

DOCUMENTS
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XLVII.

THE ANSWER OF THE ORDINARIES, A. D. 1532.

1582. THE bishops' answer to the foregoing petition is here printed from a contemporary copy amongst the State Papers. Wilkins (iii. 750) prints a version with material omissions. Convocation being informed that this answer did not give satisfaction, drew up a second (Wilkins, iii. 753), maintaining the former position, but offering, in deference to the king, not to publish canons henceforth without his consent (S. P. Hen. VIII. v. 1018). Three drafts exist of a further compromise still offered by Convocation. They are printed and discussed in the Appendix to Atterbury's *Rights and Privileges of Convocation*, 534.

[Transcr. S. P. Henry VIII. v. No. 1016 (5).]

The ordinaries having read the Commons' petition, hereby make answer :

After our most humble wise, with our most bounden duty of honour and reverence to your excellent majesty, endued with God with incomparable wisdom and goodness. Please it the same to understand that we, your orators and daily bounden bedemen the ordinaries, have read and perused a certain supplication which the Commons of your grace's most honourable Parliament now assembled have offered up unto your highness, and by your grace's commandment delivered to us, to make answer thereunto. And as the time has served and permitted, we have, according to your highness's commandment, made thereunto this answer following, beseeching your grace's indifferent benignity graciously to hear the same. First, where in the said supplication it is induced, as for a preface, that much discord, variance, and debate has risen amongst your grace's subjects, spiritual and temporal, and more and more daily is like to increase and ensue, to the great unquietness and breach of your peace within this your grace's most Catholic realm, as well through new fantastical and erroneous opinions grown by occasion of seditious and overthwart framed books com-

Occasions of discord and want of charity are denied in general,

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 piled, imprinted, and made in English tongue in the parts beyond the sea, contrary and against the very true Catholic and Christian faith, as also by the uncharitable behaviour and dealing of divers ordinaries, their commissaries and substitutes, in the common and often vexation of your grace's said subjects in the spiritual courts, and also by other evil examples and misuses of spiritual persons.

To this we, your said orators and daily bounden bedesmen the ordinaries, answer, assuring your majesty that in our hearts and conscience there is no such discord, debate, variance, or breach of peace on our part against our brethren in God and ghostly children, your subjects, as is induced in this preface; but our daily prayer is and shall be that all unity, concord, and peace may increase among your grace's true and faithful subjects, our said ghostly children, whom, God be our witness, we love, have loved, and shall love ever with hearty affection; never intending any hurt or harm towards any of them in soul or body; and never enterprised anything against them of trouble, vexation, or displeasure; but only have, as we dare surely affirm, with all charity, exercised the spiritual jurisdiction of the Church, as we are bound of duty, upon certain evil-disposed persons infected and utterly corrupt with the pestilent poison of heresy; and to have had peace with such, had been against the gospel of our Saviour Christ, wherein He saith, *Non veni mittere pacem sed gladium*. Wherefore, forasmuch as we perceive and know right well that there be as well-disposed and as well-conscienced men of your grace's Commons, in no small number assembled, as ever we know at any time in Parliament; and with that consider how on our part there is given no such occasion why the whole number of the spirituality and clergy should be thus noted unto your highness, omitting and leaving the conjectures of men, which though they be probable and in many's knowledge evident, yet they may and do sometime err; we humbling

but only
heresy has
been
properly
punished.

1532. our hearts to God and remitting the judgment of this our inquietation to Him, and trusting, as His Scripture teacheth us, that if we love Him above all, *omnia co-operabuntur in bonum*, we shall endeavour ourselves to declare unto your highness the innocency of us your poor orators, as far as the truth of God's word and learning of the Church with the sincerity of our acts and deeds will maintain the same, with this determination and purpose not to colour, by wordly (*sic*) reasons or many's wit, any our doings or proceedings, but to refer the truth to be defended by God and your highness, in whose virtue, learning, and Christian religion we never can doubt.

As regards detailed charges: The making of canons prejudicial to the statute law—the authority of Scripture and Church has not been contravened.

