

Sir John Oldcastle

SINCE the early days of the English Reformation Sir John Oldcastle has held a high place in the traditions of his country. Two of the chief advocates of protestantism, seeking edification in the history of their Lollard predecessors, published accounts of his sufferings; and his renown, proclaimed by Tyndale's work,¹ and doubtless increased by the issue of Bale's *Brefe Chronycle*,² grew higher and higher till he came to be regarded as a national hero. Early in the reign of Elizabeth, however, Foxe had to defend his eulogy of Oldcastle against the criticism of a Roman catholic historian; and a generation or so later the Lollard advocates broke a lance with the dramatists, whose traditions made Oldcastle a roystering buffoon. The sympathies of the ascendant party were on Foxe's side; his reply succeeded in silencing his opponent, and Shakespeare was driven to change the surname of a famous character from Oldcastle to Falstaff.³ Oldcastle's fame has been kept alive down to modern times by fresh editions of old works and the publication of new ones. He has been associated with Wycliffe, Hus, and Latimer as one of the heroes of the Reformation,⁴ and with Wat Tyler and John Ball as a 'popular leader' of the middle ages;⁵ and in the hands of one writer the *Life and Times of Lord Cobham* have been made to fill two sub-

¹ This work, which was published in 1530, is unfortunately lost. It was a printed edition of an account of Oldcastle's trial, 'wrytten,' says Bale, 'in the Tyme of the sayd Lordes Trouble, by a certen Frynde of his.' It is clear that Bale possessed no copy of Tyndale's account, and his mention of it implies that it was already very rare (*Brefe Chronycle*, ed. 1729, p. 4). This may perhaps be accounted for by the fact that the book was condemned by Archbishop Warham in 1531 (*Letters and Papers of Henry VIII*, v. 769).

² *A brefe Chronycle concernynge the Examynacyon and death of the Blessed Martyr of Christ syr Johan Oldcastell the lorde Cobham, collected by Johan Bale*, 1st ed. London, 1544. A second edition appeared in 1560. It was printed by William Blackbourne, a nonjuring bishop, in 1729, and is also to be found in the *Harleian Miscellany*, vol. II., and in the publications of the Parker Society, vol. xxxvi.

³ For the representation of Oldcastle on the Elizabethan stage see Halliwell's *Character of Falstaff* and Gairdner and Spedding's *Studies in English History*, pp. 55 ff.

⁴ W. Gilpin, *Lives of the Reformers*, 1st ed. 1765.

⁵ C. E. Maurice, *Lives of English Popular Leaders*, 1872.

stantial volumes.⁶ Numerous other historians have dealt with Oldcastle's life; eighteenth-century Tories sought in his career arguments against the Whigs;⁷ and more recently Tennyson put one of his ballads into the mouth of Oldcastle, who is made to soliloquise at length on his misfortunes.⁸

Thus the literature on Oldcastle is remarkable for both bulk and variety; and were it all based on sound methods his character would by this time be clearly established. But, unfortunately, the main source for almost every account is the chronicle of Bale, whose facts are often drawn from secondhand authorities, and often, it is to be feared, from no authorities at all. It is, consequently, no wonder that recent research has added much to our knowledge of the Lollard leader, while at the same time discrediting many supposed facts. The result is seen in the most recent article on Oldcastle,⁹ where the 'good Lord Cobham' of previous writers is scarcely recognisable, and the hero is depicted as a commonplace knight whose renown is merely due to his connexion with an unpopular sect.

Sir John Oldcastle came of a Herefordshire family of no great account, whose headquarters were at the village of Almeley, near the Wye, in the extreme west of the county. The origin of his name is obscure. It cannot have been derived from the residence of the family in Almeley Castle—a building of some defensive strength, situated on a mound close to the village church. There is no mention of such a fortification either in Domesday or the early lists of border strongholds; so that the castle, if already built, could hardly have been considered 'old' in the days of the first Oldcastle of whom we have any record—the Lollard's great-grandfather Peter, who must have flourished early in the fourteenth century. It seems, however, that a Roman camp was at one time established on the site occupied by the medieval stronghold; so that the name Old Castle may have been first applied to its remains, then to the family who lived on the site, then to the hamlet which grew up round their dwelling, and finally to the later fortification itself.¹⁰ Since the time of Peter the Oldcastles had risen in importance. Sir John's grandfather, also called John, twice, in 1868 and 1872, represented Herefordshire in parliament.¹¹ His uncle, Thomas, was still more prominent. He was at the

⁶ T. Gaspey, *Life and Times of Lord Cobham*, 1848.

⁷ Matthias Earbury, *The Occasional Historian*, p. 17.

⁸ *Ballads and other Poems*, p. 112.

⁹ See Professor Tait's article 'Oldcastle' in the *Dict. of Nat. Biogr.*, which contains by far the most scholarly treatment of Oldcastle that has yet appeared.

¹⁰ Robinson, *Castles of Herefordshire*, 8 ff and appendix, *Archæologia Cambrensis*, viii. 124. *Visitation of Herefordshire in 1569*, ed. Weaver, p. 85.

¹¹ *Rot. Parl.* i 179, 188.

parliaments of 1390 and 1393, held the office of sheriff in 1386 and again five years later, and was escheator for Gloucester, Hereford, and the adjacent march in 1389.¹² The Lollard's father, Richard Oldcastle, was the first of the family to be knighted.¹³ Nevertheless the family was not well off in material resources, having few, if any, possessions outside the manor of Almeley.¹⁴

The date of Sir John's birth is unknown. A late tradition¹⁵ puts it at 1360 and an untrustworthy contemporary at 1378;¹⁶ it was probably nearer the latter date. His name first occurs in a plea roll of 1400, where he appears as plaintiff in a suit against the prior of Wormesley concerning the advowson of Almeley Church. His grandfather had presented to the living in 1368, but since that time either he or his son Richard had granted the advowson to Wormesley Priory. When John Oldcastle's presentee resigned, about the close of the century, the grandson strove to prevent the priory from exercising its right; but we are not told how the dispute was settled.¹⁷ Oldcastle is next found in Scotland, on the occasion of Henry IV's futile expedition in the autumn of 1400, as a knight in the retinue of Lord Grey of Codnor. During the operations he was sent on a mission to the king, and thenceforth was continually receiving employment in the royal service.¹⁸ In the following years Oldcastle had much to do with the affairs of Wales and the southern march, which were disturbed by Glendower's rising. In May 1401 several Herefordshire gentlemen, of whom Oldcastle was one, were commissioned to raise the *posse comitatus* against certain rebels who had committed numerous misdeeds near Abergavenny.¹⁹ In the autumn he was captain of

¹² *Rot. Parl.* i. 287, 244; *Lists of Sheriffs*, p. 60; *Foedera*, vii. 646.

¹³ De Banco roll, Easter 1 Hen. IV, m. 199; Robinson, app.; Weaver's *Visitation*.

¹⁴ De Banco roll, *loc. cit.*; *Cal. Inq. post mort.* iv. 154; *Cal. Pat. Rolls*, Hen. VI, i. 547. It is not certain whether Sir John's ancestors held the lands outside the manor of Almeley mentioned in the records; the entry in the patent roll makes it possible that he was the first of the family to possess them.

