

Aty that coulede be founden them besyde, haue theire persons disclosed vnto the party. **E**

Lo good readers the thyng that hee sayth I deny not, because that in y first wordes I neither sayed yea nor nay (for I sayed not that it might serue in Englad but y though it might serue in Englad, yet myght it not serue in Almain which wordes I might haue sayd, though I had in y next line befoze, expressely sayed that it might not serue in Englande, that thing doe I (as you se) sozthwith in the next lease well & plainly denye. And yet you see that he sayeth here agayne in thys booke, that I deny it not. Thys god man seemeth not very shamefast lo, but if his logyke lead him to thik that thys were a good argument. In these wordes he denyeth it not: ergo hee denyeth it not. Which argument is eny as good as thys. He denyeth it not in one place, ergo hee denyeth it not in no place. Now where he sayth y though I denye not his deuice to be couenient, yet I wil not assēt that a law be made y it shalbe so: surely as muche of hys deuice as I thynk conuenyēt for y realme, so much therof will I not be agaynst y a law be made y it shalbe so. For where thys good man thinketh it conuenient for thys realme, that he whych is detected or accused of heresye, should be bounden and finde sureties, that he shall not hurt neyther accuser nor witness: I wil not be agayst it that a law be made that it shalbe so. But yet though that lawe were made (sit for all that lawe there woulde remaine a feare behynde in the mēnes hartes, for whose sauegard such suerties shoulde be founden, and peryll and daungeour to, sufficient to make the dꝛaw backe from making themselves in heresy open accusers, and in some case from bearing witness also, but if they thought their names should from y person agayst whom they should witness, be surely kepte close and vnknown) I would not assent for my parte to put away the saied law that he speaketh of in hys seuenth chapter of his deuision, for chaunces that might hereafter happen. And much lesse would I graunt to put away the suite agayst heretikes *ex officio* into hys deuice of only open accusers, for the harme that woulde vndoubtedly dayly grow, by y encrease of heretikes & hinderance of the catholike faith, no moze then though I blame not the law, by which he y is aferde of killing shall

haue his aduersary bounden to y peace. **E** I woulde yet when the tother is so bounden by recognisance, haue that lawe stand in stede of y tother, by which hee shall if he kyl that man, fall therby further into the daunger of hanging.

And yet this hys gay glozious deuise, that he deuised in his formar booke, and here now repeteth again: no mā nedeth to gꝛue hym any great thanke for. For who knew not that alway, that whosoever be aferde, may desire & haue surety for the peace, if he feare hymselfe of hys lyfe or bodely harme, and may aske it of course vpon hys othe as some as he is aferde (and soner perdy this mā deuise it not) of the kynges ordinary iustices, without any other further suit, to trouble y kynges grace or his counail withall.

But yet wil al this surety finding as you se, neuer so take away the feare of harme frō mens hartes, but y they will rather forbeare to be accusers, than by the becomming of an open accuser runne in the deadly malice of that mā, by whō for all hys bond and al his suerties founden, they feare styl alway that they shall take hurt.

But here will happely thys god mā tel me now, that I am a mā impoꝛtune, & one whom no reason can satisfie, and bid me therefore go deuise some further thyng myne owne selfe for helpe of the matter, & assay also what further thyng any other folke can finde therin. And if neither mine own wytt nor no mannes els can finde no further remedy, wherfoze should I than blame him whan he deuise as full a remedy as any mans reason can finde. For soth I can wyth any witte that I haue, nor I wene no moze can no man els, find no further remedy thā he findeth here hymself. But yet syth the ferthest that he can finde is very farre vn sufficient, with chaunge of the suit *ex officio*, to kepe herselfe from great encrease, & pꝛeserue the catholyke faith: I cā therfoze find at hand a much nerer remedy than thys that he fetcheth so farre, y is to wit to let hys new deuices passe & let the old law stande styl.

And thus you see good readers that thys piece wherein he so boasteth y pꝛouision that he hath deuised so sufficient to deliuer the accusers fro fere, leauey them so in dꝛeade and feare still, that though there were no lette but the feare of bodely harme: yet of many true men that wyl detecte and beare wytnesse, ye should find but very few that would become

**A** become accusers.

But now though there were founde prouision good and sure, to driue out of thaccusers harte al fere of bodily hurt: yet are there many that dare secretely detecte, and by whom the ordinary shal know who can tell moze, and will also if they be called and swozen, and wpll not vncalled and vnsworen, tel no tale at all, and they themselfe also will neither accuse no: yet beare witnessethether, no: so much as haue it knowe that neuer they spake wo:de therein. And that not fo: any feare of they: life, fo: which thys good man findeth as he saith a remedy, but fo: losse of their liuing, fo: which he findeth none, no: neuer ones thought thereon. And yet is the luyng to some folke, as liefe almost as the life. And their liuing they feare vtterly to lose (that they geate peradventure by the who: yet of charity fo: their amede:ment they detect) if they were ones persecuted and thing to meddle in y: matter.

And yet as I sayed befoze euery wise man well woteth there are many other affections beside all such feate, that let men to become accusers in herelye, and yet letteth the: not to do other wise truly and caritably their duty, both in secret detecting of them, and also in open bearing witnesseth against them, whan they be called fo:th and commaunded by the court to depose, that will neuer as I sayed of their owne offre make themself a party, & openly become their accuser.

Howe what if there were but twoo witnesseth of the matter, such as wer wel able playnely to proue the thing, if neither of both may be herd but if the tone should become thaccuser: whan y: tone were made party, than were the prouofe lost. But we shal not nede much I warraunt you to care fo: this case. Fo: of them both, you shal haue neyther no: ther that wpll.

Howebeit yet hath this good man at last founden a good way fo: that. Fo: so sy: thus he sayth.

And than if the witnesseth will not auow it, but an other wpll giue credence to him & auowe it: than it semeth reasonable that they y: will giue credence ther: to and will repo:rt it, be taken as accusers, taking those witnesseth fo: their warrant if they be denied.

If he thinke it lykely that none of the will become accusers that were present & herde it the: self: tha: is it yet lesse likely that he will become the accuser, that he

reth it but at a second hand. And there: foze me thinketh that this deuice is not much wiser, than the deuice that a good felow deuised ones fo: his neyghbour, that had a great hillocke in hys close, whych fo: plating of the grounde he consayled hym to haue it away. Wary of his neyghbour I must cary it than so farre, that it wer lesse losse to me to giue away the close and al. Wary neyghbour of the tother, I shall soone finde a way fo: that. Fo: I shall deuise a prouision that it shalbe had awai: & yet neuer caried hence. Fo: euen there as it lyeth loe, digge me a great pitte, and cary it neuer ferther, but buery it euen in that. Wher shall I than lay that hepe of his neyghbour that cometh out of the pitte? At y: the tother studied a little. But whan he had well bethought hym: Wary (of he) euen digge another great pitte vnder y:, and buery me that heape there.

So this man wil in any wyse lo, haue away thys hillocke, this lutte, y: he sayeth doth here much hurte. Howe shall wee haue it a way say we without yet much moze hurte? Good remedye sayth thys good man thortely shal I deuise. But accusers in the stede of y: suit, & they shall doe much better. Who shall be thaccusers say we: Wary (sayeth her) they that here them. They wil not say we beco: accusers in no maner case. So wpll they saith he, then be they but false shrewes. What remedye then say we to supply the saied suit. A ready way saith he, take some other that heareth the tother that herd the heretike speake.

He wil much lesse become accuser say we, then they that herde it the: selfe. What hath thys good man ferther to say then, bydde vs take then another y: wil. And euer we folow stil, and say we shall neuer finde him, and y: wo:rd he denieth not, but alway biddeth vs go gete one. And now if the seconde man were content, or the siftench after: yet hath this man marred all this matter with one thynge. Fo: you wote well that if y: witnesseth that saith he was present and herde it his owne eares wil refuse to become thaccuser himself: this good man will that thordinary shal take him fo: maliciousse or false. Howe than if we geate with longe labour some other ma: to accuse: yet hym that herd it & woulde not be thaccuser himself, sith the bishop must take him alway fo: maliciousse or false in the matter, he may neuer accept hym therein fo: a witnesseth.

**A** For if we take him for fraudulent & malicious to the pertye, this mannes credence is tenne times lesse in all reason, than his is that afterwarde depoſeth to hys harme, where he was firſt forſwore while he woulde fayne haue done hym good, and that man would not this good man believe after in no wiſe.

And thus both for the one cauſe and the tother, for lacke of an accuſer and credence of the witneſſe, you ſee plainly good readers that by this mans deuſe,

**B** *ex officio*, we ſhall whan we haue al done ſay he what he liſt, make and leaue that neuer will than be voided, as great an hillocke of heretikes in the ſtede.

And thus you ſee good readers y this good man ſhelweth vs yet no let but that for any thing that he ſayth here, yf the ſuit *ex officio* were chaunged as he would haue it, and in ſtede therof truſt all on to accuſers, of which for any thing that he deuſeth we were likely to find few,

**C** as I ſayed, y the ſtretes ſhould ſwarine full of heretikes, ere euer they were conuented and reppreſſed by his way. Of which ſaieng of mine as much meruail as he ſayeth he hath: yet ſhelweth hee noſthing (as you ſee) wherefore he ſhoulde meruaille of it, noz to the thinges that I proue it with, he no more aunſwereth, than though he neuer hearde them.

Whych dealing of his you maſe clerely perceiue, euen by the very ſame leaſe, wherein I wrote thoſe wordes of which he meruailleth ſo much and hath ſo lyttle cauſe. For there lo my wordes be theſe.

**D** ¶ For ſurely if the conuenting of heretikes *ex officio*, were leſte and chaunged into another order, by which no mā ſhould be called, be he neuer ſo ſoze ſuſpected, noz by neuer ſo many menne detected, but if ſome man make hymſelfe party againſt him as hys accuſer: the ſtretes were lykely to ſwarine full of heretyques, befoze that ryghte ſewe were accuſed, or peradventure any onc epyther. ¶

Theſe were loe my wordes in myne apology againſt which you haue heard what he ſayth. Than becauſe he ſhould not neede to meruaille at the matter, I ſhelwe by and by what maketh me ſo to ſay. For there it ſoloweth thus.

¶ For whatſouer the cauſe be, it is not unknowen I am ſure, y many wyl

gyue to a iudge ſecrete infozmacion, of ſuch thynges as though thei be true, yet gladly he wil not or peradventure dare not, be openly knowen that the matter came out by hym. ¶

¶ Consider here good readers that as to become open accuſers, I ſpeake here of twoo lettes. One that men will not, another that ſome men dare not. And yet y they dare not, I put aſh moze rare & moze ſeldome. Now cometh thys good aunſwerer, and for the moze ſeldome, y is to witte where they dare not, he deuſeth a remedy, which ſeldome yet or neuer, ſufficiently ſhall ſerue the matter. And the tother cauſe that I call moſte commune as in very deede it is: y cauſe he neither denieth noz any one woozde ſpeaketh of it, but ſoftly ſlinketh beſyde it, as though he had neuer red it. What maner of aunſwering good readers cal you thys?