And where, after the general preface of the said supplication, your grace's Commons descend to special particular griefs, and first report that the clergy of this your realm, being your highness's subjects, in their convocations, by them holden within this your realm have made and daily make divers factions of laws concerning temporal things, and some of them be repugnant to the laws and statutes of your realm. not having nor requiring your most royal assent to the same laws so by them made, neither any assent or knowledge of your lay subjects is had to the same, neither to them published and known in their mother tongue, albeit divers and sundry of the said laws extend, in certain causes, to your excellent person, your liberty and prerogative royal, and to the interdiction of your lands and possessions, and so likewise to the goods and possessions of your lay subjects, declaring the infringers of them, so by them made, not only to incur into the terrible censures of excommunication, but also the detestable crime and sin of heresy, by the which divers of your most humble and obedient lay subjects be brought into this ambiguity, whether they may do and execute your laws according to your jurisdiction royal of this realm, for dread of the same censures and pains comprised in the said laws, so by them made in

their convocations, to the great trouble and inquietation of your said humble and obedient lay subjects, to the impeachment of your jurisdiction and prerogative royal. To this article we say that forasmuch as we repute and take our authority of making of laws to be grounded upon the Scripture of God and the determination of Holy Church, which must also be a rule and squire (*sic*) to try the justice and righteousness of all laws, as well spiritual as temporal, we verily trust that in such laws as have been made by us or by our predecessors, the same being sincerely interpreted, and after the good meaning of the makers, there shall be found nothing contained in them but such as may be well justified by the said rule and squire (*sic*). And if it shall otherwise appear, as it is our duty, whereunto we shall always most diligently apply ourselves, to reform our ordinances to God's commission and to conform our statutes and laws, and those of our predecessors, to the determination of Scripture and Holy Church, so we hope in God, and shall daily pray for the same, that your highness will, if there appear cause why, with the assent of your people, temper your grace's laws accordingly; whereby shall ensue a most sure and perfect conjunction and agreement, as God being *lapis angularis* to agree and conjoin the same.

And as concerning the requiring of your highness's royal assent to the authorizing of such laws as have been by our predecessors, or shall be made by us, in such points and articles as we have by good authority to rule and order by provisions and laws; we, knowing your highness's wisdom, virtue, and learning, nothing doubt but that the same perceiveth how the granting thereunto dependeth not upon our will and liberty, and that we, your most humble subjects, may not submit the execution of our charges and duty, certainly prescribed by God, to your highness's assent; although, of very deed, the same is most worthy for your most princely and excellent virtues, not only to give your

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As regards submitting the canons to the king, this cannot be promised;

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but the
king's
opinion is
solicited.

royal assent, but also to devise and command what we should, for good order and manners, by statutes and laws, provide in the Church. Nevertheless, considering we may not so, nor in such sort, restrain the doing of our office in the feeding and ruling of Christ's people, your grace's subjects, we—most humbly desiring your grace, as the same has done heretofore, so from henceforth to show your grace's mind and opinion unto us, what your highness's wisdom shall think convenient, which we shall most gladly hear and follow, if it shall please God to inspire us so to do—with all submission and humility, beseech the same, following the steps of your most noble progenitors, and conformably to your own acts, to maintain and defend such laws and ordinances as we, according to our calling and by the authority of God, shall, for His honour, make to the edification of virtue and the maintaining of Christ's faith, whereof your highness is defender in name, and has been hitherto in deed, a special protector.

Furthermore, in the same first article, where your lay subjects say that sundry of the said laws extend, in certain causes, to your excellent person, your liberty and prerogative royal, and to the interdiction of your lands and possessions :

The king
will find
that the
existing
canons do
not injure
his prerogative.

To this your said orators say, in answer to the former article as submitted, that having the trying and examining of the laws made in the Church, by us or our predecessors, to the just and straight rule of God's law—which giveth measure of power, prerogative, and authority to all emperors, kings, princes, and potentates, and all other—we have such estimation, and have conceived such opinion of your highness's goodness and virtue, that whatsoever any persons, not so well learned as your grace is, will pretend unto the same, whereby we, your most humble subjects, might be brought into your grace's displeasure and indignation, submitting that we should by usurpation and pre-

sumption extend our laws to your most noble person, prerogative, and realm, yet the same your highness being so highly learned will, of your own most bounteous goodness, facilely discharge and deliver us from that contention—the matter whereof not well understood is hateful—when it shall appear that no such laws be made by us, nor, as far as we perceive and remember, by our predecessors neither, nor finally no laws, as we verily trust, but such as be good, wholesome, and convenient and maintainable by the word of God and the determination of Christ's Catholic Church.

1532.

Furthermore, there be joined, with mention of your grace's person, other griefs that likewise some of the said laws extend to the goods and possessions of your said lay subjects, declaring the transgressors not only to fall into the terrible censures of excommunication, but also to the detestable crime of heresy. To this we, your grace's said orators, answer that we remember no such; and yet if there be any such, it is but according to the common law of the Church, and also to your grace's laws, which determine and decree that every person, spiritual or temporal, condemned of heresy shall forfeit his moveables or immoveables to your highness, or to the lord spiritual or temporal that by law hath right to them. Other statutes we remember none that toucheth the loss of their lands or goods. If there be, good it were that they were brought forth to be weighed and pondered accordingly as above.