¹⁵ Followed by Gaspey, G. E. C., *Complets Peerage*, vi. 119; *Arch. Cambr.* viii. 124.

¹⁶ Elmham, *Liber Mistricus*, 96, 166: 'Nascitur Oldcastel Jon primo schismatis anno.' From this Elmham argues that Oldcastle was the best of Rev. xlii. 11, 18. He takes the numeral letters of the two words Jon Oldcastle: I + L + D + C + L = 701. This looks unpromising; but if Oldcastle was born in 1378 he was thirty-five in the year of his accusation, and 85 from 701 leaves 666. The date is thus of such peculiar convenience to Elmham that one is disposed to doubt its authenticity. Moreover, as Oldcastle's eldest son was born in 1394, Elmham's date is probably a year or two out.

¹⁷ De Banco roll, Easter 1 Hen. IV, m. 199; Robinson, *Castles*, p. 4. After both parties had presented their pleas the case was adjourned till the following Trinity; but in the roll for that term there seems to be no mention of it.

¹⁸ King's Remembrance's Army Accounts, xlii. 88, 40.

¹⁹ *Cal. Pat. Rolls*, Hen. IV, i. 518.

Builth Castle,²⁰ and was soon afterwards set over the important stronghold of Kidwelly.²¹ In September 1408 he was on a commission empowered to pardon rebels who submitted in an extensive district of the modern Brecknockshire,²² and a year later was made superintendent of the castles of Hay and Builth.²³ Oldcastle was also one of the commissioners appointed in October 1404 to repress trade between lukewarm loyalists and the Welsh rebels.²⁴ But Sir John did not devote all his energy to military matters. He was returned as knight of the shire for Herefordshire in the parliament which met in January 1404,²⁵ and was thus present at an important and exciting session. In 1406 he was a justice of the peace,²⁶ while two years later he followed in his uncle's footsteps and became sheriff.²⁷ January 1407 found him at Carmarthen, on business connected with the Welsh revolt.²⁸ During the following summer he accompanied the main army against Glendower, assisted in the operations against Aberystwyth, and was one of the witnesses to the agreement made on 12 Sept. between besiegers and besieged.²⁹

The next year proved the turning point in Oldcastle's life. Sir John had been already twice a husband. His first wife, whom he married before 1394, came of a Welsh family—Katherine, daughter of Richard ap Yevan. By her he had one son, John.³⁰ Of his second wife nothing—not even her name—is known, save that she bore him another son and three daughters.³¹ Oldcastle now married, before the middle of June 1408, Joan Cobham,³² a lady who had already been thrice wedded, and had had three children, though only one, Joan, daughter of Sir Reginald Braybrooke, had survived. The death of her third husband in the autumn of 1407 was closely followed by that of her grandfather, the famous John, third Lord Cobham, who closed a long and glorious career on 10 Jan. 1408. He left no heirs male; his only daughter was long since dead; and his recently widowed granddaughter came into all his possessions.

²⁰ *Proceedings of the Privy Council*, i. 174.

²¹ *Ibid.* ii. 68.

²² *Foedera*, viii. 881.

²³ *Proc. of the Privy Council*, i. 28.

²⁴ *Wylle*, ii. 5.

²⁵ *Rot. Parl.* i. 265.

²⁶ *Rot. Pat.* 7 Hen. IV, p. 1, m. 28 d. In the previous autumn he had been one of the commissioners appointed to deliver Hereford Gaol: *ibid.* m. 28 d.

²⁷ *Lists of Sheriffs*, p. 60. His term of office lasted from 5 Nov. 1406 to 23 Nov. 1407.

²⁸ *Rot. Pat.* 9 Hen. IV, m. 6.

²⁹ *Foed.* viii. 497. In April 1408 Oldcastle's material resources were strengthened by crown grants of 40*l.* and 40 marks per annum, to be drawn respectively from the revenues of the duchy of Lancaster and the lordship of Monmouth: *Duc. Lanc. Records*, xi. 16, 'Concessionones et patentes de Anno septimo,' f. 23 b.

³⁰ *Rot. Claus.* 5 Hen. V, m. 14; G. E. C., *Complete Peerage*, vi. 119

³¹ *Ibid.*

³² *Rot. Claus.* 9 Hen. IV, m. 5 d., which makes her thirty years of age. *as, however, she was already married in Nov. 1380 (Rot. Parl. v. 401), this must be incorrect. Joan was the daughter of Sir John Delapole by a daughter of John Cobham, also called Joan.*

Joan at once sought a new husband to assist her in managing her property, and her choice fell upon Oldcastle.³³

The marriage meant a great rise in the fortunes of Sir John. Hitherto he had been merely a Herefordshire knight, of some consideration in his own circle, and no more. Now, through his wife, he added to his scanty estates the broad domains of one of the most notable families of Kent. For two hundred years the fortunes of the Cobhams had been steadily rising; and Joan was able to bring to her husband six manors and the revenues of the hundred of Shamley, in Kent, a manor in Norfolk, two in Northamptonshire, and a like number in Wilts, with a house known as Cobham's Inn, in the parish of St. Dunstan-in-the-East, London,³⁴ not to speak of Cooling Castle, which the energy and public spirit of Joan's grandfather had made one of the most formidable strongholds in the country.³⁵ It may be noted that Lord Grey of Codnor, who had been Oldcastle's captain in Scotland, held the manors of Hoo and Halstow, bordering on the Cobham lands in Kent:³⁶ possibly through him Sir John became acquainted with his wife.

Though the centre of Oldcastle's interests was now far away from Wales, his connexion with the march was not all at once broken off. During 1409 he, together with others, was granted the wardship of the lordship of Dynas, an estate not many miles distant from Almeley.³⁷ But his time was soon engrossed by more important duties. In the autumn of 1409 the king found it necessary to call a parliament—the first since Oldcastle's marriage—and Sir John was summoned to attend as a member of the upper house.³⁸ Henceforward till his accusation in 1413 no parliament met without his receiving a similar summons. It is disputed whether Henry intended to found a new barony in Oldcastle's favour, or summoned Oldcastle merely in right of his wife.³⁹ The writs always refer to him as 'John Oldcastle chivaler,' as though his connexion with the Cobhams had nothing to do with the summons. But two other members of the house of lords—one contemporaneous with Oldcastle, the other nearly so—are regarded by Dugdale as possessing their seats *jure uxoris*, though they are summoned under their own names, with no mention of the family into which they had married.⁴⁰ Little significance, however, can

³³ *Comp. Peerage*, ii. 317; *Collectanea Topographica et Genealogica*, vii. 329, 386. For an account of Joan's husbands—Sir Robert Hemenhale, Sir Reginald Braybrooke, and Sir Nicholas Hawberk—see *Archæologia Cantiana*, xi. 67 ff.

³⁴ *Cal. Inq. post mort.* iv. 88. The list given may not be exhaustive. Cf. *ibid.* iii. 81, 179, 315; iv. 155.

³⁵ *Arch. Cant.* xi. 128 ff.

³⁶ Hasted, *History of Kent*, i. 559, 566.

³⁷ *Cal. Rot. Chart.* p. 359.

