

And him there in, for none other intente, but that he might after for very werynesse therof, bringe him in to a contēpte of all the thinges that he was wery wery of, & set him in a delyste of libertie: wherby with lenyng to his owne wit, he might reken every thing good or bad as him self would accompt yt. Whiche was the redy way to bring him to these herelles wherin he was now fallen.

¶ The. iiii. chapiter.

The authoꝝ sheweth that men ought not to be light in mistrusting of any iudgement geuen in the court. And that much lesse, ought any man to be bolde in y^e reprouyng of a comē lawe. And he sheweth also y^e cause why that the lawe admitteth moze sleight witness in heighnouse criminal causes, thā in sleighter maters of couenautes or contractes.

Allen quod pour frēde: what abyde, we be now gone ouer the stile or we come at it.

We be yet in question whether it were rightuously iudged that he was fallen in theim or not. For I thinke it no spaine to dout therof yet till I heare how the mater was proued. ¶ In dede quod I that is as ye say the mater wherof we first haue to talk. And yet if ye neuer herde ferther therin, but that he was iudged sawtye, all though ye had euer accompted the man in your owne minde for very vertuouse and of right byliefe, yet sith he can not be god, except mo me thā he be naught, whom ye ought no moze to misdeme than him, & specially his iudges which are elect and chosen for indifferent, and whiche without likelphode of lucre or losse be set to consider, examinet by their iudgement or dre the cause of an other mā, where as y^e parties maye resonably be moze mistrusted thē self both y^e accuser which may speke of malice, & specially the partie y^e is accused, which is well likely to lye for his desce in a mater of parell if he were proued giltye, ye therfore ought not to mistruste the iudgement, excepte ye knewe the mater vnrueyly iudged in dede, or by very good and substantiall folke that were presente and indifferent, had plaine & sure inforacion therof. ¶ Mary q^d he men thinke that if any such inforaciō may serue, thei haue had ynough therof by men of wisdom, lernyng, and honestie, both by mouth & by wrytyng that were

present at all the handelyng of y^e mater.

¶ Well quod I we shall lette their wisdom and their lernyng alone. But as for their honestie, shall somewhat shewe it selfe, vppon the trowth or vntrowth of their report. Wherin first I pray you could thei saie that he was not couided by as many witnesses and as good and as credible as the lawe requyret: ¶ So many quod he and such as the lawe requyret: would God q^d he that we could as easely find god men and true, as we maye find so many such. For the lawe doth as I heare say require but twaine, & yet in cause of heresy careth not much howe bad thei be, not though thei be heretikes thē selfe. And is not this a wonderoule case, y^e where as in a mater of a lytell money no lawe recepueth any witness but honeste and credible, the lawe made by the churche, should in so great a mater, so highly touchyng the vtter destruction of a man in body and goodes with a deth the moste painfull that can be deuised, admitte & receiue a persone infamed, and geue faith & credēce to an infidell, whom thei haue proued & reproued fals in his faith to God: For me thinketh the excuse but very slender that I haue ere this herde in this point alledged for the churche, that suche simple witness are admitted in heresie, bycause the crime is so great & so odious, that therfore it is woorthy to be hadled with the moze rigour and the lesse fauour. And this thing will I well agre for good reason in the punishemēt of the crime whan it is proued. But for God not in hatred, and persecucion of the person ere the cryme be proued.

¶ But nowe where as thei receyue the witness of so sleight and false felowes for a profe, thei pursue the person and not the crime: where as me thinketh on the tother syde, the moze heighnouse, odious, & abhominable that the crime is, the moze slow should we be to beleue it, and the moze sure & plain profe thold we haue, ere we should iudge any man for so euill to comyt it. ¶ There is q^d I no dout, but that the woꝝde is so bad, that there be many so naughty, that thei will be redy ynough to bere false witness. And yet God forbede that ye were so bad as ye say, that a man might soner finde such than god men & trewe. And also though the witness were false and would lye, yet whan thei be wisely & seuzrally examined, thei can seldome so well make their tale befoze, but that their

why simple witness in heresy are admitted.

