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## XLVI.

## THE PETITION OF THE COMMONS, A.D. 1532.

THIS document is printed by Froude, *History of England*, i. 208, under the date 1529. The Petition really emanated from the Court, as is proved by the fact that there are, amongst the State Papers, four corrected drafts of it, the corrections in these being generally in the handwriting of Thomas Crumwell, who had been added to the Privy Council in 1531 (Introd. Calendar S. P. Henry VIII. v. xix.). 1532.

[Transcr. S. P. Henry VIII. v. No. 1016 (1-4<sup>1</sup>).]

*To the King our Sovereign Lord.*

In most humble wise show unto your excellent highness and your most prudent wisdom, your faithful, loving, and most humble and obedient subjects the Commons in this your present Parliament assembled. Where of late, as well through new fantastical and erroneous opinions, grown by occasion of frantic, seditious, and overthwartly framed books compiled, imprinted, published, and made into the English tongue, contrary and against the very true Catholic and Christian faith, as also by the extreme and uncharitable behaviour and dealing of divers ordinaries, their commissaries and substitutes, which have heretofore had and yet have the examination in and upon the said errors and heretical opinions; much discord, variance, and debate has risen, and more and more daily is like to increase and ensue amongst the universal sort of your said subjects, as well spiritual and temporal, each against the other, in most uncharitable manner, to the great inquietation, vexation, and breach of your peace within this your most Catholic realm:

Attention is called to the conduct of the ordinaries and their officers in relation to the suppression of various errors.

<sup>1</sup> The pages of this document are confused in binding.

1592. The special particular griefs whereof, which most principally concern your said Commons and lay subjects, and which are, as they undoubtedly suppose, the very chief fountains, occasions, and causes that daily breed, foster, and nourish and maintain the said seditious factions and deadly hatred, and most uncharitable part-taking, either part and sort of said subjects spiritual and temporal against the other, hereafter followingly do ensue :—

The special points complained of in the charge being :

I. The power of Convocation to frame canons and exact penalties without the consent of the laity.

I. First, where the prelates and spiritual ordinaries of this your most excellent realm of England, and the clergy of the same, have in their convocations heretofore made and caused to be made, and also daily do make, many divers fashions of laws, constitutions, and ordinances, without your knowledge or most royal assent, and without the assent and consent of any of your lay subjects ; unto the which laws your said lay subjects have not only heretofore and daily be constrained to obey as well in their bodies, goods, and possessions, but also be compelled to incur daily into the censures of the same, and be continually put to importable charges and expenses, against all equity, right, and good conscience. And yet your said humble subjects nor their predecessors could ever be privy to the said laws ; nor any of the said laws have been declared unto them in the English tongue, or otherwise published, by knowledge whereof they might have eschewed the penalties, dangers, or censures of the same ; which laws so made your said most humble and obedient subjects, under the supportation of your majesty, suppose to be not only to the diminution and derogation of your imperial jurisdiction and prerogative royal, but also to the great prejudice, inquietation, and damage of your said subjects.

2. The proctors and delays of the Courts of Arches and Audience.

II. Also now where of late there has been devised by the most reverend father in God, William, archbishop of Canterbury, that in the courts which he calls his courts of the Arches and Audience, shall be but only ten proctors at his deputation,

which be sworn to preserve and promote the only jurisdiction of the said courts ; by reason whereof, if any of your lay subjects should have any lawful cause against the judges of the said courts, or any doctors or proctors of the same, or any of their friends or adherents, they can nor may in any wise have indifferent counsel ; and also all causes depending in any of the said courts may, by the confederacy of the said few proctors, be in such wise tracted and delayed, as your subjects suing in the same shall be put to importable charges, costs, and expense. And in case that any matter there being preferred should touch your crown, regal jurisdiction, and prerogative royal, yet the same shall not be disclosed by any of the said proctors for fear of loss of their offices. Wherefore your said most obedient subjects, under the protection of your majesty, suppose that your highness should have the nomination of some convenient number of proctors to be always attendant in the said Courts of the Arches and Audience, there to be sworn as well to the preferment of your jurisdiction and prerogative royal as to the expedition of all the causes of your lay subjects repairing and suing to the same.

III. And where also many of your said most humble and obedient subjects, and specially those that be of the poorest sort, within this your realm, be daily convented and called before the said spiritual ordinaries, their commissaries and substitutes, *ex officio* ; sometimes, at the pleasure of the said ordinaries and substitutes, for malice without any cause ; and sometimes—at the only promotion and accusation of their summoners and apparitors, being very light and indiscreet persons, without any lawful cause of accusation or credible fame proved against them, and without any presentment in the visitation—be inquieted, disturbed, vexed, troubled, and put to excessive and importable charges for them to bear, and many times be suspended and excommunicate for small light causes

3. Trivial and vexatious cases promoted by the ordinaries against the poorer sort of lay people.

1532. upon the only certificate of the proctors of the advsaries made under the feigned seal which every proctor has in his keeping; whereas the party suspended and excommunicated many times never had any warning; and yet when he shall be absolved, if it be out of court, he shall be compelled to pay to his own proctor twenty pence, to the proctor which is against him another twenty pence, and twenty pence to the scribe, besides a privy reward that the judge shall have, to the great impoverishing of your said poor lay subjects.