Except in cases of heresy, they do not confiscate goods or excommunicate.

Item, where they say that for fear of the said pains and censures comprised in the said laws, divers of your lay subjects be brought into this ambiguity, whether they may do and execute your grace's laws, according to your jurisdiction royal of this your realm :

As regards the laws of the realm, the clergy have no desire to interfere with their course.

To this your said orators answer and say, that they be sorry that they, being your most humble subjects in heart, should be noted to be let or impediment to the execution of your grace's laws. For we your said orators are, have

1592. been, and ever intend to be of that humble reverent mind toward your grace's highness, and of that charitable affection toward our ghostly children, your lay people and subjects, that, in our conscience, we neither yet have given to your worshipful Commons any just cause so to note us, neither during our lives intend to make any impeachment otherwise than by our most humble suit unto your highness, and giving advice and counsel or doctrine to your lay subjects, to consider the right and justice of such matters as, in the making or executing, might appear to be to the great prejudice of the liberties of Christ's Church; but rather to endure and sustain patiently, as we do, the same. And if we be otherwise a let than thus, or as ministers of God's word in the feeding and ruling of your grace's people in spiritual food, doctrine, and correction, according to the determination of Christ's Catholic Church, your highness shall find no difficulty of our reformation.

As regards vexatious summoning of people before the ordinaries or their officials apology is offered if wrong has been done by any, which has certainly not been done by all.

Item, as touching the second principal article of the said supplication, where they say that divers and many your grace's obedient subjects, and especially they that be of the poorest sort, be daily called before us, the special ordinaries or commissaries and substitutes *ex officio*—sometime at the pleasure of us, the said ordinaries or commissaries and substitutes, for displeasure, without any probable cause, and sometime at the only promotion of our summoners, being light and indiscreet persons, without any credible fame first proved against them, and without any presentment in the visitation or lawful accusation:

To this we, your grace's said orators, do answer and say, and first we most humbly desire your highness by your high wisdom and learning to consider, that albeit, in the ordering of Christ's people, your grace's subjects, God, of His special goodness assisteth His Church, and inspireth by the Holy Ghost, as we verily trust, such wholesome rules and laws as tend to the wealth of His elect folk, the increase

and augmentation of His faith, honour, and glory—yet, upon consideration to man unknown, His infinite wisdom leaveth and permitteth men to walk in their infirmity and frailty. So that we cannot, nor will, arrogantly presume of ourselves, as though, being in name spiritual men, we were also all, in all our acts and doings, clean and void from all temporal affections and carnality of this world, in that the laws of the Church made for spiritual and ghostly purpose be not sometimes applied to worldly intent; which we ought and do lament (as becometh us) very sore. Nevertheless, inasmuch as the evil acts and deeds of men be the more defaults of those particular men, and not of the whole order of the clergy, nor of the laws wholesomely by them made, our request and petition shall be, with all humility and reverence, that all laws well made be not therefore called evil, because at all times, and by all men, they be not well executed, and that in such defaults as shall appear, such distribution may be used as St. Paul speaketh of: *ut unusquisque onus suum portet*, and remedy to exhibit to reform the offenders; unto the which your highness shall perceive as great towardness in your said orators as can be required upon declaration of the particulars and special articles in that behalf. And other answer than this, cannot be made in the name of your whole clergy, considering that, in many of the particularities which be alleged as defaults, if the whole clergy should confess or deny them, they be not all true or all false generally in the whole; for though *in multis offendimus omnes*, as St. James saith, yet not *in omnibus offendimus omnes*; and the whole number can neither justify nor condemn particular acts to them unknown but thus. He that calleth a man *ex officio* for correction of sin doeth well. He that calleth men for pleasure and vexation doeth evil. Summoners should be honest men. If they offend in their office, they should be punished. To prove first the same, before men be called, it is not

1532. necessary. He that is called according to the laws *ex officio* or otherwise cannot complain. He that is otherwise ordered should have, by reason, convenient recompence and so forth ; that that is well to be allowed, and misdemeanour, when it appeareth, reprov'd.

Prison has only been used for safe custody in heresy cases, and not in any notable instances.