A these butronth shall in some parte appere. And finally the lawe bynderth not the iudge so precisely to the wordes of the witnessse, but that it leneth many thinges to be pondered and wayed by his wisdoms. For it is in a iudge as it is in a phisicion, to whom there be many good bookes wryten, able to geue god light and instruction, yett who so would so precisely bynde him to his booke, that he should nothing vse the discretion of his hwayne, he should sometime do full euill seruice. And yett is it as Aristotle saith well done in dede to make the lawes so sufficient, y^e as few thinges as may, shall remayne and be left to the discretioⁿ of the iudge, sith that the comen lawes be comenly made by many moore than are the particuler iudges, and also many suche as are as wise as iudges. And ouer that the lawes be to the iudges a sure and substantiall helde, to defende and kepe them from the hatred and obloquy that els would folow their sentence on the one syde or the tother, were their iudgement neuer so iuste. For men be so parciail alway to theim selfe, that our hart euer thinketh the iudgement wrong, that wryngeth vs to the worse. For be it neuer so right, all reken we w^oge wherof we fele harme. But yett of al thing specially the lawe should be content vs, for that it is serthest out of all cause of suspicioⁿ. For where as a iudge medleth with a mater present, and persons whom he seeth and knoweth, wherby there may percafe fauour, hatred, hope, or drede, pittie, crueltie, mede, request, or some other affection inclyne him to misorde him selfe in the mater: the lawes alwaie be made for the punishemēt of thinges only that are yett to come, and who shall fall in perell the makers can not tell. Happely their foes, happely their frendes (and as mens maners be mutable) peraduenture theim selfe, for which cause the makers of the lawe made by the people in causes criminall, can be but indifferent. And therfore I meruayle the moze, sith that faut ye finde nowe is not in the iudges but in the lawes selfe, wherin ye thinke it euill prouided that for the hatred of an heighnouse crime, the person peraduenture innocent should fall in perell of a painfull dethe by the takyng of moze sleight witnessse than wold be taken for sufficient in a farre sleighter mater. Somwhat ye said in dede if the hated of the crime were all the cause. But

The causes
 which incline
 a iudge to
 misorde.

therin ye go farre wyde. For the chief cause why that in heighnouse criminal causes, as theste, murder, treason, & heresie, the lawe taketh such for witnessse as it will not accept in a mater of money or other contract made betwene two parties, is for that els all suche crimes should passe forth unpunished, & therby should the worlde swarme full of suche mischeuous people for lacke of profe & triall in the mater, by cause that those which go about such an heighnouse dede as comynge ones to knowledge wold bring them to a shamefull dethe, do not vse comely, to take a notary, and honest witnessse with them to make and instrument therof, as many men do & all men may do in a contracte or couenaunt: but vse to do it by steth as couertly as they can. By reason wherof, reason moueth and necessitie compelleth (except ye wold haue all go to nought) to receyue suche recordes as they be wonte to make of their counsaill, which be as ye wote well none but such as they be theim self. And yett sometime whiche maye seme moze straunge, we be contente & reason wold we so were, with the witnessse of y^e parties theim selfe. For if that .x. theues robbed foure men at ones in a wood, though all the good that they take away were one comen purs of all foure, and wold all .x. whan they were taken well & stpaly say nay, yett were I their iudge (sith al witnessse serueth but onely to induce a credence or credulite i the iudges myndes) I woulde not let (excepte some other circumstance withstode it) to beleue the. iij. complaynantes in their owne mater against al ten defedautes. And all be it that percafe a iudge might be in a contracte made betwene two parties enduced in his owne mynde without any doubte to the contrary to geue credence in such a point to the one parte against the tother for the well knowne trouthe and honesty of the one, and in the tother parte the contrary: yett doth the lawe thow the world almost prohibite him so to pcede in a ciuill cause, lesse they should bringe that foure of iudgemēt in custome, wherin for incrensuyng to that party there were occasion to corrupte the iudge, and also for as much as that fashyō were in a ciuill cause clene without necessitie, sith the parties mate if they lyst for the surete of their bargaynes haue wrytyng or good witnessse therat. Whiche if they lyst not for to do, either for foly, slooth, or trust,

why simple
 witnessse are
 taken in cri-
 minal causes.

wherto hit
 shall serue.