4. Excessive fees in spiritual courts.

IV. Also your said most humble and obedient subjects find themselves grieved with the great and excessive fees taken in the said spiritual courts, and specially in the said Courts of the Arches and Audience; where they take for every citation two shillings and sixpence; for every inhibition six shillings and eightpence; for every proxy sixteen pence; for every certificate sixteen pence; for every libel three shillings and fourpence; for every answer to any libel three shillings and fourpence; for every act, if it be but two words, to the registrar, fourpence; for every personal citation or decree three shillings and fourpence; for every sentence or judgment to the judge twenty-six shillings and eightpence; for every testimonial upon such sentence or judgment twenty-six shillings and eightpence; for every *significavit* twelve shillings; for every commission to examine witnesses twelve shillings; which is thought to be importable to be borne by your said subjects, and very necessary to be reformed.

5. Exactions by parish clergy for sacraments.

V. And where also the said prelates and ordinaries daily do permit and suffer the parsons, vicars, curates, parish priests, and other spiritual persons having cure of souls, within this your realm ministering, to exact and take of your humble and obedient subjects divers sums of money for the sacraments and sacramentals of Holy Church, sometimes denying the same without they be first

paid the said sums of money, which sacraments and sacramentals your said most humble and obedient subjects, under the protection of your highness, do suppose and think ought to be in most reverend, charitable, and godly wise freely ministered unto them at all times requisite, without denial or exaction of any manner sums of money to be demanded or asked for the same. 1582.

VI. And also where, in the spiritual court of the said prelates and ordinaries, be limited and appointed so many judges, scribes, apparitors, summoners, appraisers, and other ministers for the approbation of testaments, which coveting so much their own private lucre, and satisfaction of the appetites of the said prelates and ordinaries, that when any of your said loving subjects do repair to any of the said courts for the probate of any testaments, they do in such wise make long delays, or excessively take of them so large fees and rewards for the same, as is importable for them to bear, directly against all justice, law, equity, and good conscience. Wherefore your said most humble and obedient subjects do therefore, under your gracious correction and supportation, suppose it were very necessary that the said ordinaries, in the deputation of such judges, should be bound to appoint and assign such discreet, 'gravous,' and honest persons, having sufficient learning, wit, discretion, and understanding, and also being endued with such spiritual promotion, stipend, and salary, as they, being judges in their said courts, might and may minister, to every person repairing to the same, justice, without taking any manner fee or reward for any manner sentence or judgment to be given before them. 6. Delays and fees in probate of wills.

VII. And also whereas divers spiritual persons being presented as well by your highness and by other patrons within this your realm to divers benefices or other spiritual promotions, the said ordinaries and their ministers do not only take of them, for their letters of institution and induction, many great and large sums of money 7. Fees, firstfruits, and private arrangements at institution.

1582. and rewards; but also do pact and covenant with same, taking sure bonds for their indemnity to answer, to the said ordinaries, the firstfruits of the said benefices after their institution, so as they, being once presented or promoted as is aforesaid, be by the said ordinaries very uncharitably handled, to their no little hindrance and impoverishment, which your said subjects suppose not only to be against all laws, right, and good conscience, but also to be simony, and contrary to the laws of God.

8. Provi-  
sion of in-  
fants to  
benefices  
by ordin-  
aries.

VIII. And also whereas the said spiritual ordinaries do daily confer and give sundry benefices unto certain young folks, calling them their nephews or kinsfolk, being in their minority and within age, not apt nor able to serve the cure of any such benefice; whereby the said ordinaries do keep and detain the fruits and profits of the same benefices in their own hands, and thereby accumulate to themselves right great and large sums of money and yearly profits, to the most pernicious example of all your said lay subjects; and so the cures and other promotions given unto such infants be only employed to the enriching of the said ordinaries, and the poor silly souls of your people and subjects, which should be taught in the parishes given as aforesaid, for lack of good curates, do perish without doctrine or any good teaching.

9. The ex-  
cessive  
number of  
holy days  
observed.

IX. And also where a great number of holy days which now at this present time, with very small devotion, be solemnized and kept throughout this your realm—upon the which many great, abominable, and execrable vices, idle and wanton sports, be used and exercised—which holy days, if it may stand with your gracious pleasure, and specially such as fall in the harvest, might, by your majesty, by the advice of your most honourable council, prelates, and ordinaries, be made fewer in number; and those that shall hereafter be ordained to stand and continue might and may be the more devoutly, religiously, and reverently observed, to the laud of Almighty God, and to the increase of your high honour and fame.