Item, where they say in the same article that upon their appearance *ex officio* at the only pleasure of us the said ordinaries or commissaries and their substitutes, they be committed to prison without bail or mainprize, and there they lie, some half a year or more, before they come to their deliverance : To this your said orators answer, we use no person before conviction but for sure custody, only of such as be suspected of heresy, in which crime, thanked be God, there has fallen no such notable personage, in our time, or of such qualities as hath given occasion of any sinister suspicion to be conceived of malice or hatred to his person other than the heinousness of that crime deserveth. Truth it is that certain apostates, friars, monks, lewd priests, bankrupt merchants, vagabonds, and lewd idle fellows of corrupt intent, have embraced the abominable and erroneous opinions lately sprung in Germany, and by them some seduced in simplicity and ignorance. Against these, if justice has been exercised according to the laws of the Church, and conformably to the laws of this realm, we be without blame. If we have been too slack and remiss, we shall gladly do our duty from henceforth. If any man hath been under pretence of this [crime] particularly offended, it were pity to suffer any man wronged ; and thus it ought to be, and otherwise we cannot answer, no man's special case being declared in the said petition.

No man ought to be entrapped into making dangerous admis-

Item, where they say further that they so appearing *ex officio* be constrained to answer to many subtle questions and interrogatories, by the which a simple, unlearned, or else a well-witted layman without learning, sometime is, and commonly may be, trapped and induced to the peril of open

penance, to their shame, or else to redeem the same penance for money, as is commonly used : To this your said orators answer, we should not use subtlety, for we should do all things plainly and openly ; and if we do otherwise, we do amiss. We ought not to ask questions, but after the capacities of the man. Christ hath defended His true doctrine and faith in His Catholic Church from all subtlety, and so preserved good men in the same, as they have not (blessed be God) been vexed, inquieted, or troubled in Christ's Church therefor, and evil men fall in danger by their own subtlety ; for among all other matters protested before God, we neither have known, read, or heard of any one man damaged, hurt, or prejudiced by spiritual jurisdiction in this behalf, neither in this realm nor any other, but only by his own deserts. Such is the goodness of God in maintaining the cause of His Catholic faith.

1532.
sions,
but as far
as they
know no
one has
suffered
wrong-
fully.

Item, where they say that they be compelled to do open penance, or else to redeem the same for money : To this your said orators answer ; as for penance, [it] consisteth in the arbitre of a judge who ought, without affection, enjoin such penance as might profit for correction of the fault. Wherefore we disallow that judge's doing, who taketh money for penance, for lucre or advantage, not regarding the reformation of sin as he ought to do ; but when open penance may sometime work in certain persons more hurt than good, it is commendable and allowable in that case to punish by the purse and preserve the fame of the party ; foreseeing alway the money be converted *in usus pios et eleemosynam* ; and thus we think of the thing, and that the offenders herein should be punished.

Commua-
tion of
penance
is in cer-
tain cases
a com-
mendable
thing.

Item, where they complain that two witnesses be admitted, be they never so defamed, of little truth and credence, adversaries or enemies to the parties, yet in many causes they may be allowed by the discretions of the said ordinaries, their commissaries or substitutes, to put

As regards
permitting
two wit-
nesses of
insufficient
character

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to give
evidence,
it has al-
ways been
allowed in
heresy
cases.

the party accused or defamed, of office, to open penance, and then to redemption for money, so that every of your subjects, upon the only will and pleasure of the ordinaries, their commissaries and substitutes, without any accuser, proved fame, or presentment, is, or may be, infamed, vexed, and troubled, to the peril of their lives, their shames, costs, and expenses :

To this your said orators answer, the Gospel of Christ teacheth us to believe two witnesses ; and as the cause is, so the judge must esteem the qualities of the witness, and in heresy no exception is necessary to be considered if their tale be likely ; which hath been highly provided, lest heretics, without jeopardy, might else plant their heresies in lewd and light persons, and, taking exception to the witness, take boldness to continue their folly. This is the universal law of Christendom and hath universally done good. Of any injury done to any man thereby, we know not.

They
would
willingly
be dis-
charged
from try-
ing heresy,
if it were
God's will.

Item, where they say that it is not intended by them to take away from us our authority to correct and punish sin, and especially the detestable crime of heresy :

To this your said orators answer, in the persecution (*sic*) of heretics we regard our duty and office whereunto we be called, and if God would discharge us thereof, or cease that plague universal—as by your mighty hand, and directing the hearts of princes, and specially of your highness (laud and thanks be unto Him), His goodness doth commence and begin to do—we should and shall have great cause to rejoice, as being our authority therein costly, dangerous, full of trouble and business, without any fruit, pleasure, or commodity worldly, but a continual conflict and vexation, with pertinacity, wilfulness, folly, and ignorance, whereupon followeth their bodily and ghostly destruction, to our great sorrow and lamentation.