A good reason is that it rather tourne the selfe to losse, than for the redressyng of their ouersight, to bringe in place that fourme and fashyon of iudgement, that may be the cause of other mens wrongfull trouble, where as in heghynouse criminall causes neyther is there alway such cause of corruption, specially toward the condemnation vpon whiche syde onely falleth the faute and paryll that ye speke of, and is also as ye le inenyttable necessitie for lack of possibilitie of other recorde & witnesse, tyll ye prouide that theues & murderers will be content to take honest witnesse with them that maye here witnesse against them.

The, iiii Chapter.

The author sheweth vpon what ground and cause the man was conuyct. And also diuers other thinges not than brought in iudgement, wherby it may well appere that he was greatly gyltie. And so he sheweth incidetly wherfore it were not reason in a deffection of heresy, to suffer the witnessles published and the crime wel proued any new witnessles to be receyued for the partie that is accused.

Owe be it though this serue for suche maters ingenerall, yet for this one mater that we now speke of, we stande farre in a nother case. For this mā was not conuicted by the wordes of one or twayne, but by the othes of one or twayne a boue twenty, not such men as we now speke of, lollardes & heretikes, but honest men and almost of al sortes, of religious folke, husband men, & gentill men. **I**ndede quod he to say the trowth I herd say there were many witnessles. But I herd agayne that he offered to bring twyse as many, and that of suche as were present as well as thei, & stode as nere as thei, and vnderstode as well as thei, and slepte no more at his prechyng than a person doth at his offering, and woulde depose plainly for him. **W**hether he said so or not I, that can I not tell you, but this I wote well. Him selfe was well lerned in the lawe, and neuer could say that he was denyed any fauour that the law would graūt. And many a witnessle was there to whō he layd none exceptiō, nor could say the contrary, but that thei were at his sermons & herd him. And then whā he was so clerely conuicted by so many,

so honeste and so farre from all suspiciō of corruption, it were peradventure a thinge not conuenient, after those witnessles published, to bring pures a freshe vpon the principall mater. For if it so shoulde be, than shoulde either the new proues depose the same that the other did befoze, or els thei shoulde depose the contrary, or finally saye suche thing as neither could make nor marre. Now if thei did the first, that is to say depose as the first did, than were we no ferther than we were befoze, and that time lost and the mater delayed in vayne. If thei dyd the thirde, depolyng percase that their selfe were not present, or a slepe or not well vnderstode, or not well remembred the mater, yet were we still at one stay. But now the second point (which were in maner the onely thinge that might seme to haue any colour for him) that the new proues woulde depose, that thei were at the same time present, and stode nere him, marked him well, and were also well remembred that he said not so, ye and peradventure that he said the cōtrary: this case were possible, but surely it were so seldome likely, that it were not woꝛth to chaunge a law therfore. But nowe if it so shoulde happen, here were a great confusion. And howe coulde any sentence be gyuen, if thei shoulde beleue the seconde as well as the first? **W**hat maketh q he no mater. For if the mater appere vpon his syde therby, either clere or doubtfull, than may the iudges acquite and alloyle the defendaut. And better were it the faute to be quytte, than the faultles to be punished. **I**t were a straunge thinge quod I if the lawe shoulde in such a mater as this is, after the witnessles ones published, and therby the mater well proued, than examine other witnessle a freshe vpon the principall point. This were in my mynde perillous, not onely for fere of subornacion & false instructiō of witnessle a thinge easy to be done vpon the sight of that that is deposed all redy befoze, but also for that if the affirmatiue be proued, specially in this case of heresy beynge by so many sufficiently proued, that one taught & preched suche thinges in his open sermons, if other that were presente at the same sermons woulde now depose the cōtrary, it may be that the first herbe the thinge whiche the seconde marked not as many times it happeth. And more likely is it also that one may forgette the thinge that he