³⁸ G.E.C., *Complete Peerage*, vi. 119; Dugdale, *Summons of Parl.*

³⁹ Professor Tait favours the former view, as does Dugdale, by omitting Oldcastle from his list of those summoned *jure uxoris*. G. E. C. inclines to the other theory.

⁴⁰ These were Hugh Stafford and Sir Lewis Robsart, each of whom in succession

be attached to the fact that the peerage was afterwards continued in the line of Cobham, not of Oldcastle; for, since condemnation for treason forfeited all rights of peerage, Oldcastle's heir had no more claim to a summons to parliament than any other gentleman in England. Moreover after Oldcastle's condemnation no representative of the Cobhams appeared in parliament for over thirty years, though either Joan's fifth husband or her son-in-law might properly have been summoned *iure uxoris*. Consequently the action of Henry VI in summoning Edward Broke as Lord Cobham practically amounted to the creation of a new barony.

It is, perhaps, impossible to arrive at any definite conclusion on the matter. The ideas concerning the qualification for a seat among the lords temporal were much less fixed in the early fifteenth century than they afterwards became, and the practice with regard to the issue of summonses was probably somewhat loose. On John Cobham's death it must have been thought inadvisable that the great Cobham interest should be unrepresented in parliament; while, doubtless, Oldcastle's previous services were not left out of account. Although Oldcastle's right to a summons may not have been derived from his wife in theory, it is probable that this was partly the case as a matter of fact. If he had not married into a great family Oldcastle would scarcely have received his summons: with the example of Richard II before his eyes Henry would never have ventured to confer such an honour on a knight of Oldcastle's standing, however great his personal regard for him. But, on the other hand, the fact that Henry V never summoned Joan's fifth husband would seem to indicate that marriage into the Cobham family was not in itself sufficient, but that proved ability was also requisite.

Although the writs had been issued on 26 Oct. 1409 it was late in the following January before parliament actually assembled. Sir John made use of the interval to cross the Channel and take part in a tournament at Lille. Three Englishmen were opposed to three Frenchmen⁴¹ and Oldcastle duly fought his opponent; but how the contest went we are not told. Neither combatant can have been much hurt, for the same night they both supped with the count of Nevers, who was acting as master of the ceremonies. After three days of great magnificence and heavy expense the tilting came to an end.

Parliament met at Westminster on 27 Jan. The session was a long one, lasting till late in April, with an Easter recess of
 was the husband of Elizabeth, daughter and heiress of Bartholomew, Lord Bourchier. Stafford's summonses were invariably addressed 'Hugoni Stafford;' Robsart's 'Lodovico Robessart Ch'r.'

⁴¹ The attempts of our Burgundian authority to reproduce the English names are not very successful. Oldcastle's comrades appear to have been two esquires, Umtra-ville and Brembre (Petit, *Itinéraire de Jean sans Peur*, p. 273; cf. Wylie, lii. 293)

three weeks. Though everything seems to have passed quietly, this parliament afterwards acquired a certain notoriety through the apocryphal stories of chroniclers concerning the doings of the lower house. Walsingham tells us that the *milites parlamentales* (vel, ut dicamus verius, *satellites Pilatales*), eagerly desiring the spoliation of the church of God, presented to the king a bill, in which they sought to demonstrate that confiscation of the temporalities of the clergy would enable the king to provide for fifteen new earls, 1,500 knights, and 8,200 esquires, and to found a hundred almshouses.⁴² A manuscript of Titus Livius's *Life of Henry V* gives us further details as to this scheme.⁴³ The figures here seem to be taken from a tract containing a list of the errors of John Purvey, who some years before had advocated confiscation on the same grounds.⁴⁴ Walsingham goes on to relate that when the knights were asked whence all the necessary money could be derived they broke down utterly, and thereupon the king forbade them to mention the matter again. Foiled in this plan, the *coetus execrabilis* petitioned that clerks convicted of secular offences should thenceforth be handed over to the prisons of the king and the temporal lords; and when another unfavourable answer was received they brought up a further petition, that the 'Statutum de haeretico comburendo' might be modified. But they were told that any alteration would be in the direction of greater strictness. After this rebuff the attack seems to have been abandoned.

Later chroniclers and historians have largely accepted this story, and have laid special stress on the statistics of the knights with reference to church property. Mr. Wylie himself thinks that some sweeping proposal of confiscation was brought forward, and regards Oldcastle as the ringleader in the whole affair. But a comparison between the chronicle and the official records leaves little room for doubt that Walsingham has been guilty of gross exaggeration, if not of sheer invention. There is, indeed, a stratum of truth underlying his story. It is certain that the knightly element in the lower house was decidedly anti-ecclesiastical in temper, and that the commons petitioned for a modification of the 'Statutum de haeretico,' of such a nature as virtually to abrogate it.⁴⁵ The members of the lower house also represented that under

⁴² Walsingham, *Hist. Angl.* ii. 288.

⁴³ Wylie, iii. 309. Mr. Wylie's statement that Livius is the first chronicler to record the statistics of the knights is misleading. The manuscript referred to is undoubtedly the first to mention the figures which were afterwards usually repeated by chroniclers, but Walsingham had already given several of them, though with less detail.

⁴⁴ The tract seems to have been compiled by one Richard Lavynham, a Carmelite friar, and is based on Purvey's *Ecclesias Regimen*. It is printed in *Fasciculi Escuriorum*, p. 383 ff. Livius's statistics are not entirely identical with those in the *Fasciculi*, but the differences are unimportant.

⁴⁵ *Rot. Parl.* iii. 637. One of the chief points of the statute of 1401 was the

colour of acting *pro salute animarum* the ecclesiastical officials were extending their jurisdiction to matters cognisable at common law; the king was therefore requested to frame a statute to deal with these encroachments, and to enact that all contraveners thereof should suffer imprisonment, pay a fine to the king, and indemnify the injured party.⁴⁶ As legislation on the subject already existed, Henry refused to take further measures; but the incident seems to have alarmed the churchmen, and by the time news about parliament reached the St. Albans scriptorium a comparatively modest request had grown into a proposal that all criminous clerks should in future undergo punishment at the hands of the secular power. While there is no evidence of the introduction of such a sweeping scheme of confiscation as that mentioned by Walsingham, a petition is enrolled in which the commons begged that half the revenues of absentee incumbents and of livings which had been appropriated under false pretences should be seized into the king's hand, on the ground that the country was impoverished through the continual wars.⁴⁷ Walsingham's account gains little real confirmation from the work of Titus Livius, which was written later than 1437 and in which the passage in question is possibly interpolated.⁴⁸

That Oldcastle had already adopted Lollard views is made clear by an incident which occurred during the Easter recess. It is indeed likely that he had long favoured the new doctrines. On the assumption that he was born about 1375 he must have lived in an atmosphere of Wycliffite teaching from his youth up. By 1390 the unstable fanatic William Swinderby and the mystical layman Walter Brute were working in Herefordshire and giving Bishop Trevenant no small trouble.⁴⁹ Richard Wiche too, who seems to have been intimate with Oldcastle, was originally a priest of the diocese of Hereford, though his activity afterwards extended over many parts.⁵⁰ Nor were the preachers the only source whence Oldcastle may have 'drunk the gall of heresy.' The west country knights were not disinclined to favour the reformers. Sir John Clanvowe, of Cusop Castle, not many miles from Almeley, is mentioned as one of the early patrons of Lollardy,⁵¹ and later events suggest that the Greyndors, who had much property in the west, were on the same side.⁵² Perhaps it

power it gave to the clergy of making arrests on their own initiative. In their petition the commons asked that in future these should be made only by the officers of the crown.