More
rigorous
heresy

Item, where they desire that, by the assent of your highness, if the laws heretofore made be not sufficient for the

repressing of heresy, that more dreadful and terrible may be made. To this your said orators answer, this is undoubtedly a more charitable request than (as we trust) necessary, considering that by the aid of your highness, the pains of your grace's statutes already made, freely executed, your realm may be, in short time, clean purged from the few small dregs that do remain, if any do remain.

1582.
laws are scarcely necessary.

Item, whereas they desire some reasonable declaration may be known to your people how they may (if they will) avoid the peril of heresy: To this your said orators and bedesmen say and answer, that there can be no better declaration known than is already by our Saviour Christ, the apostles, and the determination of the Church, which if they keep they shall not fail clearly to eschew heresy.

No new directions as to avoiding heresy are necessary.

Item, where they desire that some charitable fashion may be devised by your most excellent wisdom for the calling of any your subjects before them, that it shall not stand in the only will and pleasure of the ordinaries, at their own imagination, without lawful accusation, proved fame by honest witness, presentment in the visitation, or other lawful presentment according to your laws, or by such other charitable means as shall be thought by your most excellent wisdom measurable in that behalf for the quietness of your subjects: To this your said orators answer, that a better provision cannot be devised than is already devised by the clergy, in our opinion; and if any default appear in the execution, it shall be amended upon the declaration of the particulars and the same proved.

The present procedure in heresy is sufficient, and any mistakes shall be amended.

Item, where they say that your grace's subjects be originally accited to appear out of the diocese that they dwell in, and many times be suspended and excommunicated for small and light causes upon the only certificate devised by the proctors, &c., and that also your said most humble and obedient subjects find themselves grieved with the great and excessive fees taken in the spiritual courts, &c.:

As to summons without diocese and excessive fees, the archbishop is already reforming

1532.
his courts,
and the
officials
thereof
have been
useful to
the king.

To this article—for because it concerneth most specially the spiritual courts of me (*sic*), the Archbishop of Canterbury—please it your grace to understand that about twelve months past I reformed certain things objected here; and now, within these ten weeks, I reformed many other things in my said courts, as it is I suppose not unknown unto your grace's Commons; and some of the fees of the officers in my courts I have brought down to halves, some to the third part, and some wholly taken away and extincted; and yet it is objected as though I had taken no manner of reformation therein. Nevertheless I will not cease yet; but in such things as I shall see your grace's Commons most offended, I will set some redress accordingly, so as I trust your grace's worshipful Commons will be contented in that behalf. And I, your grace's most humble chaplain the said Archbishop of Canterbury, entirely beseech your grace to consider what high services the doctors of civil [law], which have been brought up and had their experience and practice in my said poor courts, have done to your grace and your grace's most noble progenitors concerning treaties, truces, confederations, and leagues, drawn, devised, and concluded with outward princes; and how that, without such learned men in civil law, your most noble grace and your progenitors could not have been so honourably and so conveniently served in that behalf, as at all times you and they have been, which thing percase, when such learned men in civil law shall fail within this your realm, will appear more evident than it doth now. The decay whereof grieveth me to foresee and remember, not so greatly for any cause concerning specially the pleasure or profit of myself, being a man spent, and at the point to depart this world, and having no penny of any advantage by my said courts, but principally for the good love and zeal that I bear to the honour of your most noble grace and of this your realm, that it may continue in as high estimation in outward

realms, by the honourable service of learned men in civil law, being ambassadors, after my death, as it hath at all times hitherto; of which learned men having good experience, your grace shall not fail to have good choice, when time shall require, if the doctors of my court, the Arches, may be entertained there, as they have been in times past, being there for a season practising and preparing themselves to be able to do your grace acceptable service when your grace shall call them and command them. And albeit there is, by the assent of the Lords temporal and the Commons of your Parliament, an Act passed thereupon already, the matter depending afore your majesty by way of supplication offered up unto your highness by your said Commons; yet, forasmuch as we, your grace's most humble chaplains, the archbishops of Canterbury and York, be straitly bounden by oath to be intercessors for the right of our churches, and forasmuch as the spiritual prelates of the clergy, being of your grace's Parliament, consented not to the said Act, for divers great causes moving their consciences, we, your grace's said chaplains, in our most humble manner show unto your highness that it hath appertained to the archbishops of Canterbury and York, the right of their churches for the space of four hundred years or thereabouts, to have spiritual jurisdiction over all them your grace's subjects dwelling within their provinces, and to have authority to call them before them by citation, not only in spiritual causes devolved to them by way of appeal, but also by way of querimony and complaint; which right and privilege pertaineth not only to the persons of the said archbishops, but also to the dignities and the pre-eminences of their churches. Insomuch as when the archbishop of either of the sees dieth, the said privileges do not only remain to his successor (by which he is named *Legatus natus*), but also, in the mean time of vacation, the same privilege resteth in the churches of Canterbury and York,

1532.