herd,

A herd, than that a nother should remember that thing that he herde not. And if thei woulde peradventure adde therto that he said the contrary of such thinges as was proued against him, than can it at the best be no better taken, than that he in one sermon said, taught, and preached both twayne, y^e is to wit the truth and the heresies. In which case he well were wo:thy in iudgement to knowlege his fault and be corrected therfoze. **W**hy my trouthe quod he yet me thinketh euer that it ought to be herde all that any mā will say, and take all to the best for him that is accused, and specially in heresy pretended to be preached where so many be present. Surely quod I what were helpe God woteth, for I can not tell. **W**ut this wote I well that the wyttē of the hole world in effect agreeth, that in all suche hepyghnous crimes, reason is clere to the contrary and quyte against your minde. And where ye thinke your minde wo:thy to take speciall place in the p:ose and examinacion of heresies, surely me semeth that of all crimes in heresie might it lesse be suffered. For well ye wote that heresies be false helpe & facious wayes full of busyness. And such as geue theim selfe therto, be Bourdy and studious about the furtherance of their sediciouse secte. And sith thei be fallen from god & his true faith, thei haue no great care of trouthe, no: be very scrupulouse in the lencyng of an othe til thei neede in like case to be paid agayne. So that if their nay may stand against other good mens ye, and where the heresie is proued to haue be preached, there men may be herd and beleued in depoynting the contrary, the false preacher maye be bolde to say what him list. For he shal neuer faile to haue his recozdes redy. **W**hy he but this way woulde not serue him. For men might take exception to them if thei were heretikes. **S**ay quod I not if thei be so, but if thei be proued so. And that shall thei neuer be if your way were receyued. For eche of their witness shall alway serue othe. **F**or soth q^{ue} he it semeth somewhat periculouse as ye saye, if men shoulde against thaffirmatiue proued, lene to the contrary witness, for the negatiue in any crime that is sediciouse & hath daily folke of euill conscience seruenly fall in therto, but yet I muche meruaile of one thing. For I haue herd it credibly reported that there were twayn, and both beneficed men, both

Heresies.

twayne very vertuous mā, whic he herd him preche as well as thei did that had deposed against him. And those twayne affirmed & offered to depose, that he preached not the thinges whiche he was accused of. And surely had I ben iudge, I woulde haue beleued those twayn aboue other twenty, except witness be taken onely by number and not by weight. Surely quod I my myad and yours be not farre a sonder. For sith all witness serue to enduce the iudges mynde to conceyue a credence and an opinion, or rather a certain persuasion on the tone syde, I coulde not my selfe but beleue some twayns better than some twenty. And woulde not faile to way the rather then take them by tale. **H**ow be it quod I of those twayne that ye speke of, the tone was in dede such as ye say. **W**ut as for the tother was neither than holden very clere, and sence that time proued clerely nought. **W**ut though the tone was as he was in dede a very good mā, yet for the mans excuse he was no very good witness, no: the tother neither although he had bene as good a man as he, no: if thei had ben forty men mo: as good as the better of them both, sayng as thei did. **W**hy quod he saied thei not well for him? **W**es quod I for as farre as thei wente, but thei wente not farre ynoughe. **A**h q^{ue} he their wordes were of likelyhod narrowly taken. **T**het were quod I take as large as thei were spoken: which was that he preached not such heresies in a place where thei hard him in London. **W**ut than was his detection and the p:ose made therupon, of those heresies preached at sondry places out of London, wherby their wordes went as wyde for his excuse, as if one y^e were atreygned for a felonye done at Salysbury on throue tuesday, brought in good witness to the barre that woulde depose and swere for him that he did no suche felonye at Shrewsbury on thre: thursday, for thei were with him there all that day them selfe. **W**ut for conclusion he was couicted by mo: then twety, and excused by neuer one. **A**nd therfoze if his iudges wronged him, there was neuer mā had right. **A**nd yet were there besides the witness some letters writte of his owne hande vnto one of his Iudges, whiche letters I haue sence sene, foundyng in mine eyes to as euill heresies as those were that he was detected of. **W**hich letters were neuer layed into the court tyll that after the p:oses