Woze ouer leaſt he might deny me y I ſayed true therin: I laied there for the proufe y plaine comē experience, which this good man himſelfe I am very ſure (but if he be a recluſe and haue bene all hys life) knoweth wel to be true, and in dede he ſayeth not nay.

Then goe I there farther yet, and I declare what profite ther cometh to the comen weale, to giue ſuch folke hering. ſuch folke I ſay as this good mā would haue reiected backe, and taken for falſe or malicious, becauſe they come ſecretly and will not themſelfe openly become accuſers. Therein lo theſe are my woordes.

¶ And yet ſhal he ſometyme giue the names of diuers other, which being called by the iudge, & examyned as witneſſes agaynſt theyr willes both knowe & wyllylſo depoſe the trouth, and he that firſt gaue infozmacion alſo and yet will neuer one of them willingly make himſelfe an open accuſer of the pertye, noz dare peradventure for his eares. ¶

This thing good readers euerly man euerly wher finderh true that any order of iuſtice in his hand. And in theſe woordes you ſe well I told him there ones agayne, not only that ſome dare not, but y though men dare they will not (except the thing doe priuately touch themſelfe) for the cauſes of the comen weale become open accuſers. And as I agayne there tolde it him: ſo he here agayne forgeth it.

Then goe I yet for the a lyttle farther, and theſe are therc my woordes.

¶ And

**A**nd thys synde we not onely in heresy, but in many tempoz all matters among our selfe, whereof I haue had experyence many a time and oft, both in the disclosing of felonies, and sometime of much other oppression vsed by some one man or twayne in a thpye, whereby all theyz neyghbours soze smarted, and yet not one durst openly complayne. ¶

So thus I there declared god readers by comē experyence, that if men should dooe as thys man here deuileth, relecte **E**uery man for malicouse and crafty & will giue secret infozmacion, but if hee be content to become an accuser openly: there should much harme grow therof, not in heresies onely, but besyde that in much other mischiese to. To all thys geare you se good readers that this god man playeth as though he came in in a mummy, for any one woꝛde he saith, which should not so haue scaped hym ye may be very sure, but that he saw fullyrely that hee coulde neuer aunswere the. For though he would haue denied all that I speake of mine owne experyence, yet in the like thinges so many mē of woꝛship dayly doe proue the thinge true that I tell it for, that he coulde no thing winne in his cause by all that denieng. And yet did I not myne owne selfe my businesse in such wise, but that I can if neede require proue it playne ynough. But of thys geare as I sayd he denieth nothing, noz aunswereth no thing neither therunto. And sure maye you be that if he had coulde, he woulde not haue failed to haue done the tone.

**A**nd therfore good readers my woꝛdes stande still so sure, that this god mā hath not yet noz neuer shall while he liueth, be able to boide them with all the craft he can, but that if men would bee so farre ouersene as in this matter to folow hys deuice, to put away thys old lawe the suit *ex officio*, and trust that all would be well holpen bymeane of open accusers: it would at length cōe to passe the thing that I haue sayed, that if streres were wel likely to swarme ful of heretikes, ere euer that right fewe should be therof accused, or peradventure any one heretike either. And now good chylfen readers sith you see so clerely, & by such chaunging of that law, the catholique faith should decay: I care not now greatly what he say for hys second part, sith he hath so foule an ouer thꝛow in the first, bypon which firste parte all the mater hāgeth. For though he could

in hys second parte make you now god **C**proffe, not onely that there might, but also that there did and hath done, great harme grow by that suit, which he shall neuer proue you while he liueth, but at sundrye times and that of late where is hath ben so surmised, it hath alway bee proued the contrary: yet syth you se wel that by this chaunge that hee deuileth, while we would help these harmes that he speaketh of, that is to wit that no mā should be couented of heresy causeles. We should by & prouiding for & harme be the cause of farre moze hurt & harme in the stede, that is to wit, that when & suite were so chaunged, the catholique faith should decay, & heretikes should encrease, that by such insurreccions as they haue here befoze made, not in other countreies onely, but in this realme of Englande haue also attempted & same, put it vpon the peril and assay to robbe, spoile, & kyll also much innocent people openly, and turne folke from the sayth by force, & woꝛke other maner of maystryes many mo, such as mine barte abhorreth so much as to reherse or name. Sith euery man may se I say, that such harme were in parcell to fall by thys chaunge, of his: there will I wene no wise mā folow his sonde deuise in putting this law away, althoughe he pued well in his second part, that there were harme in the keeping, while hee cannot defende the contrarye, but & there were incomparably much moze harme in the leauing. But by what way he proueth & there is great hurt in the keeping, that shall we now cōsider. After which well examined, I shall againe retourne god readers este soone vnto the first, & thys suit *ex officio* taken ones awaye, the streres were lykely to swarme full of heretikes. And as clere as you se that point already, & that this mā hath therin neyther aunswered noz ones touched suche thinges as your selfe that I sayd therin befoze: yet shall I make it you anon, with the farther folp of his deuise double (ere we departe) so clere. Concerning the seconde parte, thus to this mā beginneth. ¶ But to put the party & is complained on, to aunswere, and to condempne him, if he say contrary to & the witness haue said, not knowing who bee the witness, ne who be his accusers: it semeth not reasonable to be accepted for a lawe. For as I haue sayed in the sayed treatise, if hee that is accused knewe their names that accused hym,

**A** he myght percase alledge and proue so great and so vehement cause of rancour and malice in them that accuse hym, or beare wytnesse against hym, that they sayenges by no law ought to stande agaynst hym: as if there were twoo men that had swozne the death of an other: because they cannot bynge it aboute, they imagyne how they may bynng him to all the thame and veracion that they can, and therupon they apeache him of hircelpe: if he in thys case knew their names, he might proue they rancour and malice. And because he knoweth them not, hee can not proue it. And also the witnesse may be such, as shall haue hys landes by eschete after hys death.

**A**nd if it be sayed, that these cases fall so seldome, that it ought little to be pōdred so maye it be sayed likewise, that it falleth but seldome, that the witness in heresie stande in any feare of them, that they accuse. And then to make a general lawe to prohybte all menne, that they should not haue knoweledge of hys wytnes in no case, it is not reasonable.

**H**ow good readers one thing opened vnto you which is trouthe, whych thys man of wpylness hydeth from you, and would make you wene the trouthe were contrary: deuide after that knowen, al thys myschefe and vnrasonableness that he telleth vs here in .xx. partes, and wpyth the bare knoweledge of that one trouthe, ninetene and a halfe of all hys false sayned myschiefes are gone.

**T**he trouthe is good chrysten readers, that excepte onely one case, whereof he speaketh in hys seuenth chapter of hys deuision, where to let the partie knowe the witness were peryll, to whiche I haue aunswered him both in mine apology firste, and since euen in this same chapter befoze: els in all other cases, hys witnesses, whose depoficions shall be taken and lased agaynst him to proue him an heretike, and vpon which depoficō sentence of cōdemning him for an heretike shall be gūen agaynst hym, hee shall se them and shall here their depoficions to. So that if there be any such great causes, as this good mā here ymagineth that might happen, of enymite, or hope of lucre, or any much lesse eyther, the iudge both may & will consider them befoze the sentence.

**B**ut why shall he not knowe the forthwith, when he is first conuenced? If it were not wel done he should, no more then the kynges counsaile that many

tymes call malefactours befoze theym vpon secrete infozmacion firste, vse alway ther by and by to disclose who told them the mater and what, which if they should and by and by bynng hym forth, then though the suspecte would cofesse happely some thyng therby the soner: yet should it be but that thyng whych he thought the tother knew. Where as whyle the chiefe knoweth not who hath gūen the infozmacion, and yet they knoweth by hys examinacon that amonge hys many felowes though they be theues all, yet some false shewes there be, he myste getteth amonge and weneth it were one, where in dede it was another, & so in Acts of one felony, to lyght there commeth twayne.

**B**ut at a nother time and in an other place, befoze he shall haue any iudgemēt therupō, he shall comenly see the swozne and here them speake to.

**A**nd here I say comenly, because that sometime percase in point of iudgemēt, he shall not haue them brought forth & swozen in hys presence, nor peradventure neuer heare them speake in hys mater. For they may hapen to be some, that deposed and died to befoze hymself wer taken, and some happely that were hys felowes confessed hys felonys at the galowes, when they were on the ladder. And some peradventure became approuers when they were caste, and called for a coroner, and the lawe keeping no store of hym but hangyng him by forthwith, bseth yet hys infozmacion and all these other to, which may hapen to cōe so many togyther & so likely to be true, that hys lyfe may goe therfore, and be well woorthy to, and yet neither himself nor thenquell neuer here any one wytnesse swozen, neither the first nor the seconde, neither at the endfghting nor at hys arreighning neither.

**H**ow may it so fortune in likewise & sometime so doth it to, that folke some good and honest depose in cause of heresie agaynst some one man that is detected therof. And happely there depose also some other of hys owne affinitie, and in depofing agaynst that one mā deteete by their depoficions, a nother man of hys selfesame company that is then walked farre of, no man can tel where, that apereth plainly vpon all their othes peradventure the very chief heretike of al. If he happe long after when these wytnesses be dead, to come agayne into the countrey and teache heresy a frethe, & one

None of twaine detect him, thei shall not be sworn and shall bee brought foꝛ the face to face befoꝛe hym, that he shall obiecte againſt theim what he can befoꝛe his iudgement paſſe. But yet thoſe olde depoſitions ſhall not ſerue foꝛ nought, but are *adminicula probationis*, though the men be dead. And againſt all reaſon wer it that it were otherwiſe. Howe be it what they ſayed he ſhall here, and alſo who they were.

Loe thys is good chꝛiſten readers: y<sup>e</sup> manner of that ſaite, whereof thys good man would here make vs wene the contrary, and that men were comenly condemned of herelſe by depoſitions of thoſe mē whom he ſhould neuer know. And therfoꝛe ſyth the trouth is in dede, that all the wozonge which hee ſpeaketh of, he groundeth vpon a playn vntrouth, though he make not thys lye wittingly hymſelfe, but hering ſome folke ſay ſo, weneſt that it were true: yet is as I ſayd befoꝛe al hys reaſon ſpille, and as I tolde you the harme that he layeth in that poit if he ſhould deulde it into twenty partes, xix. partes & an half wer now clerely gone. Foꝛ there remained but y<sup>e</sup> one caſe which he would haue here ſeme comen, and yet in hys ſeuenth chapter of hys firſt booke he declareth hymſelfe that the caſe is but ſpeciall, that is to wꝛt, where the wꝛtneſſe are kept away foꝛ feare, els in all the remenaunt thys mans harmes that he laſeth here againſt the law be very clerely gone.

And therfoꝛe hys two gape caſes of ſwering a mans death, and winning a mans lande by eſchete, haue place but in the ſpeciall point of that one ſpeciall law. And yet are hys two caſes ſuch as wel conſidered, are of no gret effect. Foꝛ if we ſhoulde regard thoſe two caſes: the publiſhing of the wꝛtneſſes names would ſeldome remedy the matter. Foꝛ it might then as well happen, y<sup>e</sup> ſuch folke myght hyꝛe other that ſhoulde beare ſuch falſe wꝛtneſſe as doe y<sup>e</sup> thing theimſelfe, and of likelihoꝛe ſo woulde they rather doe.

