7. Ant. Brit. p. 302.
Biblioth. Cotton.
Cleopatra, E. 3.

The pope's bull to recommend a holy war.

Bacon, Hen. 7. ad an. 1500.

The king's answer.

DEAN,
Abp. Cant.

with respect to those princes who lay nearer. And, which was another inconvenience, the condition of his ships (having no galleys) was not so proper for the occasion; neither had his seamen sufficient experience for those seas. For this reason, he thought it advisable for his holiness to alter that part of the scheme, and persuade those princes, who were better prepared for that purpose, to accompany him by sea. That by these measures the enterprise would be carried on with less charge and more expedition. And, which would be a farther service, the emulation and disputes which might arise between the kings of France and Spain, in their marches and attacks by land, might probably be prevented this way. And that, for his part, he was ready to furnish his share in contribution: however, in case both the kings should decline the expedition in person, rather than his holiness should be disappointed, he was willing to attend him as soon as he could get ready. But then this promise was made with these conditions: First, 'that all differences among Christian princes should be reconciled:' and secondly, 'That some good towns upon the coasts of Italy might be put into his hands for the security of his forces and fleet.'"

Ibid.

It was thought this answer was only court ceremony, and meant no more than a decent excuse: but however the king's inclination might stand at present, it is pretty plain by his reply to a bull of Julius II., he was afterwards in earnest for this enterprise.

These last two years, there were some proceedings against the Lollards. It is observed, there were few prosecutions of this kind in king Henry the Seventh's reign, and those that were, went seldom any farther than penance, and carrying of faggots. The king, though no great divine, had the success to bring over one of these men in a dispute at Canterbury.

Bacon,
A. D. 1507.
Nov. 12.

*Catherine of
Spain mar-
ried to prince
Arthur.*

The next year, the princess Catherine of Spain arrived in England, and was married to prince Arthur, at St. Paul's. Her entry into London, and marriage, were very magnificent, and managed with great advantage and regularity. The conduct of this solemnity was left to bishop Fox, who was not only an able minister of state, but a good master of ceremonies; well qualified for the direction of a royal show, and furnishing out a public festivity of a great prince.

Ibid.

The expectations of advantage from this match were quickly disappointed; prince Arthur dying about five months after at his castle of Ludlow, in Shropshire, being not fully sixteen years of age. About ten months after this prince's death, the princess Catharine was contracted to prince Henry, afterwards Henry VIII.

HENRY
VII.Ibid.
A. D. 1502.
April 2.

Towards the latter end of this year, the marriage between James, king of Scotland, and the lady Margaret, was declared at St. Paul's Cross; and the summer following, that princess was conveyed with a splendid attendance to Edinburgh. During the treaty of this match, which lasted almost three years, the king is said to have laid the affair before the privy council; and that some of the board dissuaded this alliance with the king of Scots. The reason of their dissent was founded upon the inconvenience which might accrue to the realm of England. They urged, that in case the king should die without issue-male, the crown would devolve upon the lady Margaret, and by consequence become parcel of the dominions of a foreign prince. To this, the king replied, that provided what they objected should happen, Scotland would fall as an addition or province to England, and not England to Scotland: for the greater kingdom would certainly draw the less; and that an alliance with Scotland, upon this prospect, was much more prudential than it would be with France. This resolution of the case was looked on as oracle, and silenced those who put the question.

Jan. 25.
The marriage of the lady Margaret with the king of Scots solemnized.

701.

This year, Dean, archbishop of Canterbury, died at Lambeth. His first considerable preferment was the abbacy of Lanthony, in Monmouthshire. King Henry VII., knowing him to be a person of abilities, and qualified for public business, made him lord chancellor of Ireland. In this kingdom, he was very serviceable in suppressing the insurrection, headed by Lambert Simnel. Having managed this post to the king's satisfaction, he was promoted to the see of Bangor. This see had, for a long time, been harassed and overrun in the disputes between the English and the Welsh: and being thus exposed to rapine and incursions, the bishops were seldom in the diocese. This absence proved a circumstance of disadvantage both to the discipline and patrimony of the Church: but king Henry VII. who was a Welshman, coming to the crown, brought the two nations to a good understanding.