pu

published and redde, he appeared whiche
 into burning hall in the parcell, and
 proceeded to sayng to the people his letter
 to his abhoracion: For than lorde his
 lorde to whom they were written, that
 they be refused to be receyved in the
 church. he would have no comfort of
 his. And therewith brought in those let-
 ters and filed them among the records
 of the court. ¶ This man had also bene
 before that deced into the great pre-
 late in this country, who for his un-
 constant behavoure to the bishopps, did not
 proceed far in the matter against him.
 ¶ Not accepting his penitence with a con-
 siderable othe that he shoulde from that time
 forth be no lorde forth of herefter, but
 in his preachings and redinges he gave
 them, blasphemed him very heynously, &
 at his liberal benefice gave him also mo-
 ney for his cosse. And yet was none of
 all these matters layed unto his charge.
 ¶ Which if they had bene, wolde peradven-
 ture have put him to perill. ¶ I have
 also my selfe sence his abhoracion pre-
 sent (as it happened) with an honorable
 prelate at such tyme as one that was an
 auncient heretike had ben examined, &
 there had confessed that he had holden,
 taught, and in diverse countreys spred
 about almost all the heresies that any
 kinde heretike holdeth. ¶ They be not
 tell his name quod he: Whiche of them
 quod I. For he had no name that hadde
 a lesse can holde. ¶ Whiche dwelled he
 your secunde. Where where was where
 quod I. For he walked about as an a-
 pple of the devill from toun to toun, &
 to toun to toun, throughout the realme, &
 had in every countre a diverse name.
 ¶ By reason wherof he did many peres
 much harme as he could be founde out.
 ¶ This heretike touchinge all his other
 heresies, he knowledged them in exche-
 sion to be taught, and offered to abjure
 them. But as for denying of purgatorie,
 purgatorie & purgatorie, those thinges
 he saide were none heresies but they
 good and trewe penitens, for he herde the
 parche he said of the great doctour, ma-
 kinge the man we speke of, and tolde
 whiche. Confessing also that he liked to
 well his sermons, that he liked not to
 go. cc. mile to heare him. And yet was
 there sence that another heretike that
 confessed for his owne parte the sybe.
 So that ye may see that good christe solde
 were offended with his preaching, and
 heretikes liked his preaching, & grow-
 led their heresies upon his preaching.

And than lorde you what maner of pre-
 ching it was likely to be. ¶ I tolde you
 also right now that one of those two
 that ye toke for so good & conyng men,
 was after founden worse than many
 men would have went. Sic so was it in
 dede that he was detected for byeng of
 many bokes of Luther, Lambart, and
 Zuinglius with other of that sorte, and
 well proued & by him self also confessed,
 that he had bought of those bokes very
 many, whiche he brought forth at last,
 where he had layde them by no lesse sus-
 piciously than secretly, and so secretly
 that all the towne shoulde have sought
 them long ere they shoulde have founde
 them out. ¶ He had also let a priest of
 his and a seculer seruaunt of his besyde
 to by many of the same sulte, & double
 and treble of one sorte, whiche were by
 the bytred to diuers ponge scolers such
 as they founde properly witted, feately
 lerned, and newfangly mynded. And
 thus laboured to corrupte the realme.
 ¶ Another parische priest had he before, &
 kepte his cure also as this other dyd,
 which was after proued a very perny-
 cious heretike. ¶ But what was quod
 he done to the maister? ¶ For loth w I
 great fauour had he, and as some men
 said great wrong to, that he was not
 openly declared. Howe be it bycause he
 was in good estimation, there was of
 pitie much regard had to the conserva-
 tion of his honestie. And nothing was
 there in effete exacted of him, but his a-
 mendement with the knowledgyng of
 his faute. For surely that man was of
 suche a pooze spirite in Christ, that for
 any othe that coulde be geuen him, lorge
 it was ere pride would for thame suffre
 him to saie the trouthe. After whiche
 ones confessed with his hande writing,
 that as farre as I haue herde without
 any other abiuracio, there was secretly
 his sollemn othe taken in iudgement,
 that he shoulde do no suche thinge any
 moze vpon paine of a relapse, & so with
 certaine secret penaunce dismissed. But
 the thinge that I tell you my tale for, is
 this. This man besydes that, all the
 bokes in effete which he had bought of
 this Lutherane secte were diligently red-
 ouer and studied, and with such maner
 of notes marked in the margyne and
 wordes written of his own hande where
 the worst matters were, that he lefte no
 man in doubte that red them what fer-
 vent affection he bare vnto them, he had
 I say besydes all this, diuers epytles I
 wrote

Heretikes
 most comen
 haue diuers
 names.