But ſeing that his caſes foꝛ the farre fetching and likelihoꝛe of ſo ſeldome foꝛtuning, were likely to bee taken foꝛ ſonde: yet foꝛ the fauour of his own deuiling he was loth to ſcrape them oute, but excuſeth the deuiling of them thus.

And if it be ſaid that theſe caſes fall ſo ſeldome that it ought little to be pondered: ſo may it be ſayed lykewiſe y<sup>e</sup> it falleth but ſeldome that the wꝛtneſſes

in herelſe ſtande in any feare of theym that they accuſe.

How if thys aunſwere of his were good and true, that it happeth as ſeldoe that the wꝛtneſſes ſtande in any ſuche feare: then he ſopleth his owne reaſon himſelfe. Foꝛ than hath he no caule to complaine foꝛ the law to keepe the wꝛtneſſe cloſe, made but foꝛ to ſerue in that ſpeciall ſeldome caſe, where it happeth ſuch feare to fal.

And therfoꝛe is hys laſt caule berely not very ſhamefaſte, where he maketh as though y<sup>e</sup> law were made general, to prohbꝛyꝛe all men that thei ſhoulde not haue knowledge of the wꝛtneſſes in no caſe.

And as foꝛ in thys poit of hys wherap on al hys whole matter hāgeth, to ſhew you that he ſayeth playne vntꝛue, and groundeth all thys geare of alwaye keeping wꝛtneſſes cloſe, vpon a plaine open lie: I will foꝛ this time take none other wꝛtneſſes againſt hym but hys owne plaine open woꝛdes. Foꝛ in his ſeuenth chapter of his deuiling, ſo thus good readers he ſayeth.

And in the chapter there, that beginneth *Statutus quedam*, it is decreed, that if the biſhoppe oꝛ other enquerours of herelſe, ſe that any great daunger might come to the accuſours oꝛ wꝛtneſſe of herelſe by the great power of theym that be accuſed: that the they may commaund, that the names of the accuſers oꝛ wꝛtneſſe ſhall not be ſhewed but to y<sup>e</sup> biſhop oꝛ enquerours, oꝛ ſuch other learned mē as be called to them, and that ſhall ſuffice, though they bee not ſhewed to the party. And foꝛ the moꝛe indempnitie of the ſayed accuſers & wꝛtneſſe it is there decreed, that the biſhop oꝛ enquerours may entoyne ſuch as they haue ſhewed the names of ſuch wꝛtneſſe vnto, to keepe them cloſe vpon payne of ercommunicacon, foꝛ diſcloſing that ſecrete withoute their lycence. And ſurely this is a ſoze lawe, that a man ſhal be condemned, and not know the names of them y<sup>e</sup> be cauſers therof.

How good chꝛiſten readers here you ſe plainly by his owne woꝛdes, that y<sup>e</sup> caule of that law is ſpecial and ſerueth but whereas there is feare that the wꝛtneſſes myght ſtande in daunger, by reaſon that the perſon detected were a man of great might and power, whych happeth very ſeld and almoſt neuer tyll it be well nygh paſt remedy. And therfoꝛe now you ſe by theſe woꝛdes of hys owne,

Rowne, that those other wordes of hys are to shamefull, where he nowe saieyth here, that the lawe is generall, and soz biddeth al menne that they shoulde not haue knowledge of the witness in no case. Upon my sayth excepte thys good man see better howe to salue this soze than I see: I woulde not haue witten suche another pointe in my booke, for moze than all the paper coaste and the printing to.

But now as I say, syth you se that al these greues of hys be gone saue in thys one only case of so great probable feare. While he groundeth all the remanaunt vpon a great open vntreuth: it is you se well a very seldome grese that is left.

For I neuer saue, noz to my remembrance redde, noz trust in God neuer shall see the neede, that ever any great man whome folke neded to feare, was condempned in this realme for heresye, saue onely sy: Hugh olde castles ones in the time of king Henry the. v. that was than lord Cobham, noz yet he neither, til that through his heresye he fell to treason, and would haue ben the captain of heretikes in a sodaine traitterouse insurrection.

And therefore as for thys harme thys good man telleth vs here, that sayeth by the suite *ex officio* in heresye, thys point is as you see both reasonable if it happed, and in lawe sufficiently proued for, and yet beside that so seld happeth here in this realme, that it was folly for him to speake therof, and yet no moze toucheth in dede the suite *ex officio*, than if the suite were begon and pursued by some great man, that woulde and feared not to profess himself for accuser. And thus is this case vntreuthfully to purpose, and all the remanaunt is (as you see also by hys owne wordes proued) grounded vpon great vntreuth.

And therefore all thys that he hath sayed sette aside for nought: lette vs now see what other harme the good mā findeth further. Doe good readers therein thus he sayeth:

Also sy: Thomas More denieth not, but that by reason of the lawe, *ex de hereticis ca. Ad abolendam*, which is recyted in the. vii. chapter of the sayd treatise that a man may be dzien to a purgacion without any offence in him, or be accursed, as if he be notably suspected, & yet not guilty, as it may wel be: and yet he wyl not condescende, that that lawe shoulde be chaunged, but sayeth in fortifying

therof, that verely he thinketh, that hee which cannot be proued guilty in heresye and yet bleth such maner of waies, that al his honest neighbours wene he were one, and therefore in their conscience dare not swere that he is any other, is wel woorthy to do some penaunce. Truly this is a meruailouse persuasion, that a man shoulde be put to his purgacion, because his neighbours dare not swere that he is no heretike.

Now good readers because thys good man beginneth here to fortify his word with that that I did not in my sayd. xl. chapter of myne apologye denye, that a man may be dzien to a purgacion without any offence in him or be accursed, as if he be notably suspected, and yet not guilty: I wil first bring you forth mine owne wordes wrytten in the sayd chapter, and afterward than shall we see whither he can take such great hold vpon my wordes, as he would it should seeme. Doe good readers these are my wordes. folio. 220.

It may be soetime (albeit very seld it happeth) that in beresie vpon other vehement suspicions without witness, a man may be put to hys purgacion, and to penaunce also if he sayle therof, whiche thinge whye so many shoulde nowe thinke so harde a lawe as thys pacifier sayth there doe, I can not see, noz those wise men neyther that made the lawe. And yet were they many wise men, and not only as wyse, but peradventure many moe also in nombre, than those that thys pacifier calleth many nowe, that as he saith now do finde the sante. For though it be alledged in the *extra de hereticis*: yet was that lawe made in a general counsaile. And verely me thinketh that he which cannot be proued guilty in heresye, & yet bleth such maner of waies, that all hys honest neighbours wene he were one in dede, and therefore dare not swere that in their conscience they think hym any other: is wel woorthy to do some penaunce for that maner of behauiour. wherby he giueth al other men occasio to take him for so noughty.

Now good readers where thys mā taketh me that I say a man may be dzien to his purgacion without offence: you see well I say not so, but I say that he doeth a great offence, and well woorthy were to be dzien to hys purgacion and to doe penaunce to, if he be not able to purge himself, but haue bled himself so lpe an heretyque in all good folkes oppinio



**S**oppinō, that he can find no good folke y dare in their conscience swere that they think otherwyle. Thys say I is a great offence and woꝝthy to dꝛiue hym to this point. And this good man saiet̄h that I denie not, but that he may by the law be dꝛiuen to it without offence.

And whereas he saiet̄h I deny not y he may be dꝛiuen thereto without witnesse: wherfoꝝe not I pray you: foꝝ the suspicions being pꝛoued by witnesses, to be notable and vehement, wyll they not be cause sufficient to dꝛiue hym to purge hymselfe of that infamy, oꝝ elles to doe penance foꝝ byꝛynging hymselfe therein to, but if there be witnesses of his expꝛesse hereticall woꝝdes?

So sayeth this good man, and meruaileth that I could think this any reason. But why he should so meruaile at y matter, oꝝ why I should be ashamed to thinke so, therof telleth vs thys god mā no tale at all, but onely saiet̄h.

**C**ruelly this is a meruailous perfwasion; that a man shoulde be put to hys purgaciō because hys neyghbours dare not swere that hee is none heretique. **E**

**M**eruaillouse Godde where was this mans mynde whan he wꝛote these woꝝdes: doe I say that he shall be put to hys purgaciō, because hys neyghbours wyl not swere with him: nay I sai that whā there be by witnesses swoꝝen befoꝝe hys face, suspicions of heresie pꝛoued vpon him: than may thoꝝdinarye put hym to such purgacion, to pꝛoue whither they wyl swere with hym oꝝ no. foꝝ whan they wyl not but refuse it, what mad man would saye that he shall be put to y purgacion than whan hee hath failed therof, and it already passe. Thys man speaketh here as one that perceiued no piece of the matter.

foꝝ wheras I declare that hee is in great offence that so vseth hymself, that none of hys honest neyghbours dare swere, that in their consciences hee is any oðer than an heretique: thys man taketh it as though they y should swere with him in hys purgacion, should pꝛecisely swere that he were none heretike. wheras their othe shall not be what hee is in dede, but what themselfe thinke of hys othe, they shall not swere that he is none heretike, but that they beleue that he hath swoꝝen true, in denieng tharticles layed vnto hys charge. Lyke as in the wageour of a lawe, they shall not swere that the defendaunt oweth not y

mony, but that they beleue that he sweareth trueth.

I meruaile in good fayth that thys good mā handeleth thys matter in this maner, and without any telling whye, meruaileth so much that I would think that lawe reasonable.

But surely though he could make me a pꝛoper reason foꝝ his part, and my selfe another foꝝ y same syde also: yet would I thinke my selfe right vnreasonable, if I should vpon hys reason and myne, aduise and counsaile thys realme in a matter concerning the conferuacion of the faith, to alter and chaunge that lawe that was made by so great aduise, by an whole generall counsaile of al christen dome, wherin ther were (I doute it not) men that had as good zeale to kepe innocentes oute of trouble, as anye of vs twain, and much moze reason also than we both haue to. But that point that I shewed him in my apology, that y same pꝛouision that is made in the lawe *ad abolend. am.*, was also made in a generall counsaile: y tale he letteth goe by, as though he herde it not.

But than he commeth foꝝth with a woꝝde oꝝ twoo of a fether faure in the lawe, which eþther the man vnderstandeth not what it meaneth, oꝝ elles is it harde foꝝ any man to thinke y he meaneth weil. These are his woꝝdes lo.