The recent Act, passed without the assent of the bishops, is an undeserved invasion of the rights of Canterbury and York.

1532. and is executed by the prior, dean, and chapters of the said churches; and so the said Act is directly against the liberty and privileges of the churches of Canterbury and York, lawfully prescribed by so long time as is aforesaid; and what dangers be to them which study and labour to move and induce any persons to break or take away the liberties and privileges of the Church, whoso will read the general Councils of Christendom and holy canons of the fathers of the Catholic Church ordained in that behalf, shall soon perceive, as well as though they were here expressed. And further we think verily that our churches, to whom the said privileges were granted, can give no cause why the pope himself (whose predecessors granted that privilege) or any other (the honour of your grace ever except) may justly take away the same privilege, so lawfully prescribed, from our churches, though we had greatly offended, abusing the said privileges: but where, in our persons, we trust we have given no cause why to lose that privilege, we most entirely and most humbly beseech your grace that, of your superabundant goodness and absolute power, it may please the same to set such an order and direction in this behalf as we may enjoy the privileges of our churches, lawfully prescribed and admitted so long as before, by the consent of your most noble grace, your progenitors, the temporal lords and spiritual prelates, and all the Commons, both spiritual and temporal, of this your grace's realm.

Executors
are not as
a rule
summoned
to go un-
reasonable
distances.

Item, where they say that the executors be put to travel to far places out of the shire they dwell in:

To this we, your grace's said orators, answer that there be none so far called, unless it be by my lord of Canterbury by virtue of his prerogative, approved by a statute lately by them (as much as in them is) passed. And as touching inferior ordinaries, having ample and large jurisdictions and dioceses, there be, in every shire for the most part appointed and remaining, certain commissaries, officials, or substitutes

for the expedition of testaments and other causes, except it be so that the parties themselves will come further for the same cause, or that the bishop or his officer does sometime upon consideration—for that the testament containeth many and great legacies or such other—does call the executors before them where they be; which they may do, by the common rule of the laws of the Church, within any part of their dioceses. 1582.

Item, where they complain that there is exacted and demanded in divers parishes of this your realm, other manner of tithes than hath been accustomed to be paid this hundred years past, and in some parts of this your realm there is exacted double tithes, that is to say, threepence or twopence half-penny, for one acre, over and beside the tithe for the increase of the cattle that pastureth the same:

As regards the tithes, they are due by God's law and the right cannot lapse.

To this we, your grace's said orators, answer that tithes being due by God's law, be so duly paid (thanked be God) by all good men, as there needeth not any exaction or demand in the most parts of this your grace's realm. As for double tithes, [they] cannot be maintained due for one increase; whether it be in any place unduly exacted or no, in fact, we know not. This we know in learning, that a hundred years, nor seven hundred, of non-payment may not debar the right of God's law. The manner of payment and person unto whom to pay may be, in time, altered, but the duty cannot, by any means, be taken away.

Item, where they say that where any mortuary is due, sometime curates, before they will demand it, will bring citation for it, and then will not receive the mortuaries till he (*sic*) may have such costs as he says he has laid out for the suit of the same, where, indeed, if he would have charitably first demanded it, he needed not to have sued for the same, for it should have been paid with good will:

Mortuaries ought not to be sued for before opportunity of payment has been given.

To this we, your said orators, answer that these curates

1532. thus offending, if they were known, ought to be punished : but who thus doeth, we know not.

Fuller information as to insufficient titles is needed before answer can be made.

Item, where they say that if any spiritual person has obtained the possession of any profit for the time of thirty or forty years, albeit such profit began sometime by sufferment, sometime by devotion, yet it is said that the said prescription maketh a good title in the law against any lay person, which things be used to the importable charges of your subjects :

To this we, your said orators, answer that true it is that the time of thirty or forty years maketh a lawful prescription by the law used and approved throughout all Christendom ; but whether, by the reason of the same, any importable charges be put upon your subjects, we know not, but surely trust the contrary ; otherwise we cannot determinately answer, except the specialty were disclosed.