¶

A wote nere whose, but wrytten wer they with his owne hand, wherin wer plenty of pestilent heresies. And a sermon also woofse than they all wrytten with hys owne hande also, readye to be preached as it seemed if the world woulde so charge that the tyme would serue it. And whan he was in his examinacion fore preaced vpon to tell for what intēt he made such a sermon ready and layd it by so secretly: destitute at last of al excuses y might beare any colour of any good cause: wel q he, I see wel I must tell all, I am loth to hurt any body. And therupon he told how it was made the most part by a mā that was abiured, of whō we speciallve speke. So that now setting al this geare together, this mans confessio, his secret frend and companion in such matters, hys old accusacions of like matters, the heretikes confessions that sounde they heresies in the same matters vpon the autoritie of his sermon, and besides al this moe than xx. witnesses plainly prouing the matter against hym, I would sayne wit who had righte if he had wzong, although there had been vsed to hym moze rigour a great deale than there was.

The 5. Chapter.

C The author proueth that the spiritual iudges byd the man meruelous fauour, and almost moze than lawfull in that they admitted him to suche an abiuracion as they did, and that they byd not rather leaue hym to the secular handes.

Why q he, what deuill rigour could the moze hane shewed for the fyrst tyme, than make him abiure & beare a faggot? **P**es quod I some man had leuer beare twayne colde in his necke, the haue one beare him hote on a fyre at his fete. In sayth q he they coulde not haue done that to him at the fyrst tyme. **N**o q I, not if he willingly returned to the church knowledge hys faulte, & ready to abiure all heresies, and penitently submitted himself to penaunce. And els if he proue himself obstinate and impenitent, the church neyther is bounden nor oughte to receyue hym, but utterlye make forsake hym and leaue hym to the secular handes. But now was he so obstinate that he woulde not abiure of lōg tyme. And dyuers daies wer his iudges sayn of their fauour to gene hym, with sufferance of some his best frendes, and

whō he most trusted, to resozt vnto hym. **A**nd yet scantly could al this make hym submitte himself to make hys abiuracion. And finallye were they sayne for sauving of his life, to deuise a soume of abjuracion, wherof I neuer sawe the like, nor in so playn a case neuer would, wer I the iudge suffer y like hereafter. **W**hat maner of abiuracio was that quod he? **P**ary quod I his abiuracion was such, that he therin abiured and forswore all heresies, knowledging himself lawfullye conuict. But where as they be wont to confesse in their owne abiuracio that they haue holden suche heresies and be guiltye therof, that woulde he dooe in no wyse, but as clearly as hys faulte was proued, and by as many: yet woulde he not to dye therfore confesse himselfe faultie, but alwaye stode still vpon it in vertue of his othe that al they helped him. It might happē quod he that he had for gotten that he had so preached. **T**hat wer quod I great woonder. For I am sure whan he had preached so in so many places, he had not doie it of a sodayn aduēture, but of a deliberate purpose: which except he fell madde, it wer not wel possible for him in so great a matter to forget. **A**nd besides this, it was also deposed, that in a place where he preached, he was after the sermon reasoned with all foorthwith. And by an honest lay man had it layd vnto hys charge, that he had perilously preached, shewing hym wherin. **W**herunto he made aunswer, not y he had not sayd so, nor that he hadde not meynt so, or that they had mistaken and wzonglynderstanden his woordes: but that he would preach there agayn sone after, and proue hys preachyng true by the old doctours of the church. **A**nd this happed him not long befoze that he was accused. **W**as it now possible by youre sayth, that he coulde haue forgot this? **I**t was quod he possible ynough that altogether was false, and that they lved all. For so might they doe by possibilitie being but men, and though they had been moe then they were. **A**nd then he peraduenture knowing that they so did, why should he falsly confesse a faulte in himselfe for the salthod of other folke? **T**hat is q I true, if he so knewe it. **B**ut howe coulde that be so agaynst so manye proues stozne, and deposing the matter vpon theyz othes, being though they wer but men, yet men of wit and honestye, & some well learned also, and menne that bare hym no displeasure for anye other matter