**E** And verely the lawe is that their oth in that case should not be accepted: foꝝ y saied chapiter *ad abolend. am.*, is that if a mā be notably suspected of heresye, that he shall purge hymselfe after the wyll of thoꝝdinary oꝝ be accursed: and so y purgacion of hys neyghbour wil not serue. Let every man therfoꝝe consider, whither the sayd lawe be indifferent oꝝ not. And if it be not, let them put to their hād to haue it broken. And I thinke verely, they shall deserue great thanke of god, if they tourne it to a moze indyfferent way, then it is at now. foꝝ vnder thys maner the most innocent man that is, may of malyce be reposed to be suspected of heresye and be not so in dede, and so be dꝛiuen to hys purgacion oꝝ be accursed: and then there is another lawe, that if hee in that case of an indurate mynde stande so accursed a yere, he shall be punished as an heretique and that is by the lawe, *Extra. de hereticis, cap. Excommunicamus.*

Thys pꝛouision good readers that hee speaketh, which is in the lawe *ad abolend. am.*, recited in y .v. booke of y decretalles



**A**les in the title *de hereticis* that such as were suspecte shoulde purge themselves at the arbitrement and discretion of the ordinary, was as I before have sayed afterward, looked upon and allowed in the generall counsaile called *consilium lateranense*, as every man may soone perceue that wyl well consider the paragraphe *excommunicamus* afterwarde in the same tytle. For whereas that lawe there sayeth.

*Qui inuenti fuerint sola suspitione notabiles, nisi statim innocentiam suam congrua purgatione monstrauerint:*

**B** these wordes *congrua purgatione* be referred vnto the tother lawe *Ad abolendam* thereof made before, as both appereth by suche doctours as wryte vpon the lawes, and also to hym that wyl consider it wel, it well appereth by the self tert. For in the paragraphe *Excommunicamus* be rehearsed parte of the very wordes of the lawe *ad abolendam*, whereby we may se that the counsaile there looked vpon that lawe. And so was I say that prouision which thys man calleth so vnrasonable, not only made by pope Lucius the.iiij. but after also made againe by ratificacion by pope Innocēt the.iii. in an whole generall counsaile. And reade the stories who so wyl, and he shall finde bothe by Platina and Cronica cronica to, that both this pope Lucius & this Pope Innocent were very vertuous men.

**C** And here had it bene reason now therefore, that this good man sith he findeth in thys point so great a faute in hys wrytting of both these good popes, & in all thys that were members of that generall counsaile, and in all the wryttinges of all christen reagions that haue vsed and allowed y lawe for good euer since: reason would I saye, that he shoulde at the least haue sayed some reason here, wherefore the lawe can not please hym, that he which though he be not proued gyltye of the deede, is yet proued suspecte, shoulde purge himselfe after the arbitrement of thordinarie, that is to witte in such maner wyl as thordinarie shoulde thynke conuenient, vpon the qualites of the persō and circumstaunces of the cause considered.

**D** Suppose nowe that there were none other maner of purgacion, but by hys neyghbours swearing with hym, and y those wordes *ad arbitrium episcopi* were not wrytten in hys law: were it yet reaso to accept hys othe in whatsoever maner the man would himself deuise it: and wryth as few handes as hymselfe list appointe and with what maner folk so euer him-

self would bring?

**E** For it may so be, that ther shalbe good cause why sometime and in some place, that thordinarie shoulde not put some man to that kinde of purgacion which if hee did, were hee neuer so noughty, he shoulde be sure of compurgatours, peradventure more than ynoughe.

**F** For it hath bene sene in many countries ere this and sometime in Englade to, that some euill preacher preachyng playne open heresy, shoulde yet (if hee myght haue ben put to such purgacion) haue lacked more handes to laye on the boke with him, that he neuer spake such wordes.

**G** Howe best where the wordes are open and plaine heresy, the law hath prouyded an other way for the remedy good ynough.

**H** But than haue there bene some preachers such ere thys, that teaching plain heresies to their familiars secretly, would preach in such wise abode, that their wordes shoulde haue twoo senses, and one bothe serue for either legge lyke a shipmans hose, and so shoulde be tempered as the people shoulde haue occasiō alway to take them to the worst, & himselfe if he were examined would say before thordinarie and swere to, that hee neuer ment but the best.

**I** Now whan it shoulde by good witnesses appere, that hys maner was such the people toke muche harme thereby, & alway tooke hys wordes so that they thought he so ment them, that he purposed by them to sette forth and aduance those thinges that were sharke heresy in dede: if thordinarie shoulde than appoint him with other compurgatours to purge this suspicion, were these suspitions neuer so vehement, he shoulde lacke no compurgatours to purge himselfe every weke, and than done as hee did before. And many good simple folke taking him euen as he ment, shoulde fall into his heresy the while, and weene while he preached so syl, that to belteue that way were no perill.

**J** And therefore those wyl men y made hys law, lest the thing in thordinaries discretion to assigne hym that is proued suspecte of heresy, such kinde of purgacion as the circumstaunces of the persō, and the people and the time shall most require.

**K** And therefore will thordinarie to see man so suspecte, sometime assigne him (to

**A** (to purge hys suspicion that wyth hys lewd maner of preaching he is fallen in to the great hurte of his hercers) that hee shall openly confesse that those heresies that the people tooke him to meane, be verpe false heresies in dede, and openly shall detesse them and swere that hee so belieueth them to bee, and swere that hee neither ment to teache thym, nor neuer was mynded that anye manne should take him so, nor neuer would afterward teache nor holde heresies, but **W** abjure them for euer.

And yet for the fether purgacion of such suspicion, & ordinary might also enioyne hym some certayne thinges to do, such as may declare & more clere lie, that he is not of such minde, as open preaching against the selfsame heresyes, and the doing of some such thinges as those heresies did stande against.

And now by thys purgacion this good shal he do, that if he would after preach the same thinges againe though he bled againe such a nother wily fashion: yet would hys audience the think thus (as **C** many as had any minde to be good) eyther thys mā menneth now by his woordes to teache vs that point that him selfe hath abjured, and then let vs not learne the thinge of him that he woulde in no wyse we shoulde, or elles he meaneth to teache it vs still for all hys abiuracion. And then wherfore shoulde we be so mad to beleue a false wretch, & would make vs beleue now, that y thing were true, which himselfe hath openly confessed and swozen to be false.

But then wyll happely thys good man say, that thys abiuracion is perperouse for leopardy of the relapse.

The peryll of death by relapse is not vpon euery abiuracion. But of trouthe he that is abiured vpon such thinges pured, as maketh him not slightly but verp vehemently suspected, if he fall after into heresy, putteth himselfe in peryll to fall into the fire. And very good reason it is that it be so. And a man may sometime be so suspecte of felony by reaso of soze presumptions, that though no mā saw hym doe it, nor himselfe neuer confesse it, but say and swere to that he neuer had it: yet may he be founden guiltye of it, and therupon hanged for it, & haue no wrong at all.

And thus this prouision for purgacion at the discretion of the ordinary, is not I trust so vnreasonable, nor they so vnreasonable that made it, nor they so

vnreasonable that rattified it, nor al they so vnreasonable that thys twoo or thre hundred yere haue accepted & allowed it, but that it may now stande by thys good mannes leane at thys day as well as it hath standen all this while befoze. But yet is ther one thing that he taketh for a thynge very soze.

**F** For than is there (sayeth hee) a nother lawe that if he that is so proued suspect, refuse to purge hym selfe at the discretion of the ordinary, and he for his contumacy excommunicate: that in y case if he of an obdurate harte stande so accursed an whole yere, he shalbe punished as an heretique. And that is (as he sayth) by the lawe *Extra, de hereticis, cap. Excommunicamus.*

Thys prouision was made as I told pou in the sayed generall counsaile. And where he byingeth it forth as though it were a very soze thing and a cruel: it is in dede very fauorable. For sayng y I wyll not do as he doth, goe sinde fautes in theire doinges that were so many, so much better, and had so much more wit then I: elles coulde I lay a little better cause to proue that prouision ouer fauorable, then euer this good man shal find while hee liueth, to proue that prouision to soze.

And surely that being be proued suspect and refuseth in such reasonable maner to purge hym selfe therof, as hys ordinary shal by hys discretion assigne hym, which must both by law and al reaso be hys iudge and not himselfe, sheweth him selfe, little to soze or care, though folke wene he were an heretike: which thing soze aggreueth the suspicion that he verely is one in dede. And then when hee wyll rather bee ones accursed, then of such suspicion yet to purge and clere him selfe: he yet encreaseth that suspicion twise so soze. But fynally when rather the to purge that suspicion, he continueth excommunicated all the whole yere, and neuer wyll be purged in the whyle, but if he may haue it accepted in such a fait fashion as hym selfe lyst to offre: the suspicion of hys heresies from soze & vehement, tourne by such dealing into plaine open and violent, so that he can in reaso be none other rekened but a plaine heretike in dede, whome to tolerate so long doth sometyme litle good. And the sith the lawe is, that suche as the fauour of the church shal preferue from the tempoall handes, shoulde by the lawe bee onely those, which vpon they deteccion, tourne

A tourne of their owne offce mekely by e by, and shew good tokens of right hartey repentance: I will let no man from the inclinacion toward pyty, in preseruing the life of any man, whensoever he seme penitent. But yet surely when the church receiueth agayne that man, that by hys obstinate dealing, with abiding excommunicate and contempnyng the great curse al the whole yere, rather thē he would purge the suspicion of hys heresy, but if he may purge it after his own swete wyl, proueth himself at last, to haue ben an heretike so long, & al that whyle woulde not retoarne but euer moze drawe backe: if thozdinary for all that receiue him to grace againe, & kepe him still & preserue hym from the secular handes: I wil not say y he doth wrong, but finding him yet repentaunt, sayne would I see hym saued.

But yet without doute as farre as I can see, the ozdinarye to saue the mannes lyfe of pytye, stretcheth oute with hys teth the lawe and reason both, so farre that euen scantely can any of the both holde.

And therfore these lawes being such as they be, made and ratified by whole generall counsaill, accepted and used so long thzough all chzistendome: when thys good man cometh now forth, and upon hys owne bare reason as bare as euer I herde yet in all my lyfe, because onely that an innocent may sometime take harme, which may happē bpō any law that euer all the world can make, whereby there shall be deuised any punishment for the euyl folke, he biddeth every man consyder nowe whither the law be iust or not, and if it be not, bydeth every man put to cheire handes to haue it bzoken and make a better, and sayeth that he thinketh they shall haue great thanke of God therfore: his request is now no better, but in effect eue this, that againste every wise mannes reason well approued hitherto, euery man should in thys matter now, epyther cruise vnto hys, or els at the leaste wise every man to hys owne, and in stede of a better olde lawe, make a newe muche worse. For if hys deuise were solotwed: it appereth plainely so there should, and herelpe should grow bp on height, and the catholique sayth decaye. And then god saue vs from that thanke of Godde that thoztly we shoulde with suche dealing deserue.

Thys haue I good readers as you see clerely confuted thys good mannes aunswere in both the pzyncipall pointes, of which the tone was wherein hee mynded to shew that in heresy the suite of office myght be left, and that by the leausing ther should none harme folow to y catholike faith, because heretykes myght as well come to correcction by y way of open accusers as by that maner sypse.

But in this point you haue sene clerely, that his deuise woulde neuer so serue the matter, but that it were very lykely so to minishe in thys realme the catholike sayth with encrease of heresy, & the indignacion of god were soze to be feared thereby to folow thereon: and the realme to fall in trouble ond businesse, with insurreccō of the same rebellious heretikes, that by the change of y law had so bene suffered to growe as other coutries haue ben of late, & thys realme was ere this so nere lyke to haue bene, y for thauoyding of the lyke peryll to fall afterwarde, it prouided by parliament of great policy, for the botter repressing of herelpe, to fortify that law & gyue y ozdinaryes yet greater power to mainteine it, and with tempoꝝall assistēce to make it moze stronge,

This second point was to shew y of the keepyng of that law, there should growe great harme, because the lawe is so vnreasonable hee sayeth, that innocentes may come to trouble thereby withoute offence.