⁴⁶ *Rot. Parl.* iii. 645.

⁴⁷ *Ibid.*

⁴⁸ It does not occur in the manuscript used by Hearne in preparing his printed edition; see Wylle, iii. 810, n.

⁴⁹ For Swinderby and Brute see Foxe (ed. Cattle), ii. 111, 181, 196.

⁵⁰ Wylle, iii. 868; *Engl. Hist. Rev.* v. 580 f.; Devon, *Issues*, p. 852.

⁵¹ Robinson, *Castles*, p. 40; Walsingham, *Hist. Angl.* ii. 189.

⁵² Elmham, *Lib. Metr.* p. 148, Capgrave, *De illustr. Henricis*, p. 121.

was from the preachers that Oldcastle derived his enthusiasm for the new ideas, while the restraining influence of the knights kept him from fanaticism and taught him that even a Lollard might serve both his God and his king.

But until 1410 there is no authentic indication that Oldcastle was anything but a dutiful son of the church.⁴³ During the early months of that year the zeal of the orthodox burnt strongly. Much excitement had been caused by Arundel's conflict with the university of Oxford, where a recrudescence of Wycliffite teaching had given cause for alarm. In 1409 a provincial constitution had placed new weapons in the hands of the clergy,⁴⁴ and soon afterwards John Badby, the poor tailor of Evesham, was put to death. On 8 April 1410 Arundel sent a letter to the dean of Rochester, in which he stated that one John, feigning himself a chaplain and dwelling with Sir John Oldcastle, had for some time past been preaching Lollardy in the churches of Hoo, Halstow, and Cooling, especially the last; the dean was therefore to proclaim an interdict in these places, and to provide for the citation of the chaplain, who was in hiding.⁴⁵ Though Oldcastle is nowhere accused of instigating the chaplain's misdeeds it is likely that Arundel meant his action to be a hint to the protector quite as much as a blow at the protected. A timely accident, however, averted the threatened trouble. It so happened that a marriage between Sir John's step-daughter, Joan Braybrooke, and the heir of Sir Thomas Broke, a Somerset knight,⁴⁶ was to take place in Cooling Church early in April. Joan's mother and Sir Thomas, whose orthodoxy was above suspicion, were naturally anxious for the speedy removal of the interdict, and the archbishop suspended its operation for three days, in order that the wedding might be celebrated, and some time later relaxed it altogether.⁴⁷ The offending preacher was apparently forgotten. As for his patron, far from being moved by Arundel's hint, he identified himself more and more with the Lollard cause, and in the following summer we find him connected with the Bohemian Wycliffites.

The researches of Dr. Loserth⁴⁸ have made it clear that

⁴³ The tales of Oldcastle's early religious and political activity to be found in Bale and several later writers are based either on a failure to distinguish between the husband and grandfather of Joan Cobham, or else on conjecture or invention.

⁴⁴ Wilkins, *Concilia*, iii 314 ff.

⁴⁵ *Ibid.* p. 379. Hoo and Halstow belonged to the Greys of Codnor see above, p. 488.

⁴⁶ *Collectanea Topographica et Genealogica*, vii. 338. There is evidence that the marriage was largely a financial transaction, Rot. Claus. 11 Hen VI, m. 24 d.

⁴⁷ Wilkins, iii. 330 f.

⁴⁸ In his *Wiclif and Hus*, and in an article 'Ueber die Beziehungen zwischen englischen und böhmischen Wycliffiten' in the *Mittheilungen des Instituts für Oesterreichische Geschichtsforschung*, xii. (1891) 254 ff. Cf. *ante*, vol. vii (1902) pp. 306 ff.

ever since the marriage of Richard II to Anne of Luxemburg intercourse between England and Bohemia had been continuous and extensive. The most important result had been the introduction of Wycliffite views among the Czechs. By 1410 heresy had become so popular among all classes that the church was striving to restore orthodoxy by force, and it was with this end in view that the archbishop of Prague, about the middle of July, had numerous works of Wycliffe burnt. The wrath of the people at his action found expression in satirical ballads and even in open disorder. The reform party in the university, too, strove to retaliate on the archbishop by organising a series of public lectures, at which the condemned books were defended by prominent theologians. News of all this was soon carried to England. On 8 Sept. two congratulatory letters were sent in reply—one to Hus from Richard Wiche, the other to Wok of Waldstein from Sir John Oldcastle.⁴⁰ Both are in Latin, and while Wiche probably wrote in person the form of Oldcastle's letter is evidently due to a clerk. The general tenour of the communication is, doubtless, a reflexion of Sir John's opinions, but the details of it must not be pressed too far as proofs of his knowledge or literary skill. Wok of Waldstein to whom the letter was sent was a member of the Bohemian nobility and an enthusiastic Husite. His chief exploits belong to a later date; he was the ringleader at the burning of the papal bulls in 1412, and one of the nobles who protested against the treatment of Hus at Constance and bound themselves to maintain the freedom of the Gospel. Zdislaw of Zwierzeticz, to whom Oldcastle's letter was to be taken in the event of Wok's absence, was likewise a strong upholder of Wycliffite views. He had quite recently graduated at Prague, and had been very prominent in the attacks on the archbishop during the summer of 1410, having defended Wycliffe's treatise 'De Universalibus' in the Carolinum on 6 Aug. Shortly before he had been excommunicated. That Oldcastle should be in communication with two of the protagonists of the reform party in Bohemia shows that for some time past he must have been recognised as a leader of English Lollardy. Perhaps he had met the two Bohemians in England, though there is nothing in the letter to suggest this.

The letter begins with congratulations on the recent achievements of the Bohemians, but the greater part of it is taken up with exhortations to perseverance and endurance. The quotations from Isidore and Chrysostom are doubtless the work of the scribe, but Oldcastle himself may be responsible for the numerous references to Scripture. The letter shows clearly that he accepted fully the leading principles of Lollardy. He lays particular stress on

⁴⁰ Wiche's letter is printed in *Ioh. Hus Monumenta*, l. f. ci; Oldcastle's, by Loeserth, *Mittelaltungen*, xii 266 f

the duty of priests to preach the word of God and suppress nothing; any one who strives to prevent their doing so is none other than antichrist. So anxious is he that his Bohemian brethren shall realise that he means to stand by his views that he affixes his seal to the end of the letter, *quod nunquam apponimus ad litteram que deberet in posterum cassari.*⁶⁰ To the Bohemians, therefore, Oldcastle's letter must have seemed a manifesto of the policy of the leader of English Lollardy.