Lesley, lib.
8. p. 325.
Bacon,
Hen. 7.
The death and character of Dean, archbishop of Canterbury.

DEAN,
Abp. Cant.

Wales being settled by this means, bishop Dean resided at Bangor : and here, at his coming, he had a warm contest with the rich laity in the neighbourhood, who had laid their hands upon most part of the estate belonging to the bishopric ; “ which,” says bishop Godwin, “ is no new practice in England :” for what is more common than to see people grasp at the holy revenue, and fly to the plunder upon the slenderest pretence imaginable : but Dean being a man of courage, maintained his title, and gained the Church lands from the intruders. Amongst other things, he got a verdict for the recovery of a small island on the north side of Anglesey ; and when the defendants refused to give him possession, and submit to the decision of the law, he marched with a small body of men, and ejected them by force.

Antiq. Brit.
p. 307.
Godwin in
Archiep.
Cantuar.

At his promotion to the archbishopric, he received his pall from the hands of the bishop of Lichfield and Coventry, commissioned by the pope for that purpose. It was delivered him in this form :

“ To the honour of Almighty God, and the Blessed Virgin Mary, the Holy Apostles, St. Peter and St. Paul, our lord pope Alexander VI. the Holy Roman Church, and also of the see of Canterbury committed to your charge ; we give you, in the pall taken from the body of St. Peter, a full authority for the exercise of your archiepiscopal function, with the liberty of wearing this honourable distinction in your cathedral upon certain days mentioned in the apostolic bulls of privilege.”

Upon the receiving of the pall, the archbishop took the oath of canonical obedience to the pope, which has been mentioned already.

Antiq. Brit.
p. 302.
*The form
used at the
delivery of
the archiepiscop-
al cross.*

There was likewise a solemn form used when the archbishop received the cross : it was put into his hands by a monk, commissioned by the prior and convent of Canterbury ; with these words : “ Reverend Father, I am sent to you from the sovereign prince of the world, who requires and commands you to undertake the government of his Church, and to love and protect her. And in proof of my orders, I deliver you the standard of the King of Heaven.”

Godwin in
Courtney.

This archiepiscopal cross was delivered before the pall. Now, by the strength of the form, one would think, even by the

doctrine of those times, the archbishops were sufficiently qualified for the functions of their character, without any supplemental powers from the court of Rome.

Warham, bishop of London, succeeded Dean in the see of Canterbury. He received the pall at Lambeth, and was installed at Canterbury with great solemnity.

There was one thing at this instalment which made it particularly pompous and remarkable: the circumstance was this; Edward, duke of Buckingham, was the archbishop's steward upon this occasion, and executed the office in person. If any one should tax the archbishop with vanity for suffering a nobleman of the first rank to perform this office, the censure would be ignorant and ill-grounded: for the duke held an estate of the see of Canterbury by the tenure of this service. Now we know an estate must pass "cum onere," and those who receive the advantage, have not the liberty of refusing the incumbences. Neither, as far as it appears, could the archbishop discharge this attendance, without failing in his trust, and doing his Church an injury.

As to Warham, he was descended from an ancient and considerable family in Hampshire; bred first at Winchester school, and afterwards at New college, in Oxford, where he commenced doctor in laws. At his quitting the university, he practised with reputation in the court of Arches, and was shortly made master of the rolls. He gave the king such satisfaction in his embassy to the duke of Burgundy, that he was preferred soon after his return to the see of London. He was not only a good civil lawyer, but well improved in other parts of learning. Erasmus kept a close correspondence with this prelate, dedicated his edition of St. Jerome to him, and gave him a great character. Archbishop Warham had a great esteem for Dr. Collet, dean of St. Paul's, and founder of Paul's school. This Collet, who wanted neither languages nor learning, was a person of great regularity, and a constant preacher. And it being the archbishop's business to appoint Lent preachers for the court, Collet was put into the list. Now his turn to preach before the king happening to be upon Good-Friday, the subject of his discourse was to shew in what manner Christians ought to fight under our Saviour's banner. And, as it happened, the king, at this time, was making preparations for a war with France. Dr. Collet spent a con-

HENRY VII.