This parte howe properly this good manne hath proued, that haue you sene also, and that hee therein is so full and whole confuted, that when he readeth it againe, I suppose he will not now greatly lyke it.

Nowe these twoo thus handeled he cometh to the third point, which though I graunted him all to gether, yet were he neuer y nere. For that pointe is such as if I win it, than it maketh my parte moze playne: but on the tother side if I lost it and he wanne it, yet were mine playne ynough. And stronge ynough wer my part with the first point alone. For if by the leuing of the suit of office shoulde folow the encrease of heretikes, as euery man I thinke that witte hath, may wel see y there woulde, thā though there woulde some other harme happent soetye therof, yet must y other harme in reason, rather be dozne than that.

But

**A** But now to come good readers vnto the thirde point, which if he wanne all together could very littele serue him, ye shal se hym yet by goddes grace, winne him ne neuer a piece.

The thirde pointe good readers in mine apology you se well pour selfe entendeth nothing els, but by ensample of the comē lawes of thys realme, to shew that the same spiritual law, which this man would proue vnrasonable, is not in deede proued vnrasonable, by this thing that he here putteth, for the proue, that is to say, because that by that lawe some time it might happe that a man might fall in peryll of a crime which he committed not. For if it so were now, & in all the cases that I rehearsed of the comen law, there coulde neuer no man that hadde not done the deede, take any harme so much as a philippe, yet though I had myselfe in those ensamples, the thinge might yet bee true. For there myght bee for all that, other ensamples ynowghe, both in other god lawes and in the same to, that a law were not vnrasonable, noz to be put away, though there might hap sometime some mā take some harme that neuer did & deede that were laied to hys charge.

And of trouth thys conclusiō is so clere that it nedeth no proue at al. And therfore though he wanne at that point, yet had he lost the matter. But let vs nowe a littele se whither he winne thys poynt or no,

And because the effect of all hys answers is lyeth alway in this, that he saith alway that the sample of the comō law that I lay, is not like the thinge that I resemble it vnto in the spiritual law: I shall first rehearse you mine own wordes in mine apologye, and then shall I rehearse you hys wordes here, & when you haue hearde both twaine, whether thei bee lyke or vnlke ye may the more surely iudge. These were lo god reders my wordes.

And verely me thinketh that he which cannot be proued guilty in heresy, and yet bleseth such maner of wafes that al hys honest neighbours wene he wer one, and therfore dare not swere that in their consciēce they thinke him any other, is well worthy mee thinketh to do some penaunce for that maner of behaviour, whereby he gyueth all other folke occasion to take hym for so noughty.

And by the comō law of thys realme, many times vpon suspiciō the iudges

a warde wryste to enquire of what fame and behauiour the man is in his countrey, and hymselfe lyeth sometime styll in prison tyll the retourne, and if hee be returned good, that is to wyt if he bee in a maner purged, then is he deliuered, and yet he payeth hys fees ere he goe. And if he be returned nought, the vse & iudges to binde him for hys good abeyring, and sometime suerties with hym to, such as their discrecion will allowe. And then to lye still till he finde theim, is sometime as much penaunce to the tone, as the spirituall iudge entownerh to the tother. For the tone cometh to the barre as openly as the tother to the confitoy, and sometime hys fetters way a good piece of a fagotte, besides & they lye lenger on the tone mannes legges, then the fagote on the tothers holdze.

And yet is there no remedye but both these must be done, both in & tone court and in the tother, or els in stede of one harme (which to him that deserueth it not happeth seldome, and as seldome I am sure in heresye as in theste, & muche more seldome to) ye shal haue ten times more harme happen daily to folke as innocēt as they, and of innocētes many made nocentes, to the distrucciō of the myselfe and other to, both in goodes, body, and soule. †

To thys piece lo good readers this is thys good mannes answer.

Then he goeth farther for maintenance of the layed suite *ex officio*, and resembleth it to arrestyng for suspencion of felony, and to the suerty of good abeyryng, and to inditementes: whereupon men be put to answer at the comen law. And how farre these resemblaunces vary from the suit *ex officio* he in some place openeth it hymselfe. But yet for a more plaine declaracion therin, I shall say a lyttle farther in that matter. First as to the arrestyng for suspiciō of felony, it is in deede an olde lawe of thys realme, that for suspicyō of felonye, a man may be arrested, so that hee that doth arrest him vpo a reasonable cause, doth suspecte hym: but it is a generall rule, that hee shall neuer be put to answer vpon that arrest, but proclamacion shalbe made that if any man wyll lay any thinge agaynste him, that is so suspected, that it shalbe herd: & if none such come he shalbe deliuered withoute fine or any other punishment, with a good exhortacion of the iudges, that he shall take good hede howe hee ordereth hym.

himselfe in tyme to come. And thē masse-  
ter Dore lykeneth the penance of such  
a man that hath ben in prison vpon sus-  
picion of felonye, & so deliuered by pro-  
clamacion, to the bearing of a fagotte  
foz heresy. For he sayth, that the one of  
them shall come as openly to the barre  
as the other to the confessoze: And that  
sometyme hys fetters shall way a good  
piece of the fagot, besides that they lye  
lenger on the one mannes legges, then  
the fagot on the other mānes shouldre:  
but he rehersech not how they lye many  
tymes lenger in prison foz heresy, then  
they doe eyther foz suspicion of felonye  
oz foz good aberyng. And ouer that I  
dare say, that ther are but few, but that  
they had wel leuer abide the paine to be  
thys acquited by proclamacion, and  
peradventure offer, then ones beare a  
fagot foz heresy.

How goeth now good reades thys  
aunswere of this good man vnto h put-  
pose, to proue the trouble of hym that is  
arrested vpon suspicion of felonye, to be  
vnlike to the trouble of him that is sued  
Ex officio, foz heresy, touchyng the point  
that I resemble them foz:

The point ye wote well foz which I  
speak of the arresting foz suspicion of  
felonye, is to wete, that lyke wyse as it  
may happen a man foz heresy to fall in  
trouble: sometyme though he were none  
heretike in dede: so may it happen a mā  
sometyme to be troubled vpon suspicion  
of felonye, though he be no felon in dede:  
and yet both the tone lawe necessarye &  
the tother to, and neyther of both maye  
be foz bozne. Hath thys good man pved  
vs the contrary of thys: that pou se wel  
he hath not. And then hath he not perdy  
proued them vnlike.

He weneth he sayeth somewhat, whā  
he telleth vs that vpon tharresting vpon  
suspicion of felonye he shall not be put to  
aunswere tyl he be indighted. What is  
his trouble the lesse foz that? If hee lye  
in prison tyll the session as he may hap  
to dooe were it not moze hys ease to bee  
put to aunswere before and acquite, if  
he bee not sawtye (foz of such folke wee  
speake) than foz lacke of puttyng to  
aunswere lye tyll in prison the len-  
ger?

As foz that, that in conclusion if no  
man laye nought to hys charge at the  
sessions, he shall be deliuered by procla-  
macions, so shall he that is suspected of  
heresy to: For if there be nothing sou-  
den against hym, he shall neyther be dy-

uen to aburaction no: purgaciō, but be  
delyucred quite, howsoener that eyther  
thys man mylltake oz woulde make o-  
ther men mylltake the matter to the cō-  
trarve.

And as to that, that the tone shall  
paye no fyne, no moze shall the tother  
neyther.

If thys man wyl peradventure say,  
sayth that the ordinary findeth h mā not  
suspect in the ende, why did he take and  
arrest him foz suspect in the beginning.  
Because that in the beginning the mā  
semed vpon good consideracions sus-  
pecte, and semed lykely to flee, and vpon  
the examinacion the matter ful serched  
out, the causes of suspicion so wel auoi-  
ded, that thordinary deiciareth hym foz  
discharged without any other purgaci-  
on. But yet hath it misshapped hym, to  
haue some harme the meane whyle, and  
so hath it him also that was arrested vpon  
suspicion of felonye that neuer was  
after indighted, but deliuered forth free  
vpon the proclamacion.

I se no great difference betwene these  
two men in all thys matter yet, saue h  
the tone lieth at hys owne finding, the  
tother at the bishoppes coast.

For wher as this man sayeth, that he  
which is delyucred by proclamacion,  
hath alway gyven him by the iustices a  
good lesson at his departing: if the bis-  
shop gyue not the tother a good lesson  
at hys departing, thā is he somewhat  
to blame in dede, but in good sayth I  
here say that he doth so to. And therfoze  
where is thys difference yet? I looke al-  
waye foz that. For as foz the shame of  
open bypynging forth, is both one as I  
saied, saying that the session hath come  
ly much moze people present to gaze vpon  
the tone, than in the confessoze loketh  
vpon the tother.

And wher this man sayth, that they  
lye lenger in prison foz heresy, than they  
doe eyther foz suspicion of felonye oz foz  
good aberyng, yf he speake of those whi-  
che are in conclusion founden in moze  
fante concerning heresy, than those are  
that are deliuered by proclamacion bee  
founden at the session concerning felo-  
ny, I dare be bolde to tell hym nay. And  
I am very sure the trouthe wyll proue  
so to. But nowe if he speake of those  
that appere vpon the ende in suche  
sawte that by the lawe they be bounden  
to abiure, than is it good reason that  
they lye lenger in dede.

And

**A** And so lye there as reason is sometyne some for felonye to, reppred vpon causes from one session to another, and some time kept you see wel al the whole peare and moze. And that sometyne suche as are in conclusion neuer indyghted neyther, but after all that deliuered by proclamaciō, & yet good causes in h̄ meane whyle why they were kept so. And therfore wher as thys man saythe, that they be in turle case that bears a faggotte, very truth it is somewhat and so is it reason they be. For they be not faultles but convicted of the fault. And our dispiciō is of innocents that happen by the law, the one law or the tother, to take harme without theyr fault. For yf he would compare the faulty wyth the faulty, the myste he compare the tone bearyng the faggot wyth the tother at the verye fyre tyme bozne by wyth the rope.

**B** And therfore I byd in that place, not onely shewe that he that is innocēt, may by arrestyng for felonye happe to haue as much harme, as he that is innocent and arrested for heresy: but that he may happe to haue somtyme also as much harm, as he that for the fyrste tyme is founden faulty in heresy, and playney convicted therof. And surelye saue for the farther peryl vpon hys farther faute, so maye it happe in dede, and yet as I sayde in my dialogue the law must needes be kepte, but if you wyl by the change haue fine thenes for one. And thus as for this pece of arrestyng for suspicion of felonye, the case hath he not proued vnlke, touching the purpose that I put it for, but for my part very strong. And so hath thys good man in thys first pece of the thirde point a very great fall.