We know from a later letter of Oldcastle's⁶¹ that the correspondence between the two countries was kept up, and that Hus himself wrote to his English supporter. According to Thomas Netter of Walden, whose statement is unsupported by other evidence, Sir John, at the request of Hus, sent copies of Wycliffe's works to Bohemia.⁶² Walden was mistaken if he believed—as his language seems to imply—that this was the means whereby the Czechs first became acquainted with Wycliffe's writings. Wycliffe's philosophical works, as Dr. Loserth has shown, were known in Prague long before the close of the fourteenth century, and in 1899 Jerome of Prague, returning home from a visit to England, took with him the *Triologus* and *Dialogus*, and so introduced the Englishman's theology to his countrymen. Before Hus obtained any great notoriety Wycliffite literature was plentiful in Prague.⁶³ It is possible, indeed, that Hus at some time asked Oldcastle to add to his library of Wycliffe's works. But it is equally likely that the story is one of the numerous legends invented to account for the wide dissemination of heterodox views among the Czechs. The Bohemians themselves soon forgot how the Lollard teaching came into their midst,⁶⁴ and Walden, writing as he did when both Oldcastle and Hus had been in their graves for some years, would

⁶⁰ The manuscript as printed by Dr. Loserth has 'cassari.'

⁶¹ To King Wenceslaus. The letter is printed by Dr. Loserth and also by Mr. Wylie, (iv. 821). Oldcastle in respectful but straightforward terms congratulates the king on the support he has given to the reformers, and urges him to persevere in his course. The letter is dated 'London, 7 Sept.,' but the year is not given. Dr. Loserth (*Mittheilungen*, xii. 268), basing his conclusion on a single sentence, ascribes it to 1418. The official report of Oldcastle's trial, however, makes it almost certain that he was at Cooling on 7 Sept. of that year. The laudatory tone of the letter would have been impossible after Wenceslaus's policy during the struggle over the indulgences which distracted Prague in 1412, and after he had virtually driven Hus into exile. Oldcastle was in hiding from the ecclesiastical officials and in danger of his life, but he nowhere hints at his situation, but, on the contrary, declares himself ready to serve Wenceslaus as the latter may think fit. To me 1411 seems a much more likely date; for in the summer of that year Oldcastle may well have thought that Wenceslaus was heart and soul with the reformers. The very reference relied on by Dr. Loserth suits 1411 quite as well as 1418. Cf. Palacky, *Gesch. Böhm.* iii. 258, 261 ff.

⁶² Walden, *Doctrinale*, lib. II c. 70.

⁶³ Loserth, *Mittheilungen*, xii. 258, *Wiclif and Hus*, pp. 74 ff., 84 ff.

⁶⁴ *Ibid.* p. 71 ff.

naturally be led to connect the two men with the sowing of the pestiferous seed.

The letters show that Oldcastle's opinions remained unchanged during the next year or two. But he seems to have kept his Lollard proclivities in the background, and continued to serve and fight for his king as before. In September 1411 he was on a commission to examine the walls and bridges along the reaches of the Thames between Northfleet and Greenwich;⁶⁴ and immediately afterwards he was associated with the earl of Arundel and Robert and Gilbert Umfraville in the command of the force which was about to be sent to France for the succour of the Burgundian party.⁶⁵ The duke of Burgundy's application for help was not favourably received by the king, and the despatch of the force is said to have been an irregular proceeding on the part of the prince of Wales. The enterprise was, however, successful. The assistance of the English enabled the Burgundians to occupy Paris and defeat their opponents at St. Cloud, and turned the scale of war for that year in their favour. The Englishmen greatly distinguished themselves, but of Oldcastle's personal achievements we hear nothing. It is clear, however, that Sir John was on good terms with young Henry, and was regarded by him as one of his most trustworthy soldiers. About the end of the year the whole force returned to England.⁶⁷

On the death of Henry IV, in March 1413, it might have been thought that his son's accession would tend towards Oldcastle's further advancement; but the Lancastrian power rested to no small extent on ecclesiastical support, and the zeal of the church had lately been fanned afresh by the council held at Rome in the early months of 1413, which had condemned many of Wycliffe's writings as unfit to be read or possessed by good Christians, and as deserving to be burnt.

Before the death of the king convocation had met, the first session having been held on 6 March. Foxe, for once independent of Bale, says that the purpose of the summoning of this assembly was the repression of the Lollards, and in particular of Oldcastle, 'as recordeth the chronicle of St. Albans.' There were, indeed, numerous reasons for holding a convocation. The king had directed it; there was a subsidy to be granted; the question of the schism had to be discussed. If there had been no heresy in England, the convocation would probably have met. But it is likely enough

⁶⁴ Wylie, iii. 295.

⁶⁵ *Genl. Henr. V.*, p. 280, Otterbourne, p. 289, Walsingham, ii. 286, Gregory, *Chronicle*, in *Historical Collections of a Citizen of London* (ed. J. Gairdner), p. 106; *Three Fifteenth-Century Chronicles* (ed. Gairdner), p. 58, *Chron. Lond.* (ed. Nicolas), p. 98

⁶⁷ For an account of the expedition see Wylie, iv. 57 ff.; Ramsay, *Lancaster and York*, i. 180

that, when Henry IV died, Arundel saw in the change of ruler a good opportunity for gaining the energetic support of the secular arm against heretics. Of recent years Henry IV had been loth to act vigorously. But the new king would be eager for the support of the church, and willing to pay a high price for it. Even his friend Oldcastle might be won from him by a little dexterous diplomacy. The case of Oldcastle was brought under Arundel's notice on the first day of convocation. In the afternoon the archbishop's registrar, who had just completed his examination of the credentials of the proctors, was informed that there was present in the church a chaplain strongly suspected of heresy. Summoned before the registrar, the chaplain stated that his name was John Lay, and that he came from Nottingham; he had been two days in London, and had that morning celebrated mass before the 'lord Cobham.' On this the registrar demanded his certificate of ordination and his licence to celebrate; but Lay replied that he had brought neither with him. He was therefore sworn to attend before the primate on the following Saturday, to show his credentials and do further what might be required. But we hear nothing more about him; probably he failed to appear at the time appointed.⁶⁶ It would be interesting to know whether this John Lay was the priest whose doings had led to the interdict on Cooling Church in 1410.

Before any real work could be done stress of parliamentary business compelled Arundel to suspend the sittings of the clerical assembly. Then came the death of the king, and afterwards parliament took up more time. Little business could be done till 6 June,⁶⁷ and the sessions had to be held in Lambeth Church instead of at St. Paul's. The first occurrence of importance was the presentation of the report of a commission appointed in the previous year to examine Wycliffe's works. The members of the commission now presented 267 extracts for condemnation, and suggested that after convocation had dealt with them they should be submitted to the pope.⁶⁸ Their proposal was accepted. The articles were condemned forthwith and then sent on to Rome. The archbishop accompanied the extracts with a letter, in which he asked for the confirmation of the sentence of convocation and for the condemnation of Wycliffe and his adherents. He also prayed that the reformer's bones might be exhumed and thrown on a dunghill.⁶⁹ The tractates containing the objectionable conclusions were afterwards burnt at Paul's Cross.⁷⁰

⁶⁶ Wilkins, iii. 338.

⁶⁷ Before this convocation seems to have done nothing beyond granting a tenth to the king during May (Reg. Arundel, ii. f. 27). Wilkins has not transcribed the register very faithfully in the *Concilia*. From the text there printed it would appear that no sessions were held from 6 March to 6 June; the register, however, makes it clear that something, though very little, was attempted.