A. D. 1503.

February 2.

March 9.
Ang. Sac.
pars I. p.
124.*The instalment of archbishop Warham.*Antiq. Brit.
in Warham.

A. D. 1504.

702.

Dr. Collet's two sermons at court.

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HAM,
Abp. Cant.

siderable part of his sermon to show the obligation incumbent upon princes to reconcile their differences; and that the business of war ought not to be the inclination of any Christians whatsoever. After he had pressed this point with a deal of rhetoric and force, he took occasion to add, "that those who follow our Saviour's standard, ought to imitate his meekness and humility, and not to propose the vanity and ambition of Alexander and Cæsar for their pattern." This way of preaching gave some disturbance to the king: he was apprehensive this discourse might make an unserviceable impression upon his officers and nobility, and check their fancy for the expedition: and therefore, when sermon was done, he ordered the dean to come to him. Collet's enemies imagined he would have been sent to prison, and prosecuted for disaffection to the government. But their expectation was disappointed: for the king treated him with great mildness and good humour, acquainted him with his resolution of attacking France; adding withal, that he was by no means the aggressor, but dragged into the war by pure necessity. He told him farther, that notwithstanding the force of his sermon had abated his resentment, and cooled his revenge against the French king; yet since that monarch had forced him upon the contest, he desired the dean to preach again before the court: and that in his next sermon he would justify a war in defence of one's country, and press the point with the same elocution and advantage as formerly. Collet undertook the performance, and was so moving and demonstrative in proving the lawfulness of war under Christianity, that he not only gave satisfaction to the king and court, but raised the spirits, and warmed the blood of those who disrelished the service, and were disheartened before. When the doctor came down from the pulpit, the king gave him thanks before the whole audience, and continued his regards ever after.

Antiq. Brit.
p. 306, 307.
Polydor.
Virgil. lib.
26.
A. D. 1505.

The next year, Margaret, countess of Richmond and Derby, and mother to the present king, founded Christ's college, in Cambridge. The foundation was for a master, twelve fellows, and forty-seven scholars. This lady by her last will settled several manors in the counties of Cambridge, Leicester, Norfolk, and Essex, for the maintenance of the college.

Fuller, Hist.
of Univers.
of Cam-
bridge, p. 90.

In the January of the year 1506, Philip, king of Castile, met with a storm in his passage to Spain, and was driven

ashore at Weymouth. The king did not think it convenient to let him go off without an interview. He was brought to the court at Windsor, where the king prevailed with him to put Pole, earl of Suffolk, into his hands, upon promise not to take his life. This Pole was then in Flanders, and suspected of a plot against the government. At this interview, there was a treaty renewed for the regulation of trade; the Flemings called it "intercursum malus," because it seemed to give the over-balance of interest to the English: for, not to mention other particulars, the clause of allowing the Dutch to fish in the English seas, mentioned in a former treaty, was now omitted.

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VII.

About this time, pope Julius II. sent his nuncio to James, king of Scotland, to present him with the title of protector of the Christian faith. This new honour was given him for his steadiness to the received doctrines, and the zeal he had shewn to prevent innovation. And to give the better grace to the present, he sent him a purple crown with gold flowers, and a gold sword and scabbard set with diamonds.

2 Hen. 7.
Bacon,
Hen. 7.

A. D. 1507.

This year, the pope sent king Henry a ceremonious bull, "to thank him for the forwardness he had lately expressed to engage in the holy war. He takes notice, that the king's letter written upon this subject had been ten times perused by himself, and afterwards read publicly in the conclave; where the piety of his design, and the nobleness of his proposal, was extremely applauded by the cardinals. After this commendation, the pope observes, that as for himself, he needed no prompting to the enterprize: that he had done his utmost to bring the princes of Christendom to a good understanding: that his endeavours had been answered with success: that the ambassadors of several courts had met, and debated this point in the popedom of Innocent VIII., but that they broke up without coming to a resolution upon several articles: and particularly, they could not agree about the choice of a general. And that since the Turkish empire was rarely less broken and disturbed than under the present juncture, it was to be feared, it would be a difficult matter to make a practicable scheme, and bring the princes into the enterprise. However, the pope promised to do his utmost, and that the cardinals and himself would go in person if occasion required."