**C** Then commeth he next vnto another case that I spake of also, that is to wytte arrestyng vpon good abearing. And wher as in myne apology that pece is the thirde, that pece in hys answere he maketh the second, and I se why wel inoughe. For sythe hymselfe seeth that he answereth it so slenderly, he wryppeth it vp in h̄ middes, because it should be the lesse marked and woulde ende wyth another pece wherethin hymselfe woneth that he saith somewhat better.

**D** Now as for this good abearing, to the end that ye may see the better how gaily this good man answereth it, I shal fyre referse you the wordes of myne apology that he maketh this answer to.

After that I haue shewed there, that the iudges of the spiritual courte be not

so foolyshe, but that they had leauer not medle wyth any man, saue onely vpon some suche open inquisition as are indightmentes of felonye for auoydng of obloquy, sauing that necessitye compelleth them to take this way, for feare that wyth sufferance of herelles to go forth and grow, al might at lengthe tharowe Gods displeasur berpe farre growe to nought, I say ther farther thus fol. 225.

¶ Necessitye sometyne causeth also both the tēporal iudges & the kyngs counsaile, to put some folke to busynesse or dishonelly somtyme, without either iury or bynyng of the accuser to the proff of the matter in the parties ptesence. ¶

For if the iudge know by sure enforzacion, that some one man is of such euyl demeanure among his neighbours that they maye not beare it, and yet that the man is besydeso violent & so tuberdous, that none of cheim dare be acknopen to speake of it: wil ther no iudges vpon many secret complaintes made vnto them, without makyng the party pryue who to id hym that tale, bynds that built troubelous mā to good abearyng: I suppose yes, and haue seene it so to, and wryonge woulde it be sometyne with good poore peaceable folke in the countrye, but yf it were so done among. And myself when I was chancellour, vpon suche secretes enforzacion haue put some out of commission and office of iustice of the peace, whych els for much mony I woulde not haue done; and yet if I were in the toke roome of the thei in h̄ tother agayne, but if they benended (wherof I neyther the saw noz yet heare any lykelyhod) I wold put them out agayne, and neuer tel them who tolde me the tales that made me so to doe. ¶

¶ No good readers here you see, that in this pecc I meane nothing els, but that wher as thys good man fyndeth a fault that the spiritual iudge should medle w any man for heresy without an open accusour complayning to hym, or an open presentment in the begynnyng, I shewe ther that necessitye is the cause, and sozth with afterward I proue it, whyche thys good man dissoblyeth here and inuerteth here thozder for the nonce. And I shewe that necessitye (lesse muche moze harme should growe theron) causeth the tēporal iudges & the kyngs honorable chunsaile to, to put som man to busynesse somtyme and so to dishonelly both, without either indightmēt or dyē accusour, or sufferyng hym to make answer either, and thus be

They saine to do, but if they should suffer manye greate harmes to growe. Nowe marke wel I requyre you how substantiallye thys good man answereth thys. These are hys wylde wordes lo.

¶ And the as to the arrestyng for good abearing, truth it is, that a man by commendement of the iustices may so be arrested, but he shall neuer be put to answer by the arrest, but onely bound, & sureties with him of his good abearing. And if he can no such surety fynde, & he haue lpen ther long in prison, the the iudges by

theire discretion may sende a wryt to enquire of his fame, & of his behauour, whiche is called a wryt *de gestu et fama*, whereof sir *L.* More maketh mencio in his apology: & if it be found for him vpon the wryt, & he is of good fame & behauiour, the he shall be deliuered. *U*therbi maister More saith, he is in a maner purged, and bi that saying it semeth the his meaning is, & that deliuey should be resembled to his purgacion vpon the suspicion of heresye, as is said befoze. But how farre thei be vnlyke, it apereth thus: when a mā is deliuered vpon the sayd wryt *de gestu et fama*, he is deliuered as a mā proued to be of good honesty & to be clered bi his neighbours of that he was suspected of. And whē he

is purged vpon the suit *ex officio*, or for suspicion of heresye, he is put to penaunce by the ordinary as a mā suspected, wherof he is not clered, & so shall he be take among his neighbours, as a mā woorthy to do the penaunce for his offences, wherfoze it apereth euidently, & thei be nothing like.

In this answer good reder one pece he answereth with an vntruth, another pece he leueth half vnanswered, & to another pece he maketh none answer at al.

¶ For wher as he saith, that he is purged of heresye in the suit *ex officio*, is put vnto penaunce by the ordinary as a mā suspect, wherof he is not clered: this mā saith vntru, & woteth not also what he meaneth. For the spiritual iudge not onely (as I haue said) though he were soze suspected in the begynnyng when he tooke him, yet yf he fynde in the examynacion those suspicions cleared: he putteth him to no farther busines at al, but also yf it be not so fully cleared, but that there remaine some tokens of suspicion, of whiche he think it good to purge him by the oth of himself & som other copurgatours with him, he putteth him after the purgacion vnto no penaunce neither. But now if it so be, that there be well proued such suspicions as are so vehement, that

though they proue not precysely the dede, yet make euery man that heareth them, that he can none other wise think: there wyl the ordinary cause him to abjure, & the rather to purge him of the suspicion that he wer still nought & afterward styl would be nought, the that he was suche befoze. And the for vsing himself in such wise befoze: though he do penāce he hath but right. But in al those other cases of suspicio purged, he saith vntru for they do no penaunce at al. Now concernyng the good abearing awarded by the iustices: he answereth the it is true, but it is he saith vnlike vnto this matter, because the iustices (saith he) whē he hath long lien in prison may by their discretio (if he can find no sureties) award a wryt *de gestu et fama*.

This is but halfe an answer, nor scāt so much neither. For first hymself sayth that this wryt they may sende out after that the man hath long lpen in prison, so that the mā yet without presentmēt or open accusour hath had that long lpen in prison in the meane while for his euil demenure at home among his neighbours, wherof they durst not openly make complait. And this doth as you se this good man denye to hyche is for my purpose enough. But then saith he farther for me in that he saith they may award the wryt if they wyl. *U*therin he implieth that yf they wil not, they may vpon good discretio let him yet lye styl and let the wryt alone. And so hath he therfor put in one paynt farther for me.

But yet hath this good mā one stoppe gaffe for me still, to proue alwai that my sample is not lyke, & that is that where as in the suit *ex officio*, men be put to answer vpon this arrest and imprisonment vpon good abearing, the mā shall neuer be put to answer. For answer of thys euasion I wil aske this good man thys, & he whiche is in prison vpon good abearing shall neuer be put to answer, whyther is it his profit or his losse: If his losse: then his not putting to answer maketh the matter of my resembling, muche the more strong for me. And if this good mā dare answer me that it is hys profit: the wyl I no more but pray him to put the felow in choyce, & then if himsele choise it for the better, let him lye styl for me.

This you se good readers the thys man saith not tray, but that vpon good abearing by discretio of the iustices, for al the wryt *de gestu et fama*, a man may lye long in prison, & some peraduenture euer, howbeit of truth I trow it happeth not so.

And



**A** And yet can neither this good man say, nor I suppose no mā eis, but that it may sometime hap by possibility, that all that informacion wer wrong. But that is a thing not lykely to happe so often, but yf if we shuld for such maye haps, put awai that order, whiche order very necessite brought by: ther would much mischief grow, and many great harmes woulde there then happe in dede.

**H**ow as touching that I said that the kinges counsaile used also somtime vpo greate secrete informacion to put some folke to busines and to some dishonestie to, & I letted not to laye some sample in myne owne dede whyle I was chauncelour my selfe, by putting some out of commission in their countries, which dishonestly saue for such secret informacion, I wold not for an hundred pound haue don them, & dare yet vpon suche secret informacion very wel auowe the doyng, and dout not but yf I shuld declare y cause openly, both good men & wise men wold allow my dede: to all this point lo thys good mā saith nothing at al, but letteth it go by his eares as though he neuer herd it. And thus as I told you, concerninge this pece of god abearing: this god answerer hath here bozne himself so wel, yf some part he answereth with bntrouth, som part he answereth a great deal lesse the half, & som part neuer a deale. If mē be contēt to take this fashon for answer: let ani mā make the against me as manye bookes as he wyl, & put in what matter he list, & I shal neuer nede to stryd much for an answer, but mai make answers to the al thortely & thort inough, & answer a lōg boke in space of one paper lease. But now let vs se how he hādeleth his thirde pece of endightmētes at y lessions. For that pece he setteth in the rere ward, to stay therewith al the field. But now yf you may se what strength he hath in y ward: I shal first bypng you for th y ward against which it fighteth. In myne apology, fo. 222. these are my words lo.

**¶** And because this pacifier taketh it for so soze a thing in the spiritual law, yf a man shall be called *ex officio* for hereyse, where he shall not knowe his accuser: if we shoulde chaunge the spiritual law for that cause, then had we nede to chaunge the temporal to, in some such pointes as chaūge it whē ye wil, & ye shal chaūge it into the wars for aught yf I cā se, but if it be better to haue mo thenes the fewer. For now if a mā be endightet at a lessions, & none euidence giuen openly at

the barre (as many be, & many may well be. For thenditours may haue euidence giuen them a part, or haue hearde of the matter ere they came ther, & of whom be they not bounden to tell, but be rather bounden to keepe it close, for they bee swozen to keepe the kynges counsaile & theyz owne, shal the the party that is endightet be put vnto no businelle aboute his acquitail: And who shal tel him the names of his accuser, to entpyle him to his wypte of conspiracy: This pacifier wil peradventure saye, that the same twelue mē, that at his enightours are his accusers, & therefore he may knowe them. But what helpeth that hys vnder serued veracion if he were faultles: For amendes the lawe geueth hym none against any of them, nor it were not well done he shoulde, but mai when he is after by other, xii. acquite, go get hym home & be mery that he hath had so fayre a day, as a man getteth hym to the fyre & thaketh hys hat after a houre of rapn. And now as it often happeth, that a man cometh into a thour by his own ouersight, though sometime of chaunce & of aduerture: so surely though sometime it happe that a man bee accused or endyghted of malice, or of some likelohod which happed hym of chaūce & not his fault therin, yet happeth it in cōparison veri selfe, but that the party by some demeannre of himself gyuech occasion that folke haue hym so suspected. †

**I**n thys pece my purpose is good readers as you se, to shew that lyke wise as a man shal in the suit *ex officio* for hereyse, not know his accuser: so may it also happen manye times, that no more he shall neyther, when he is at the common law indyghted of felonye. And I shewe also therein as you se, that though it mai sometime happe eyther of malice or chaunce; yet it seldome happeth for all that, yf the party so falleth in trouble without some default of hymself, & that the comon general law may not for such seldom special happes be for bozn. So this pece lo this good man answereth me thus.

And the maister More saith yet further, that vpon indightmentes at lessions the indighters be not to shewe y names of the that gaue them informacion. And he saith farther, that they may not shew their names. For they may not dysclose the kings counsaile nor their owne. But as I take it that prohibition of opening of the counsaile in this case is onely to be vnderstand of their own counsaile among

For hereyse a man & all not knowe hys accuser.

At the self, after that they be sworn, but for opening of the names of them that gaue them inozmacion befoze they wer sworn, I knowe no prohibicion. And if they wyl not shewe their names, they be not bounde to do it, for they be not bound to helpe the party to his wytt of cōsperacy, but as they lyst to do in conscience.