X. And furthermore where the said spiritual ordinaries, 1532.  
 their commissaries and substitutes, sometimes for their own  
 pleasures, sometimes by the sinister procurement of other  
 spiritual persons, use to make out process against divers of  
 your said subjects, and thereby compel them to appear  
 before themselves, to answer at certain day and place to such  
 articles as by them shall be, of office afore themselves, then  
 proposed, and that secretly and not in open places; and  
 forthwith upon their appearance, without cause or any  
 declaration then made or showed, commit and send them to  
 ward, where they remain without bail or mainprize, some-  
 times for [half] a year, sometime a whole year and more,  
 before they may in any wise know either the cause of their  
 imprisonment or the name of their accuser; and finally, after  
 their great costs and charges and expenses therein, when all  
 is examined and nothing can be proved against them, but  
 they clearly innocent for any fault or crime that can be laid  
 unto them in that part, be set again at large without any  
 recompence or amends in that behalf to be towards them  
 adjudged.

10. Vexatious examination and imprisonment of innocent people by the ordinaries.

XI. And also if percase upon the said process and  
 appearance any party be, upon the said matter, cause, or  
 examination brought forward and named, either as party or  
 witness, and then, upon the proof and trial thereof, not  
 able to prove and verify his said accusation or testimony,  
 against the party so accused, to be true, then the person so  
 causelessly accused is for the most part without any remedy  
 for his charges and wrongful vexation, to be towards him  
 adjudged and recovered.

11. Failure to obtain remedy in certain wrongful accusations.

XII. Also upon the examination of the said accusation, 12. Subtle and vexatious character of examination for heresy.  
 if heresy be ordinarily laid unto the charge of the party so  
 accused, then the said ordinaries or their ministers use to  
 put to them such subtle interrogatories, concerning the high  
 mysteries of our faith, as are able quickly to trap a simple,  
 unlearned, or yet a well-witted layman without learning, and



1532. bring them by such sinister introduction soon to his own confusion. And forthwith, if there chance any heresy to be, by such subtle policy, by him confessed in words and yet never committed nor thought in deed, then put they, without further favour, the said person either to make his purgation, and so thereby to lose his honesty and credence for ever, or else, as some simple silly soul precisely standing to the clear testimony of his own well-known conscience, rather than to confess his innocent truth, to abide the extremity in that behalf, and so is utterly destroyed. And if it fortune the said party so accused to deny the said accusation, and so put his adversaries to prove the same untruly, forged, and imagined against him, then, for the most part, such witnesses as be brought forth for the same, be they but two in number, never so sore defamed, of little truth or credence, adversaries or enemies to the party, yet they shall be allowed and enabled only by discretion of the said ordinaries, their commissaries or substitutes; and there, upon sufficient cause, to proceed to judgment, to deliver the party so accused either to the secular hands after abjuration, without remedy, and afore, if he submit himself, to compel him, when best happeneth, to make his purgation and bear a faggot, to his extreme shame and undoing.

In consideration of the premises and disorders resulting, remedies are prayed for.

In consideration whereof, most gracious sovereign lord—and forasmuch as there is at this present time, and by a few years past has been, outrageous violence on the one part, and much default and lack of patient sufferance, charity, and good will on the other part—a marvellous disorder of the godly quiet, peace, and tranquillity that this your realm heretofore ever hitherto has been in, through your politic wisdom, in most honourable fame and catholic faith inviolably preserved; it may therefore, most benign sovereign lord, like your excellent goodness for the tender and universally indifferent zeal, benign love, and favour that your highness beareth towards both the said parties,

the said articles (if they shall be by your most clear and perfect judgment thought any instruments or causes of the said variance and disorder, or those and all other occasions whatsoever accounted by your highness to make towards the said factions) deeply and weightily, after your accustomed ways and manner, searched, weighed, and considered, graciously to provide (all violence on both sides utterly and clearly set apart) some such necessary and behoveful remedies as may effectually reconcile and bring in perpetual unity your said subjects, spiritual and temporal; and for the establishing thereof, to make and ordain, on both sides, such strait laws against the breakers, transgressors, and offenders as shall be too heavy, dangerous, and weighty for them or any of them to bear, suffer, and sustain. 1532.

Whereunto your said Commons most humbly, heartily, and entirely beseech your grace, as the only head, sovereign lord, protector, and defender of both the said parties, in whom and by whom the only and sole redress, reformation, and remedy herein absolutely rests and remains. By occasion whereof all your said Commons in their conscience surely account that, beside the marvellous fervent love that your highness shall thereby and (*sic*) engender in their hearts towards your grace, you shall do the most princely feat, and show the most honourable and charitable precedent and mirror that ever did sovereign lord upon his subjects; and therewithal merit and deserve of our merciful Lord eternal bliss, whose goodness grant your grace in most godly, princely, and honourable estate long to reign, prosper, and continue as the sovereign lord over all your said most humble and obedient subjects. Compliance with the petition will produce much contentment.