Lesley, lib.
8. p. 330.
Ex Biblioth.
Cotton.
Cleopatra,
c. 7. See
Records,
numb. 53.
*The pope's
bull to the
king, with
reference to
the holy war.*

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Abp. Cant.

*The king's
answer.*
See Records,
numb. 54.

The king, in his answer, acquaints the pope, "how sensible he was of the honour done him by the conclave: that he should always endeavour to preserve himself in the good opinion of his holiness: and that he should never remit of his zeal for the interest of Christendom. That as to the holy war, he conceived there was no reason to despair of success in that affair. For notwithstanding the Turks were stronger by being better united than formerly, yet since the war was just, and the quarrel religious, there was good ground to hope the cause would be blessed by God Almighty. As to the choice of a general, he thought it advisable to divide this post amongst three of the most considerable princes of Europe: that the whole force, ranged under three divisions, should be put into their hands, and the command of their respective troops be independent of each other: but in case the appointing so many princes was found impracticable, he conceived it would be much for the advantage of the enterprise if the pope would go in person: and, that as for himself, he would be ready to attend his holiness, though no other prince should keep him company. And, to conclude, he entreats the pope to press the princes of Christendom to engage, and to forward the expedition with the utmost application."

A. D. 1508.
*St. John's
college in
Cambridge
founded.*

The next year, the lady Margaret, countess of Richmond, began the foundation of St. John's college in Cambridge; but died before it was finished: however, her design was effectually carried on by her executors, two of whom were Fox, bishop of Winchester, and Fisher, bishop of Rochester. The site of this college had been long since assigned to religious uses, though the property had been thrice altered: first in the year 1134, Nigel II., bishop of Ely, founded an hospital here, for canons regular, who had afterwards a supplemental provision granted by king Edward I., who gave them the forfeited goods of forestallers or regraters: afterwards, Hugh de Balsham, bishop of Ely, who lived towards the latter end of the thirteenth century, converted it to a priory in honour of St. John the evangelist. This college had the good fortune of a great many considerable benefactors, insomuch, that in the year 1634, there was a settlement for a master, fifty-four fellows, and fourscore-and-eight scholars.

Fuller Hist.
of Univer-
sity of Cam-
bridge, p. 94.
Id. p. 96.

This year, archbishop Warham made several regulations for

his court of audience, with the consent of all the advocates and proctors belonging to it.

By the second article, which I shall only mention, the judge of the court was to assign advocates and proctors to plead and solicit for poor people *gratis*; and that all the ministers of the court should waive their fees and receive nothing: farther, that the judge should expedite these causes with all possible dispatch, and take nothing of the parties through the whole course of the process. And, in case any advocate or proctor, appointed by the judge, should appear unusually negligent and remiss in the management of this business, or refuse to go on with the cause without money, they were to be for ever disabled from practising in this court. The learned Godolphin mentions the same privilege of suing "in forma pauperis," allowed in the court of Arches.

In the beginning of the next year, the king died at his palace at Richmond: he left issue, Henry, prince of Wales, who succeeded him; the lady Margaret, married to the king of Scots; and the lady Mary contracted to Charles, prince of Castile and duke of Burgundy, who was afterwards emperor, and known by the name of Charles V.

In this reign, there was some acts of parliament made with reference to the Church, which I shall just mention.

In his first year, there was a statute passed "to enable bishops and other ordinaries, having episcopal jurisdiction, to commit clerks guilty of incontinency and licentiousness, and to detain them in prison as long as they should think convenient."

In his fourth year, an act passed "that all letters-patent granted to any religious house, for discharging them from the payment of tithes, should be void and of none effect."

The thirteenth chapter of this year takes notice, "that people were emboldened by the benefit of the clergy to commit murder, robbery, &c." To prevent this inconvenience, this privilege is restrained, and new penalties enacted upon offenders in such cases.

And now a word or two concerning the king may serve for conclusion. As to his birth, it may be observed, he was descended from a younger branch; and that the house of York stood foremost in the succession: but if his title appears questionable upon this score, the queen, by her acquiescence,

HENRY VII.