Now good readers al this pretended defere, is nothing els in effect, but a fair confession, that it is in dede true þ thing that I sayd my selfe, that he which is endighted of felony, may be (as for any advantage that he can take therby) as ignorant sometime who be his accusers, as he shal in the suit *ex officio*. And therbi may happen sometime, that he whych is faultlesse shal not be al saued harmles, & whē he hath had his harme, shal be remedylesse. And yet for al that the lawe not vnreasonable, nor for auoyding of muche more harme maye not be forborne. And therfore as for my purpose euen at that point might I haue left, and neded to go no farther. And then as you se this good man had ben quyt answerlesse.

But yet went I farther wher me neded not and that this good mā saith that I dyd of necessity, wherof for thys matter I had of truth no nede. And yet wold I not now but I so had don in dede. For I haue therby þ better brought to lycht, what lacke thys good man hath of anye sufficient answer. For these are there lo good readers therein in my farther wordes.

¶ Now if this pacifier saye, that yet here is at þ lest wise in a tempoꝝal iudge an open cause apering, whereupon men may see that the iudge calleth hym not, but vpon a matter brought vnto him, wher as the spiritual iudge maye call a man vpon his owne pleasure if he beare the party displeasure: thys is verge well sayde as for the tempoꝝal iudge. But what sayth he now for the tempoꝝal. xii. men? for ye wot well they maye doe the same if they were so disposed, & then had I as leue the iudge might doe it as they. For in good faith I neuer saw the daye yet, but that I durst as wel trust þ truth of one iudge as of two iuries. But þ iudges be so wise mē, that for the auoyding of obloquy, they wil not be put in þ trust.

And I dare saye the ordinarie be not so soft neither, but that they wolde as fayne auoide it to if they might, sayng that very necessity leass al shoulde fal to nought, cōpelleth thē to take this way.

Here you se that I meane in this wordes, that though the pacifier woulde tel

me that the tempoꝝal iudge hath by such endightment at the leaste wylse, an open cause apering wherupon a man may se that þ iudge calleth hym not of his owne mynde, but vpon a matter brought vnto hym: I would then graūt hym that this is in dede a good ease to the tempoꝝal iudge, to kepe hym out of obloquy. And the spirituall iudges be not so vnwylse, but that they would be glad of such another paypce sauing that they be bounde to take the tother way, and suffer theym self euyl peoples obloquy, for auoyding of the harme that els wold folow, by the decay of Chrystes catholike faith. Whiche thig I ther proue wel to, as you shal after see. This as I saye woulde I haue graunted alwaye thys good man. But then I wouid alwaye therwithall haue tolde hym to, that yet all that tale of hys had nothing touched the poynt, but that alway for al this tale, the man that was endighted, if the matter were in dede vntu, was neuer the neter the knowledg who were his accusers, to get any amēdes thereby, no more then he that is called of office for heresy befoze a spirituall iudge. And heare now what he saith to this, and whyther we be by hys answer for the poynt that was ment by me, any one ynche yet the neter. No good reders this is hys proper answer.

¶ And then becauise he can none other wylse do, but confesse a great diuersiti be twirt thē that be put to answer *ex officio*, & them that be put to answer befoze þ kinges iustices vpon endightmētes at the cōmon law: for ther the iudges haue sufficient & apparant matter to put thē to answer vpon, & in the tother there is none, but that the spirituall iudge vpon a displeasure may do it *ex officio*, if he wil. Therfore he goth yet further & saith, that the xii. men maye yet do the same, & make a man to be called that is not guilty, if they wer so disposed. And truth it is, they may indight a mā, that is absent, & that is al so not guilty, & be vntrue. If they wil: but yet in such case the. xii. men be knowen that do it, & be also cōpelled to be vpon the inquiry: for they may not be vpon it, but they be thereto assigned: & also the party vpon theyr verditte shal not be put to answer befoze thē, as it is vpon the suite *ex officio*, but befoze the kings iudges, befoze whō the endightment is no atteinder to the party: but that he may be founde not guilty, not withstanding that enditemēt. And though maister More saye, that he neuer saw the daye yet, but that he durst as well

**A**s wel trust the truth of one iudge as of two iuries: I thinke the iudges wyl cart him but litle thank for þy praise, for surely iuries must nedelye be beleued & trusted. And therefore it is not the maner of the iudges to lay vntyruth vpon a iurye, ne yet to commend them that do it, but it be proued afoze theym of recozde after the order of the lawe.

**H**ere you se good readers þy touching the poynte that we spake of, all this tale helpeth nothing, but goth al about another matter, to proue another difference betwene the suite of office & indyghtmēt, as though I had sayd ther wer no dyfference betwene them at al. But I was neuer yet so mad to be of that mynde. For then must I say they wer both one. And then were euery indyghtment a suite of office, & euery suit of office an indyghtmēt, if ther were no diuersities betwene them at al. And therfoze if his diuersitie shal serue ought for þy purpose: he muste make it appere that the suites of office be cause of that difference, & because it is not like indyghtmentes in that point, is therfoze in heresy either very clearlye nought, or els that at the lest wyl it wer somewhat better, that they should neuer put any man to answer in heresy, but ether vpon opē accusation or presentmēt had befoze. For els if he wene to wyne thys poynt of me with shewing forth a difference: if his difference proue me no such thing as I tell you, he maye for the matter as wel bying vs forth anye verse dyfference at aduenture, that he lerned at grammer scoole.

**N**ow when he hath layed all hys dyuersities on an heape, & would therupon conclude, that because of those diuersities the suite of office were nought and vnrasonable: I saye that foloweth nothing: For it proueth yet no farther at þy farthest, but that the order of the comon law were better, and not that the tother were nought. For it might wel be so al that, that the comon law myght be good ynough, though they that secretly or opēly come now & enforme the quest, came either secretly or openlye, and lykewyse enformed the court.

And now saw I wel, that to this point was ther none answer for this good mā agayne, but to tel me that in suche thinges as thei now trust the questes, it wer peril in stede of iuries so muche to trust the court, because the iudges mighte thē sayne matter against men, and say they were secretly enformed. To this saythe I

saw what trust the realme muste needes put in the iudges handes, so farre aboue the weyght of the first indyghtmēt, that serueth for nothing but for an infozmacion & seing also what maner of me thei be that be chosen to be iudges, so þy there is nothing of so great weyght but that it wel may be put in theyr handes: I rekened them of such trowth, that saue for euyl folkes obloquy, to them self ward, els to the people there should come none harme, though thei truste that we put in thei handes, were in stede of them put in the iudge hymselfe. This I ther sayd lo, and this I thinke in dede. For as I sayd ther, I neuer saw yet the day, but I durst as well truste the trowth of one iudge, as I durst trust the trowth of two iuries. What hath this good mā answered me now to this? To al this gere here is lo his woꝝthful answer.

**I** thinke the iudges wil cart him but litle thank for that praise. For surely iuries must nedes be beleued and trusted. And therefore it is not the maner of the iudges, to lay vntyruth to a iurye, ne yet to comende thē that do it. But it be proued afoze theym of recozde after the order of the lawe.

**T**his answer of trowth is not woꝝth a straw. For as for that he saythe the iudges wyl for þy praise can me litle thank: that woꝝd wer somewhat, if I had sayd it for their thanke. But I sayd it in god faith, not for their thanke at all, but because it is veri trowth, þy I neuer saw the day yet in dede, noꝝ neuer I trust in god I shal, but that I may wel & so wyl I do in dede, trust þy trowth of one iudge as wel as the trowth of two iuries. I would here wyl of this good man, what dyspraise is this to any iurye: What vntyruth is there here laied vnto them, or to any one man of thē, I wil vse one woꝝd now this once whiche thys good man vseth often. For now wyl I saye a litle farther, and that is this (though this man maye happe to thinke the saying straunge) I wyl not let to beleue the trowth of some one man, of whose trowth I make my selfe sure and dout nothing at all, euen as well as the trowth of a great many at ones, though they be al such as I beleue euery one of them as wel as I beleue hymselfe. And I also beleue some one iudge alone, not in cūnyng but in trowth, as wel as I wyl beleue both hymselfe & all his felowes to. For some one man may be such, that yf he should tel me a tale as of hys owne parfit knowledge: I would so litle dout

As it to be tru, & I could beleue it no better, though al the towne told it wyth him. Lo what a great vntruth I laye here to the iuries. And this I saye for my selfe. And now wil I with this good mas leue, say yet a litle farther, and I wene I shal not say so alone. I suppose verily that there be very few, but so that it myght make a final ende in their matter, except happily some such as trust moze in the fauour of the countrey then in the truthe of theyr cause: they woulde rather be content to put it whole into the iudges handes, the trouble the countrey with calling bp of the iuries, whose truth yet manye times deceyueth theym, that in an euill cause haue very great trust vnto them.

And yet in al this sai not I that the common order & long continued law of thys realme, to try the matters bi iuries, and in felony or treason neuer to procede but vpon endightmentes, is not good, nor yf the contrary way were better. Marry two things I say, that in treason and felony this ordinary lawe of endightmentes is many times fayne to be holpen forth by a nother meane, much lyke in many thynges to the suite *ex officio*, and that is by diligent politike serche & examinaciōs besyde, both by the kinges honozable counsaile, and the iudges, & iustices of peace, every man for theyr part in every parte of the realme, & els wold ther many such mischiefes passe bi, & by indightment neuer wold be founden. And som great & clerely proued felonyes befoze dyuers & right wo:shipful of the kinges counsel, haue I wist ere this, that neuer could be gotten to be founden by endightment in theyr countrees, soz al that. Howbeit such examinaciōs hath caused yet many mischeuous people to be brought to their punishment, & haue put also many such other vnthriftes in feare, & made them restrayne fro theuing and draw them selfe to thzift, or els notwithstanding yf there are yet theues inough, there woulde be wythout dout many mo.

The tother thinge that I wyll saye is this, that al these differences & dyuersities that this good man putteth here, betwene indightmentes & the suite *ex officio*, proueth nothyng that the suite *ex officio* is not good, but onelye at the verpe vttermost, that the order not to procede without an open presentment wer better. For as I sayd befoze, though this law by endightments be better in felony now: yet were not the tother way noughte, yf the law were so that the iudges myght pro-

cede & put felons to answer wythout endightmentes, as in treason is vsed in this realme by the law martiall vpon warre rerred, as we sawe by experyence in capitaine Quintyn, captein Genyn, Corbet & Welke. And yet is that law not euill, though that our owne common lawe be better, & that though we trust the iuries neuer so wel, yet myght we truste yf iudges as wel. And this mai I say me thinketh wythout any dyspaise or fault syndyng in the iuries at al. For let hym assigne me two iuries of very wel knowe good men, & then if he wyl aske me what fault finde you syz in these men: I wil answer hym, Marry syz no faute at all. I take them al for good me & true, & thinke they wyl not say but truth, nor I neuer sayde nor thought otherwyse. But that wold I assigne hym by name one of our iudges agayne, & say nowe syz yf I truste the truthe of your two iuries well, what fault is that that you fynd in this iudges trouth, that maketh you to check me so, because I wyl trust him no wurse the I wyl trust them. For that is ye wote wel al that euer I sayd, that I wold trust yf iudge as wel, & nor: that I wold truste hym better. And yet if I had said I wold of the both trust the iudge better: I had not by that word neither dyspaysed the truthe of iuries. For he that sayth he wil better beleue rriiii. then. xii. dyspayseth not the truthe of the pett iuries, but beleueth the wel also, saue such as be founde false. And thus I haue shewed you that I may wel say the wordes that I sayde, without any finding of any fault in any iuries. And it apereth also meetely wel, that hymselfe can not wel say the contrarye withoute some maner of distruste in their truthe. And yet syth their wo:ships be so wel knownen that thys good mans distruste can not apayze it: they wyl I dare say forgyue hym. How be it sith the iudges wold (as this man sayth, & as I dare also say they wold) be soze discontent with me, if I distrusted the truthe of the iuries: the iuries may nowe no lesse do agayn of curtesy, then for his wurse opinion of the iudges truthe tomwhat be angry wyth hym.