⁶⁸ Wilkins, iii. 359

⁶⁹ *Ibid.* iii. 360.

⁷⁰ *Ibid.* iii. 361

Convocation continued to sit till 26 June. During its closing days Arundel was absent and the bishop of London presided. Much discussion took place concerning the reform of the church. The petitions of the clergy on this point suggest that the archbishop had not, in their opinion, been strict enough. They pray for the stricter enforcement of various provincial constitutions, most of them originally laid down by Otto or Ottobon, and providing for the orderly life of the clergy. Convocation also begged that the new enactments of 1409 might be amended, with a view to increasing their efficacy. The archbishop made no demur about granting them all their requests.⁷³ In all probability, however, the internal reform of the church was only of secondary importance in the minds of the clergy, for the case of Oldcastle had again been forced upon their notice. Among the condemned books two were found which contained doctrines of peculiar depravity. One is interesting on account of its place of publication. It came from Coventry, where Swin Derby had preached thirty years before, and which was still a notorious centre of Lollardy. The other work—a mere pamphlet—consisted of unbound sheets containing several short tracts. It had been found in the hands of an illuminator of Paternoster Row. The man, on being arrested, declared that the book was not his but belonged to Sir John Oldcastle.

Oldcastle's name had now been twice brought before convocation, each time in bad company. The suspected priest had given the authorities the slip, but the obnoxious book placed what seemed incontestable evidence in their hands. They determined to strike at once. On 6 June, the very day on which the Lollard articles had been formally condemned, some of the members of convocation went to the king at his manor of Kennington and read to him some of the most extreme conclusions of the book said to belong to Oldcastle. Sir John himself was present at the interview, and listened to the recital of the articles. The king was greatly shocked at the opinions put forward; they were, he said, the worst he had ever heard. He then asked Oldcastle what he thought of the condemnation of the work. Sir John unexpectedly replied that he considered the action of convocation quite right and proper. On being asked, very naturally, why he then possessed the book, he said that he never used it, and had not read more than two pages of it.⁷⁴ Soon afterwards the lower clergy, having made a careful inquiry into the facts of the case, drew up a formidable indictment against Oldcastle, and requested the archbishop and his suffragans to summon him before them to answer their accusations. But the prelates were in favour of proceeding with caution, and thought it advisable to consult the king before again attacking *unum de prae-carissimis ex magnis domesticis suis*. So Arundel, the bishops, and

⁷³ Wilkins, iii. 251.

⁷⁴ *Ibid.* iii. 252.

a large number of clergy made another visit to Kennington, where Henry was still residing, and 'took counsel with him upon the matter.' They accused Oldcastle of being a notorious favourer of error and heresy; of holding, asserting, and defending erroneous and heretical conclusions in many dioceses; of receiving, sheltering, and protecting unlicensed preachers; of sending them out to preach, attending their 'shameful meetings,' and oppressing any who resisted them with threats and fears and the power of the sword; of declaring that no prelate might lawfully make constitutions for the regulation of preaching; and, finally, of holding heterodox views concerning the sacrament, penance, pilgrimages, image-worship, and the power of the keys.

The king thanked them for the information; but he was not the man to abandon a faithful servant without making an attempt to turn him from error. After reminding Arundel of the close friendship existing between Oldcastle and himself, and of the respect due to one of knightly rank, he asked the archbishop to delay further action till he had done what he could to turn Oldcastle from the error of his ways. If his attempts should come to nought, he promised to hand the heretic over to the church and to lend whatever aid the secular arm could afford. The clergy grumbled; but nothing was to be done but to accede to the king's request, and they had to go away and dissolve convocation with the knowledge that Oldcastle was still at large and, to all appearance, as prosperous as ever.⁷⁶ But through the whole affair, which must have been most disagreeable to him, Henry acted straightforwardly. He did his best to save his friend, but at the same time he felt bound to do his duty by the church. During the next two months he left no stone unturned in order to lead Oldcastle back to the 'fold of Christ.'⁷⁷ But persuasion proved quite useless. According to the protestant writers of the sixteenth century Oldcastle thanked the king for his efforts, and declared himself anxious to remain a faithful servant of the crown, but 'the pope and his clergy he would not obey.'⁷⁷ No open breach had taken place by the middle of July; for on the 20th of that month Henry undertook by letters patent to pay by Michaelmas 1414 four hundred marks which were owing to Oldcastle and others.⁷⁸ About a month later, however, while Henry was at Windsor, matters came to a

⁷⁶ Wilkins, iii. 352.

⁷⁷ *Ibid.*; *Fasc. Zis.* p. 485; *Elmham, Lib. Metr.* p. 99; *Geist. Henr. V.* p. 2, *Copgrave, De illustr. Henr.* p. 112; *Bedmayne*, p. 16.

⁷⁸ *Bedmayne*, p. 16; *Bals*, pp. 24, 25.

⁷⁹ *Foed.* ix. 41. The four hundred marks were part of the price of a clasp, said to have belonged to Sir Lewis Clifford, who was long a supporter of Lollardy. Henry had bought it from Oldcastle and his associates, who are described as executors of Clifford's will (*Devon, Issues*, p. 323). In Clifford's will, however, printed by Dugdale, there is no mention either of Oldcastle or any of the others (*Baronsage of England*, i. 341).

crisis. The king, exasperated by what he considered Oldcastle's obstinacy, broke out into fierce invectives against him—*praefatum dominum Iohannem super pertinacia sua acriter increpabat*—and Sir John, *plenus diabolo*, refusing to submit to this attack, went off without leave and shut himself up in Cooling Castle. The king promptly wrote to the archbishop, who was then near Chichester, occupied in *solenais Assumptionis beatae Virginis*. In his letter Henry put the whole case of Oldcastle in the hands of the ecclesiastical authorities.⁷⁹

Events now followed one another rapidly. Henry sent writs to all the sheriffs, ordering them to provide for the arrest of unlicensed preachers and their aiders and abettors, and to see that the constitutions of 1409 were in no way infringed.⁸⁰ The church too lost no time in getting to work. Before long the archbishop's summoner appeared before Cooling Castle. But here Oldcastle kept the gates shut. Now Arundel, anxious apparently to maintain the dignity of the servants of the church, had ordered that his messenger should on no account enter without leave, and that, through the mediation of a certain John Butler, usher of the king's chamber, Oldcastle should be called upon either to admit the summoner or to come outside and receive the citation there. Oldcastle, as might have been expected, refused; and the summoner had to return to his master without accomplishing any part of his errand.⁸¹ The archbishop at once ordered letters citatory to be publicly affixed to the doors of Rochester Cathedral. Oldcastle was summoned to appear at Leeds Castle, near Maidstone, on Monday, 11 Sept.⁸² Of course when the 11th arrived Sir John failed to attend. It was reported to the archbishop that he was fortifying himself at Cooling. Arundel promptly pronounced him contumacious and excommunicated him. On the same day he cited him for 28 Sept., to set forth reasonable cause, if he had any, why he should not be dealt with as a public heretic, schismatic, and enemy of the catholic church.⁸³

What happened then is far from clear. The official report proceeds at once to 28 Sept., and states that on that date Sir John was brought by the keeper of the Tower before the archbishop in the chapter house of St. Paul's; but no explanation is given as to how Oldcastle came to be in the hands of his conductor, or, indeed, how

⁷⁹ Wilkins, iii. 355.