The fees for induction have been moderate.

Item, where they say that divers spiritual persons—being presented, as well by your highness as by other patrons within this your realm, to divers benefices and other spiritual promotions—we, the said ordinaries and our ministers, do not only take of them, for their letters of institutions and inductions, many great and large sums of money and reward, &c. : To this we, your said orators, answer that this is a particular abuse, and he that taketh rewards doeth not well ; and if any penny be exacted above the accustomed rate usually received, and after a convenient proportion, it is not well done ; but in taking the accustomed fees for the sealing, writing, and registering of the letters, which is very moderate, we cannot think it reputed as any offence ; neither have not heard any priests, by our days, complain of any excess therein.

Bonds made during vacancies are illegal.

Item, where they say in the same article that such as be presented to benefices, as aforesaid, be long delayed, without reasonable cause, to the intent that we, the ordinaries, may have the profit of the benefice during the vacation, unless

they will pact and convent with us by temporal bonds, after such fashion and condition as we will, whereof some bonds contain that we, the ordinaries, should have part of the profit of the said benefices after their institution, so that they, being once presented or promoted as is aforesaid, be by us, the said ordinaries, sometime uncharitably handled, not only to the hurt of the lay patrons, but also to the hindrance and impoverishment of their clerks by them presented, which your said subjects suppose not only to be against right and good conscience, but also seemeth to be simony and contrary to the laws of God :

To this we, your grace's humble orators, do say that a delay without reasonable cause, and for a luccature [lucrative?] intent, is detestable in spiritual men, and the doers cannot eschew punishment, the same being proved ; but otherwise a delay is sometimes expedient to examine the clerk, and sometimes necessary where the title is in variance. All other bargains and covenants, being contrary to the law, ought to be punished, as the quality is of the offence, more or less, as simony or inordinate covetousness, with condign pains accordingly ; but in facts particular and special defaults the whole clergy cannot give no more special answer than this.

Item, where they say that we give benefices to our nephews and kinsfolk, being in young age or infants, whereby the cure is not substantially looked unto, nor the parishioners taught as they should be : To this we, your humble orators, say that that thing which is not lawful in others is in spiritual men more detestable. Benefices should be disposed not *secundum carnem et sanguinem sed secundum merita*. And where this is a default it is not authorized by the clergy as good, but reprov'd ; wherefore, in this, the clergy is not to be blamed, but the default (as it may appear) laid to particular men, and not to be answered unto otherwise by the whole clergy.

Presenta-
tion of
relations
and young
people is
not wrong
if the
stipend
be used for
their
education.

1582.

1532. Item, where they say that we, your said orators, take the profit of such benefices for the time of minority of our said kinsfolk : To this your said orators answer that if it be done to our own use and profit, it is not well, but to be reformed in such as do use the same ; otherwise, if it be bestowed to the bringing up and use of the same parties, or applied to the maintenance of the Church and God's service, or distributed among poor people of the parish or elsewhere, we do not see but that it may be allowed.

As regards the excessive number of holy days *abusus non tollit usum.* Item, where they say that they think 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 exercised and used, which holy days (if it might stand with your grace's pleasure), and especially 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 these that shall hereafter be ordained may be the more devoutly, religiously, and reverently observed in the law of Almighty God and to the increase of your highness's honour and fame :

To this we, your said orators and bedesmen, answer that we be right heavy in our hearts to hear that any such abominable or execrable vice should be used at any time, and especially on the holy day ; whereunto we intend hereafter to have a special regard for the reformation of the same with all diligence. Moreover we, your said bedesmen, say that we think (your grace's highness not offended) it is neither reasonable nor convenient that a thing that is instituted by our holy fathers and predecessors, to the honour of God and His blessed saints, should be taken away for the abuse of the same, seeing that there is nothing so good, but it may be abused, as the blessed Sacrament of the altar and all other holy sacraments ; which no good Christian man

will think that, for such abuse, they should be taken away, but rather the abuse to be amended and reformed. And as touching the holy days in harvest, there be in August but Saint Laurence, the Assumption of our Blessed Lady, Saint Bartholomew, and in September the Nativity of our Lady, the Exaltation of the Cross, and Saint Matthew the Apostle, before which days harvest is commonly ended. And to take away any of these, we suppose, no man will be contented, seeing that they be of so great antiquity, and incorporated in the law, and of them that be so high in the favour of God, by whose intercession and means we may the better obtain His favour towards us in His benefits, which is specially to be regarded in the harvest time. 1532.