Archbishop Warham's constitution for the benefit of the poor.

Concil. Tom. 13. Col. 1478. Godolphin Repertorium Canonicum, p. 103. A. D. 1509. April 22. *The king's death.*

Bacon, Hen. 7.

Hen. 7. cap. 3.

The laws made by him in relation to the Church. 4 Hen. 7. cap. 5.

4 Hen. 7. cap. 13.

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HAM,
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704.

Bacon.

*His charac-
ter.*

seems to have dropped her claim, and transferred her right upon him. However, it is thought his son Henry would not have been so resigning, but set up his mother's pretensions. And therefore his death is reckoned to his advantage, and said to have happened at a very seasonable period.

If we examine his qualities, we shall find them suit his fortune in a great measure, and answer to the height of his station. His temper was grave and dispassionate; he was regular and reserved in his pleasures; and business was perfectly his inclination. He had no favourites to misplace his bounty upon, to prepossess his judgment, and draw him to a wrong bias. He entertained people only for what they were good for, and was not governed by partiality and fondness in the choice of his ministers. He was never overset with unexpected accidents, but very skilful to disengage himself under a sudden emergency. Neither, on the other hand, did he seem defective in vigilance and circumspection: for he had pensioners in most courts of Europe, and was very exact and particular in his instructions to his ambassadors. He was just to his allies, but managed with great tact and address, penetrated the bottom of other princes, and kept something out of view in himself.

He was careful, at home, to preserve the dignity of his character, to give the crown a distinguishing lustre, and to appear a king upon all occasions. I believe we may say, his passion for grandeur carried him too far, made his humour less agreeable, and drove him upon indefensible expedients. The rigours and oppressions of his reign may probably be charged on this excess. It is true, justice, in his time, fulfilled her office between subject and subject. But when the crown was a party, her sword was sometimes mismanaged, and her balance held uneven. His reviving obsolete laws, and harassing the people with arbitrary fines and imprisonment, are much more than can be excused.

As for the military part, he was well provided that way: for though he might not have so much fire and fancy for charging as Edward IV. and Richard III., yet his blood was warm enough for a general: he wanted no resolution to face a danger, and always resolved to appear in the field, and command in person.

Farther, he may be affirmed to have been a religious prince

as to the main. He built six houses for the order of St. Francis, founded the noble hospital in the Savoy, and preferred churchmen to the highest posts of honour and trust. And to make this part of his character more unquestionable, his private alms were likewise very considerable, and, in his will, he ordered the money unjustly wrested from the subject should be all restored. However, if the report mentioned by the lord Bacon be true, that he used to have his own spies solemnly cursed at St. Paul's, to make them pass more unsuspected: if this be true, I say, his conscience was sometimes lamentably overruled, and his morals suffered by his politics in a deplorable manner. To conclude, he lived fifty-two years, reigned twenty-three and odd months, died exceedingly rich, and lies buried in the stately chapel, built by himself, at Westminster.

HENRY
VII.
Stow Annal.
Bacon.

*He left
eighteen hun-
dred thou-
sand pounds
sterling in
the Exche-
quer.
Id.*

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From the Morning Advertiser.

“The first paper is one of the deepest interest to every admirer (we had almost said, idolater) of John Milton—and who is not?—especially of ‘Paradise Lost ;’ for it is the commencement of the ‘Adamus Exul of Grotius,’ the renowned and often heard of ‘Prototype of Paradise Lost,’ which has hitherto been a sealed book, except to scholars, but which is ‘now first translated from the Latin’ [into English blank verse] ‘by Francis Barham, Esq.’ Thus English readers will not only have an opportunity of perusing a work long well known to them by name, but of judging for themselves how far Milton was indebted to any predecessor for the idea of his extraordinary poem. There are some very interesting prefatory remarks to the translation, in the course of which it is observed, ‘that it was not to the ancients only that Milton was indebted ; he availed himself equally of the moderns, and without doubt the ‘Adamus Exul of Grotius’ furnished Milton with that seed of thought and passion, which afterwards bloomed out in that ‘bright consummate flower,’

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