⁸⁰ Ford, ix. 46.

⁸¹ *Fasc. Xis.* p. 435. Bale (p. 25 l.) says that when the summoner found Cooling Castle shut against him he at once returned to Arundel. The archbishop then sent for Butler, who went to Cooling with the summoner, gained admission to the castle by declaring that the king desired Oldcastle to obey the citation, 'and so cited him fraudulently.' But the 'Magnus Processus' makes it clear that the citation was never served at all.

⁸² Bale tells us that some of Oldcastle's friends shortly afterwards took these letters down; when new ones were put up, on 8 Sept., they were also 'rant down and utterly consumed.'

⁸³ *Fasc. Xis.* p. 435.

he got to London at all. In the reference to the citation for 28 Sept. nothing is said about London: as far as we can judge Leeds was still intended to be the place of trial. No order for Oldcastle's arrest appears in the close roll for the year. The archbishop himself has nothing to say about it. There is no hint as to any resistance. From the 'Magnus Processus' it would appear as if Oldcastle, who had gone away from the king without leave and twice refused to accept citation, either gave himself up or else tamely submitted to the first royal officer who came to demand his person.

It is possible, however, that Bale, of small value for the history of Oldcastle as a general rule, may furnish something like a true account of what happened. He says that, after his excommunication at Leeds, Oldcastle, 'beholding the unpeaceable fury of anti-christ thus kindled against him, perceiving himself also compassed on every side with deadly dangers,' wrote out a confession of his faith, containing a reply to the chief counts in the accusation against him, and took it to the king. This confession, says Bale, opened with the Apostles' Creed; then came a more detailed exposition of the writer's views on the Trinity and the Incarnation. Proceeding further, Oldcastle declares Christ to be the only head of the church. The church on earth is divided into three classes—priests, knights, and commons. The functions of each of these sections are then defined. An apparently orthodox statement of the doctrine of the sacrament follows. Finally, he declares his belief that God asks no more of man than that he shall obey his law. Should any prelate require any other kind of obedience, he contemneth Christ, and so becometh an open antichrist.' After the confession comes a strong appeal to the king that the whole document may be examined by the most godly and learned men of the realm, who should decide upon its orthodoxy. Oldcastle, Bale goes on to say, arrived at court; but the king refused to receive his confession, ordering him to deliver it to the ecclesiastics who were to judge him. 'Then desired he in the king's presence that an hundred knights and esquires might be suffered to come in upon his purgation, which (he knew) would clear him of all heresies.' He also offered to submit his faith to trial by battle with any man living, the king and the lords of his council alone excepted, and declared himself prepared to accept any sentence founded on 'the laws of God.' The king thereupon received him 'in his own privy chamber,' where Oldcastle announced that he had appealed to the pope, and showed a copy of his appeal to Henry. The king was much displeased: Oldcastle, he said, should not pursue his appeal; whether he wished it or not, the archbishop should decide his case. The knight was thereupon arrested and committed to the Tower.⁶⁴ This account rests solely on Bale's authority, though he says he

⁶⁴ Bale, p. 28 ff.

draws his facts from the *vetus exemplar Londinensium*, a document of which we have unfortunately no trace except in the *Breve Chronycle*. If this *vetus exemplar* was a contemporary document there may be something in the above story; and in any case it is hard to discredit entirely the statement that Oldcastle did visit the king.⁶⁵

Gregory in his London Chronicle says that Oldcastle 'was a restyde at Wynsore, and sende to the Toure of London,'⁶⁶ and we know from the close rolls that the king was at Windsor on Monday, 18 Sept. This story is unsupported; but the compiler of the early part of the chronicle would, as a Londoner, have had better opportunities than most of hearing the truth about prisoners in the Tower: nor would this be the only time that he hit upon the truth when every one else went wrong; for instance, he alone gives a true statement of the time of Gloucester's death in 1397.⁶⁷ It is clear that the king's stay in Windsor was short, and it may have owed its speedy termination to his desire to take Oldcastle to London and see him safely into the Tower. This supposition would explain the absence from the rolls of any writs ordering his arrest or directing Sir Robert Morley, the keeper of the Tower, to receive him.⁶⁸ Possibly Henry was still anxious to deal gently with his old friend, and refrained from treating him as an ordinary prisoner. The necessary proceedings would, therefore, be carried out quietly, and this might explain the almost unanimous silence of the chroniclers. Such a conjecture seems to give the most reasonable explanation of a difficult problem.⁶⁹

On 23 Sept., as mentioned above, Sir Robert Morley brought Oldcastle before Arundel, who was at St. Paul's together with the bishops of London and Winchester. The archbishop at once

⁶⁵ It is hard to accept some of the details of Bale's account, such as the demand for purgation by the knights and squires or the appeal to the pope. But it is touches like this which render it clear that Bale really had some authority for his statements; he would never have thought of inventing a demand for a purgation of this sort, and he was the last man in the world to tell us that his hero wished to appeal to the pope, unless some previous writer had a statement to that effect. Foze, in his Latin edition of 1559, after describing Oldcastle's excommunication and continued disregard for the archbishop, adds, 'Regi tandem, misso ad eum proprio feodal, dicto se audientem prebuit,' and then gives an account of the interview of Oldcastle with Henry, in which he substantially agrees with Bale. Though this edition of Foze's work gives quite a different account of Oldcastle from that subsequently printed in English, it is unsafe to regard him as an independent authority, as he must have known the *Breve Chronycle* well in 1559, though he followed it with reserve (*Revue de l'Ecole des Chartes Commentaris*, Basel, 1859, pp. 98-100).

⁶⁶ Gregory's *Chronicle*, p. 107.

⁶⁷ See Professor Tait's essay in *Owens College Historical Essays*, p. 209.

⁶⁸ Of course writs may have been issued and not enrolled, but orders for the arrest, and warrants to the keeper of the Tower for the committal, of prominent persons seem as a rule to have been entered in the patent or close rolls.

⁶⁹ Walsingham's explanation of how Oldcastle came to be in Morley's hands really tells us nothing: 'nam parum ante per regios ministros comprehensus fuerat, et in Turri clausus.'

proceeded with the prisoner's examination.⁶⁰ Throughout the whole trial he treated him very well. He began by a formal recitation of the events leading up to Oldcastle's excommunication, and concluded these preliminaries by offering to absolve him from the ban of the church. Oldcastle, somewhat ungraciously, took no notice of this offer, but at once announced that he was prepared to declare his faith. Permission having been obtained, he drew from his cloak an indenture, read its contents, and handed one copy of this confession to the archbishop, keeping the other himself. The document, which was written in English, lays down Oldcastle's views on the sacrament of the altar, penance, images, and pilgrimage; but, as is usual in Lollard confessions of belief, the language is vague, and the main questions at issue are eluded. On the subject of pilgrimages, indeed, Sir John states explicitly that 'he that knoweth not, nor will not know nor keep the commandments of God in his living here, albeit he go on pilgrimage to all the world, and he die so, he shall be damned.'⁶¹ According to Bale Oldcastle prefaced his declaration with a protest against Arundel's statements, presumably in the citations, that his views were contrary to the determinations of the church;⁶² but there is no notice of this in the official 'Processus.'