A matter than his enll preaching, men almost all such as coulde haue none other matter to hym, folke that neuer had o ther matter with hym, and many of the of little acquaintaunce or none the one with the other, so that there was no fere of conspying together in one tale. Yet quod he, were it possible that they might lye al. And what quod I that he had ben accused in other places before as he was in dede, not onely to the most honourable prelate that I tolde you: but besydes hym vnto two other bythops too: Well quod he, and yet thei that so accused him myght happen to lye too. And what quod I that his own secret acquaintaunce confessed that he made the first draught of y bngnacynous sermon that I tolde you? Heard you that your selse quod he? My selse quod I, nay: but such as I hearde it of, wer men of more worship and truely therto, then that any man I wene, wold mistrust their tale. As worshyppeful as they were quod he, and as trustye too, I coulde mistrust their tale well ynough sometime for lacke of indifferencye peraduenture as they stode vntwozns. And yet though I mistrusted not them all, it might be that they sayd true, and that y oter lied, which for his own excuse laid the first making of that sermon to the o ther man. The laying therof to him quod I could not excuse himself. For he confessed that himself liked it, and allowed it, and therfore wrote it out, and added also many thinges mo therto. Well quod he, and yet all this myght be. And what quod I of the heresykes that grounded they opinions vpon his sermons? May it not be quod he that they lyed? And what quod I of the that accused hym to other prelates before? By god quod he, euen as I tolde you before: it myght bee that they lyed well ynough. And what than quod I of all those twentye that deposed agaynst him nowe? Dary quod he as I tolde you nowe: it might be that they dyd euen the same. This is quod I a strange thing to me. Why quod he shoulde thys be strange to you? He thinketh it shoulde be strange to no man, but very playn to etery manne, that it might be so. For I pray you might it not so be? Wel it not possible that they might al lye, & though they were as many moe? Possible quod I: that I say not nay but that it wer possible though they wer a thousand times as many. Well quod he, sith it might be so, then put case it was so. Dydde not he right than in that he still sayd so? And if

he hadde dyed therin, had he not died for the truth? For knowing in himself that al they belied him, he was not bound to helpe himselfe with them, and confesse agaynst himselfe an vntueth: but had been in great sinne if he so shoulde haue done. What say ye to thys? I say quod I to this, that all the force & effete of your conclusion hangeth vps the case whiche ye put, that all that euer ought sayde or deposed agaynst him, lyed al the meyny. Whiche case ye would nedes haue graunted because it was possible. And than y case once graunted, ye deduce your conclusion very surely. And in good sayth ye bring me therw so to my wittes end, that I wote not wel which way to answer you, admitting your case. But euer my mind geueth me that your case, though it be possible, were rather to be granted at a scole in argument, than at a court in iudgement. And I praye you for the prooffe therof let me put you another case, which in good sayth I am half ashamed to put you, sauig that ye dylue me to seke a shyfte. And yet shall not my case in my minde bee muche onlyke to yours. If it so wer that wilkyn had laid a wager with Simken, that a certayne way named betwene the usuall ynough for men and horse bothe: there had gone of late an horse or two, and that he wold so clerely prooue it that it coulde not be the contrary. If Simken sayd and layd his wager the contrarye, and than they both shoulde chese vs for iudges, & we coming all fowze into the waye: Wilken wold shew vs on the grounde parte in the claye and parte peraduenture in the snow the pzent of horse fete & of mennes fete also by a long way. r. myle together and ye will, fyll they come at a water where as went a way by shippe, no man can tell who nor whither: it forceth not for our wple case. But nowe if Wilken would say that he had wone his wager: for loe here ye see the pzent of the horse fete all this way thone and all with the very nayles in them, so that it maye bee non other wise but horse hath gone here. If Simken after all this would say the wager wer his, for it is not proued that anye horse had gone there: for it myght be that they wer gealdynges or mares. Here were we fallen in a great question of the law, whether the gray mare may be the better horse or not: Or whither he haue a wise face or not that looketh as like a sole as an elwe loketh like a shepe. And in this question, if the parties be