For herein see I none other shyft for this good man, but for the maintenance of his matter to say, that in the common law, the law wold be good inough in the iudges, to put traitours & felons to answer wythout indightment, but in heresyte it coulde not be good befoze an order,

narpe,

A nary, and would lay for hys cause a dy-  
uerſitie betwene the tone iudge and the  
tether, and ſay that our iudges be good  
men and woꝝthyful, and euer haue ben  
and euer ſhall, and that the ozdinar yes  
be, and euer haue bene, and ſhal be, verie  
faſe and nought. Other ſhyft hath this  
man none that I ſe then eue to ſay thus.  
And verily hys booke of diuiſion, ſaue  
that it ſayth nothing to the pꝛayſe of re-  
pꝛozal iudges that I now remember: yet  
to the diſpraiſe of the ſpiritual, for thoſe  
algaes that be now, ſaith euen in effect  
as muche, yea and rather yet wurſle to,  
ſaue that the colour of ſome ſape ſaueth  
hym from ſaying it hymſelfe.

But now if he defende hymſelfe wyth  
that faſhion agayn: what the iurtes wil  
ſai that can I not tel, for the panelles be  
not yet called. But as for our iudges, I  
know theyꝝ wyſdomes & theyꝝ woꝝthyſs  
ſuch, that I am verie ſure in his ſo ſatæg  
and his ſo lꝛeng vpon the ſpiritual iud-  
ges, they wold can him no thank at all.

And verily that the ſpiritual ozdina-  
ries be not at theſe daies likeli to be ſuch  
the tempoꝝall iudges bſinge ſo good as  
they be: ther is among manye other one  
lykelyhood this, that he hath choſen the  
tone that hath choſen the tother, & kings  
gracious highnes hymſelfe, whiche ha-  
uyng on both ſydes verie good to chooſe  
of, hath I dare ſay ven as circumſpecte  
in choſing of thoꝝdinaries, as of the iud-  
ges. And yet leſt in their abſence the offi-  
cers of theyꝝ owne choyle myght hap to  
miſſeoꝝder the matters: his grace kepeth  
not two byſhops of al the realme oute of  
theyꝝ dioceſes, noꝝ to ſay the trouthe not  
ſo much as one. For he whoſe attendaꝛce  
hys grace bſetth moſt, is for & moſte part  
of the yere in his owne dioceſe euery dai.

And therfoꝝe as I ſaid befoꝝe, al theſe  
verſe differēces, and al theſe diuerſities,  
wyhch thys good man layeth betwene &  
ſait *ex officio* in hereſy, and the not proce-  
dyng without endightmentes byd trea-  
ſoꝝ felony, pꝛoueth at the very fartheſt  
not that the ſuit *ex officio* is nought, but &  
not to procede but vpon a pꝛeſentment  
were the better awaye. And then I ſaye  
that it is a pooꝝe tale and a colde, if a mā  
would come foꝝth & labour vs to bꝛeake  
euery old law long bſed in thys realme,  
wyhche he coulde not pꝛoue but & it wer  
good enough, but yet would nedes haue  
it chaunged, becauſe that if it wer now  
to make, hym ſelfe coulde he ſayth make  
it better.

But now wyl I come a litle nerer br-

to this good man, with the tother poynt  
that I touched befoꝝe, that is to wit that  
it is not in thys matter inough for thys  
good mā, to pꝛoue vs that not to pꝛocede  
without open accusacion oꝝ pꝛeſentmēt  
is the better way, both vpon treason and  
felony, but if he pꝛoue vs farther, that &  
ſame way were alſo better in hereſy.

But the haue I ſhewed befoꝝe in mine  
apologe, & in hereſy that way will not  
ſerue. And that haue I there pꝛoued by  
the plainest pꝛooſe that in ſuche maner  
thynges anye man can make, that is to  
wyt by comon open experience, where-  
vnto thys good man of polycye woulde  
gyue none care, but in hys aunſwere he  
hath leſt it quyte out.

And therein he ſareth lo lyke a geſte, &  
maketh hys rekening hymſelfe without  
hys hoſte, wyhch is therfoꝝe after ſayne  
to reken againe, as I ſhal now bꝛing in  
here one peny moꝝe into thys good māſ  
rekening, whiche I perceiue wel hymſelf  
wold veri ſaine foꝝget. Lo thus wꝛote I  
farther god reders touchyng this point  
in that ſelſe ſame chapiter of myne apo-  
logye fol. 226.

But yet wil peradventure this pa-  
cifier ſay, that ſometyme in ſome verie  
ſpecial caſe, he coulde be content that the  
ſpiritual iudge ſhould vpon hys dyſcre-  
cion cal one for ſuſpicion of hereſy *ex offi-  
cio*, but he wold not haue men comenly  
called, but either by accusacio oꝝ pꝛeſent-  
ment in theyꝝ ſenes oꝝ endightments at  
the comon lawe. I had as lꝛefe for anye  
thing that I ſe, that this pacifier ſhould  
ſay thus: Wy thys way that they be cal-  
led I wold not haue them called, but I  
wold haue theym called after ſuche an  
oꝝder as they myghte be ſure & the ſhuld  
they neuer be called. For as for accuſe  
folke openly for hereſy, euery man hath  
experince inough, & ye ſhal ſeldoꝝe fynde  
any man that wil, but if the iudge ſhuld  
ſet an officer of & court thereto wythout  
any peril of erpenſes, and then wer this  
way and that way al of one effecte. And  
as for pꝛeſentmentes and indightments  
what effect wold come of them conce-  
nyng hereſy, ye ſe the pꝛoſe I trow mete  
ly well all redye.

For this is a thing wel knowne vnto  
euery man, that in euery ſene, euery ſel-  
ſion of peace, euery ſeſſion of gaole deli-  
uery, euery lete thꝛough the realme, the  
firſt thyng that the iury haue gyuen the  
in charge is hereſy. And for all thys tho-  
row the whole realme how many pꝛeſent-  
mentes be ther made in the whole yere?

R. iiii. I wene

Hereſpe in al  
ſeſſions is the  
firſt thyng  
that is charg-  
ed.

¶ I wene in some seuen yere not one. And I suppose no man douteth, but that in y meane tyme some there be. I wyl not be curious about the searching oute of the cause, why it is eyther neuer or so verye selde presented, not syue in siltene. But thys I say that sythe some wyl not, some can not, and none both, yf he should put away the processe *ex officio*, the thing shuld be left vndone, and then shoulde sone after with heretikes encreased and multiplied, the faith be vndone, and after that thzough y strok of God reuenging their malice and our negligence, shoulde bi se-

**The plagues that folow vp on heresy.**

**B** diction, and trouble, and berth, & deathe, in thys realme many mē both good and badde be vndone. And therefore for conclusion of this peece, my pooze aduylse & counsaile shalbe, that for heresy, & spectally now this time, men shal suffer the processe *ex officio* stand, and for as mane other synnes also as ar only reformable by the spiritual law, except there be any such synnes of them as ye thyncke were good to growe. †

¶ What hath this good mā good reders sayd vnto thys peece: What shal we good readers say now to thys good man: that in thys goodly answer of hys, whych he would were taken for so strōg, vnto this peece vpon which great part of the matter hangeth, saith not so much as mum, but letteth it slippe euen by, as though he were one that had as for thys poynthe bene bozne deafe and therby dumme,

And now concerning this poynthe, I wyl yet say a litle farther, that in places mo then one, good euidence haue ben giuen vnto questes of playne and open heresy, which yet woulde not finde it, that would vpon muche lesse euidence, haue thoztly presented felony.

**D** And one of these matters with y prest that preached it when I was chaunceloure, was broughte vnto me by ryghte worshipful folk, that befoze me aduowred it in hys face. And yet coulde not all they caule the quest to presēt it, but some folke began to fal to fauoure hym, & had he not ben taken by good worshipful tēporal men, many would haue flocked after hym, and haue folowed hym aboute for pleasure of hys new fashio preachig. And yet for al that flockyng, though they had made. ii. or. iiii. hūdzed as they shuld haply wythin a whyle if a few good men had not lettred it: they had ben yet but an handful to they good catholike neyghbours, and yet by suche flockyng together, and folowyng on a plampe, they

shoulde haue semed in folkes eyen farre the moze part, and at lengthe peraduenture if they went on and were not lettred they might growe to it in dede.

¶ That prest I deliuered vnto hys ordinary, and that wyth good and playne prooze of hys heresy, whych was in dede soone after that abiured. But for thys I tel it you, that the iury would not fynde it for al the good folke that gaue them open euidence. And that thys is not in one case, nor a thing that happeth selde, as I sayd in myne apology, playne experiece proueth. ¶ Ther by you maye see, that in heresy if the iudge shoulde not *ex officio* procede, tyl the matter wer presented by the iuries: heretikes myght be bolde to procede on a pace and so they would I warraunt you, and multiply full fast.

And thus you se good readers, that concerning this peece, thys good man hath in euery point a great ouerthowe. And therefore now the last clause of thys. xv. chapter of hys, is clerely wrested awry. For as though he had al proued, where all is dysproued he sayneth hys chapter thus.

¶ And thus it apereth, that maister Goye can neither proue the suite *ex officio* to be like to the arrestyng of men for suspicion of felonye, for good abearing, to putting of men to answer vpon endightments, ne yet to them that may be accused by. xii. mē, & know not of it, and that for the causes befoze remembred. ¶ Therfore it semeth, that though it were clerely put away, y streres shoulde not swarm ful of heretikes neuer a whyt.

This good mā saith here I can not proue any of all these thinges lyke. But euery man may wel se, that list to looke backe and reade it, that there is not any one peece of all these that he speaketh of, but I haue very playnely proued it very lyke for the purpose and entēt that I resemble it for. And thys shall euery man clearely see, that wyl aduylse peece by peece.

And therefore while vpon differences and diuerstites that he putteth betwene them, such as let them not to be lyke in the thing that I lyken the for, he boisseth in conclusio that I can not proue them lyke: I shal shew you what thynge now this boast of hys is lyke.

¶ If it had comē in this good mā's head, to diuise a law and wypte a booke therefoze, to kyl by all the bande dogges thozow out al the realme (wherein his time as vntwylse as it were bestowd, had not