Item, where they say that divers and many spiritual persons, not contented with the convenient livings and promotions of the Church, daily intronit and exercise themselves in secular offices and rooms, as stewards, receivers, auditors, bailiffs, and other temporal offices, withdrawing themselves from the good, contemplative life that they have professed into the service of God, not only to the damage but also to the perilous example of your loving and obedient subjects: To this we, your said bedesmen and orators, answer that beneficed men may lawfully be stewards and receivers to their own bishops, as it evidently appeareth in the laws of the Church; and we, by the said laws, ought to have no other. And as for priests to be auditors and bailiffs, we know none such. The secular employment of clergy may in certain cases be allowed.

And where, finally, they, in the conclusion of their supplication, do repeat and say that forasmuch as there is at this present time, and by a few years past hath been, much misdemeanour and violence upon the one part, and much default and lack of patience, sufferance, charity, and good will on the other part, [and] a marvellous discord of the quiet and godly peace and tranquillity, that this your realm hath heretofore been in, ever hitherto, through your politic wisdom, The ill-will asserted between clergy and laity,

1532. in most honourable fame and catholic faith, inviolably preserved :

and the cases of violence ; it has not been so, unless reference be to procedure in heresy cases.

To the first part thereof, as touching such discord as is reported, and also the misdemeanour which is imputed to us and our doings, we trust we have sufficiently answered to the same as above, humbly beseeching your grace, of your most excellent goodness, so to esteem and weigh the premises, as well our such answer as the contents of their supplication, as shall be thought good and expedient by your highness's wisdom. Furthermore we ascertain your grace as touching the violence which they seem to lay to our charges, albeit divers of the clergy of this your realm have sundry times been rigorously handled, and with much violence entreated by certain ill-disposed and seditious persons of the lay fee, so injured in their own persons, thrown down in the kennel in the open street at mid-day, even here, within your city and elsewhere, to the great reproach, rebuke, and disquietness of the clergy and ministers of God's Church within this your realm, the great danger of souls of the said misdoers, and perilous example of your said subjects. Yet we think verily, and do affirm the same, that no violence hath been so used on our behalf towards your said lay subjects in any case ; unless they do esteem this to be violence that we do commonly use, as well for the health of their souls as for the discharge of our duties, in taking, examining, and punishing of heretics according to the law ; wherein we doubt not but that your grace and divers of your grace's subjects do right well perceive and understand what charitable demeanour and entreaty we have used with such as have been before us for the same cause of heresy, and what means we have devised and studied for favour and safeguard specially of their souls ; and that so charitably (as God be our judge) and without all violence as we could possibly devise. In execution whereof, and also of other the laws of the Church for

repression of sin and reformation of mislivers, it hath been to our great comfort that your grace and most excellent highness hath herein, of your benign goodness, assisted and aided us, the said ordinaries and ministers of God's Church, in this behalf for the great zeal and entire love which your grace beareth to God, His Church, and His ministers; specially in the defence of His faith, whereof your grace only and most worthily amongst all Christian princes beareth the title and name. 1532.

And as to their final petition and conclusion we, your grace's said most humble bedesmen, in our most lowly wise beseech your grace's majesty—in case there be any such marvellous discord and grudge amongst your subjects as is reported in the said supplication—all the premises considered and tendered by your great politic wisdom, to repress the misdoers and such as be the occasion of the said marvellous discord, and to reconcile and bring to perpetual unity your said subjects. For in this behalf we, your grace's said orators and humble bedesmen, protest in our consciences that we find, in our behalf, no such grudge nor displeasure towards your lay subjects, our ghostly children, as above. We therefore, your most humble bedesmen and orators, beseech your grace's highness—upon the tender zeal and entire love which your grace doth bear to Christ's faith and to the laws of His Church, specially in this your grace's own realm—of your accustomed and incomparable goodness unto us your said bedesmen, to continue our chief protector, defender, and aider in and for the execution of our office and duty, specially touching repression of heresy, reformation of sin, and due behaviour and order in the premises of all your grace's subjects, spiritual and temporal, which (no doubt thereof) shall be much to the pleasure of God, great comfort to many's souls, quietness and unity of all your whole realm, and, as we think verily, most principally to the great

They ask
the king's
assistance
in carrying
out their
spiritual
office.

1532. comfort of your grace's majesty, which we beseech lowly upon our knees, so entirely as we can, to be the author of unity, charity, and concord as above, for whose preservation we do and shall continually pray to Almighty God long to reign and prosper in most honourable estate to His pleasure.