A marred in our iudgement, we might aske aduyle further of learned men & iudges. **W**ell might we by suite to bee sure of the matter, make it a cheker chamber case. **D**rawing the premurys, we myghte haue it tryed in the rote at Rome. **W**ery well we see, so that we see wel by your witte and mine together, one shift or other we should find for a smal end therein, if the doubt were in that poynte. **B**ut now we if Symken sticke not thereto, but woulde say thus, lo here ye see the men haue gone this way: and how can ye than be sure of anye horse went here? **F**or we putte case saith he that these men which went here had horse thooone in their handes made fast vpon long steles, and alway as they went prycked them downe harde in the ground. **T**ut quod he, this were a wyse innocencion. **W**erely we see, to me it woulde not seme verve gape. **B**ut now we if Simkin wer contencious, and woulde saye the wager were his, excepte it be so proued that it can bee none otherwyse but that horse haue of late gone there: & than will say to vs, lo syzs as ye see it, it may be otherwyse. **F**or me might make with theyr handes, all the pryntes of horse thooone in the grounde. **A**nd than if we woulde say that was neuer so: he woulde aske vs, howe can we bee sure thereof, **W**hyle we can not say nay but it myghte be so, and than woulde stil prece vpon vs with this question: may it not be so? **I**t may quod he by possibilitie be so. **T**han quod we, whan we graunt him once that it may be so, than wil he by and by putte case that it wer so. **A**nd than if we graunt him his case once for the possibilitie, than will he shortly conclude that the other parte is not so surely proued, as it must be if Wilkin shoulde winne the wager. **W**hat shoulde we saye to hym: now we, to whom shoulde we geue the wager? **I**n sayth quod he we wote nere what to saye to him. **A**nd the matter is so mad, that as for the wager, what we woulde geue Wilkin we wote nere: but as for Simkin, except he better impugned the prooffe, if the wager wer but a butter flye, we wold neuer awarde hym one wing. **S**urely we see, & you shal rule the mater for me. **F**or if ye geue him nought, he geatteth as litle of me. **B**ut now what if he ware angry that his proper innocencion were no more set by, nor hys wit no more regarded, and woulde therupon help forth his parte with his othe, and sweare vpon a booke that him selfe sawe whan the men made those pryntes in the ground with

horse thooone holden in their handes, what woulde ye than saye? **W**ary quod he than woulde we say and sweare too, that beside the losse of hys wager he had like a falsse foolishe knaue lost his honestie and hys soule too. **I**n good sayth quod we, and for ought we see yet, we durst be hold to sweare with you. **A**nd than setting Wilkin alone with Simkin disputyng theyr sophent them selfe: let vs retoyne home agayne to our own matter. **I**n which, while there wer so many, so cleare & open proues agaynst the man of whom we speake all this whyle, though it were possible that all they might be falsse, yet could ther no indifferent iudge so thinke except it wer so proued, and that by other means than the onely othe of the partie is accused, swearing alone agaynst them ail. **P**et we he for all this, if he know in dede he dyd it not, he doth but wel to abide by the truth. **W**erely sooth ye saye quod we. **F**or Symkin neyther if he sawe the menne print the horse thooone in the hygh way, though it seemed vs neuer so vnlikely, yet had he doone well ynough to saye it and sweare it too, and stypfely to sticke therby. **A**nd yet ye remember pardie, that if he so woulde haue sworn, ye and we both durst right now right boldely haue beleued he lyed. **A**nd might we not well beliene the same in our case too? **W**es we he that will we see. **A**nd therfore the iudges did him but right to reke him as couited, and therfore to compel him to assure. **B**ut yet they shewed him therein no such fauour as ye speake of, in that they admitted hym to hys abiuration without confessing of the faulte. **F**or if they had forced hym thereto, they had in my mynd done him plain & open wrong, because it might be that he sayd and sware true. **A**nd than shoulde they haue forced him agaynst hys conscience, to save of hym selfe vntrue. **A**nd that shoulde they doe, not only clene agaynst right: but also without necessitie, considering they might, as in conclusion they did, abiure him otherwyse. **A**nd therfore they toke the best way both for him & for them selfe also. **B**ut since they did therein none otherwyse then as they wer of duetie bounden, it wel appeareth he had therein no suche fauour as ye woulde make it seme that they shewed hym. **W**ell quod we, syth your self agreeth that he had no wrong, albeit no fauour had been shewed hym: yet wer your errand answered as far as toucheth his abiuration. **A**nd now we if we hold proue you that his iudges shewed