Arundel was a man of considerable experience in the examination of heretics. He knew that the points of view of the church and the Lollards were so far asunder that no good could arise from argument. After consulting with his assessors, therefore, he went straight to the point. Sir John's confession, he said, was on the whole sound, but a fuller reply would have to be given concerning the sacrament of the altar and penance: in the former case, did the material bread remain after consecration or not; in the latter, was confession to a priest necessary? Oldcastle at first refused to make any further statement, and was warned by the primate that a persistence in this course might lead to his being forthwith declared a heretic. The threat, however, produced no effect. Arundel, who was clearly anxious to give Sir John every chance of saving himself, then explained to him the determination of the church on the subjects in question, according to Saints Augustine, Jerome, Ambrose, and others of the fathers. Oldcastle replied 'that he was willing enough to believe and observe whatever holy church had determined, and whatever God wished him to believe and observe; but that our lord the pope, the cardinals, archbishops, bishops, and other prelates of the church had the power of determining such things he was unwilling at that time in any wise to affirm.'⁶³ After the closing words of this remark Arundel might have spared himself further trouble. Nevertheless he told

⁶⁰ The 'Magnus Processus' is printed in full in the *Concilia* and the *Fœdera*, as well as the *Fasciculi Eismiorum*.

⁶¹ *Fasc. Eiz.* pp. 437-9.

⁶² Bale, p. 89.

⁶³ *Fasc. Eur.* p. 440.

the prisoner that the authorised doctrines on the chief matters at issue should be written out for him, and translated into English, on account of Oldcastle's lack of learning (*pro leuori intellectu eiusdem*).⁸⁴ The accused would have the Sunday for consideration and on the Monday he was to make his reply. With this the session terminated, and Morley led his charge back to the Tower.⁸⁵

On Monday, 25 Sept., the court was transferred to the Blackfriars—apparently a favourite place for the trial of heretics.⁸⁶ The primate, evidently realising the importance of the occasion, had gathered together an imposing array of ecclesiastics. The bishop of Bangor had joined his brethren of London and Winchester. The archbishop's official had been summoned, as his legal adviser; and four doctors of law were also present. Oxford was represented by two doctors of divinity, and the friars by a prominent member of each of the four orders. A multitude of clergy and people appear to have been spectators of the proceedings. All the dignitaries and notaries having been sworn to give faithful counsel and service,⁸⁷ Morley again brought Oldcastle before his judges.⁸⁸ As on the preceding Saturday the primate began by a recital of what had been done from the beginning of the case, and again closed with an offer of absolution. Oldcastle replied that he would seek absolution from none but God.⁸⁹ Bale makes Oldcastle go down on his knees and crave the forgiveness of God for youthful wickedness—pride, wrath, gluttony, covetousness, lechery. His version is, however, quite unsupported by the official record; nor is it on the face of it likely that Oldcastle would make such admissions just at that time: they would leave too good an opening for the churchmen to make reflexions as to the class from which Lollardy drew its supporters. The same writer's account proceeds with a description of a lengthy debate on the subject of the eucharist, leading to a heated argument on the authority of the church, interspersed with various irrelevant diatribes of Oldcastle against the existing state and manners of the clergy. Sir John, it would appear, grew more and more violent, and at last simply abusive. His invective was much better than his

⁸⁴ If Sir John had been able to understand Latin, Arundel would hardly have been at the pains of having the translation made for his benefit.

⁸⁵ *Fasc. Ets.* p. 440 ff.

⁸⁶ Gregory, p. 107; Bale, p. 47; *Rot. Parl.* iv. 109. The Oxford heretics had been tried at the Blackfriars in 1382, and the first examination of Badby had been held at the same place.

⁸⁷ 'Tactis evangelis,' according to the 'Processus;' on a 'matse-boke,' according to Bale.

⁸⁸ *Fasc. Ets.* p. 442. Bale (p. 47 l.) is not correct when he says that the four friars present were the heads of their respective orders in England. Walden did not become provincial of the Carmelites till the following year.

⁸⁹ *Fasc. Ets.* p. 443.

dialectic, though neither side displayed any very cogent reasoning. The whole debate was futile, and Arundel showed good sense in putting an end to it and demanding an explicit answer to the articles submitted to the accused on the previous day.¹⁰⁰ While it is hard to believe that Bale's account of the session down to this point is all fiction, it is perhaps safer to regard the official report as presenting, in a condensed form, the actual course of events.

Arundel's 'Processus' has nothing of this preliminary discussion; after mentioning Oldcastle's refusal to receive absolution from the archbishop, it goes on at once to his replies to the 'determinations of the church.' This last part of the trial lasted only a short time. On the eucharist Oldcastle professed a theory much like that which Luther afterwards held: the crucial point in it was that after consecration bread did actually remain. With reference to penance he asserted that confession to a priest, though sometimes expedient, was not necessary to salvation. The cross, he held, was not to be adored; he would be willing to keep it clean and in a safe place, but that was all the honour he would pay it. As to the power of the keys, Sir John at once openly declared that the pope was the head of antichrist, the archbishops and bishops were his members, and the friars his tail: the pope and prelates were not to be obeyed, except in as far as they were imitators of Christ and Peter in life, manners, and conversation; and he alone was the true successor of Peter who was good in life and pure in manners. Then, turning to the spectators, he warned them against his judges, saying that they were the seducers of the people and would lead them to hell.¹⁰¹

There was no need to prolong matters further. The church had given Oldcastle a fair hearing; he had felt himself unable to make use of it for his safety, and had used language which no prelate could possibly suffer to go unpunished. So the archbishop, 'with mournful countenance,' once again exhorted him to reconsider his views and return to the unity of the church; but the prisoner remained steadfast and refused in any way to alter his former declarations. Seeing that he could not succeed in turning him from his resolution, Arundel, 'with bitterness of heart,' proceeded to pronounce sentence. Oldcastle was excommunicated and handed over to the secular arm.¹⁰² All favourers, receivers, and defenders of the condemned man were likewise included in the sentence; and, that such might not plead ignorance of what had happened, the primate in a letter of 10 Oct. ordered his suffragans

¹⁰⁰ Bale, p. 50 ff.

¹⁰¹ *Fasc. Xis.* p. 448 ff.

¹⁰² 'Iudicio seculari;' or, as Bale glosses this phrase, 'the archbishop committed Oldcastle to the secular jurisdiction, power, and judgment, to do him thereupon to death.'

to cause the official 'Processus' to be read before the people in every church throughout the province of Canterbury.

But Oldcastle, though formally condemned, was to receive yet another piece of favour. Instead of being led out to execution he was granted forty days' respite in the Tower,¹⁰³ in the hope that he might still turn from the paths of heresy. The king was probably responsible for this act of grace.¹⁰⁴ Walsingham, indeed, says that Arundel, on reporting the result of the trial, besought Henry to defer giving effect to the sentence. But this version finds no independent support.¹⁰⁵ Arundel had just condemned Oldcastle as incorrigible; to beg for a reprieve would thus have been tantamount to an admission that he had gone too far. On the other hand Henry, reluctant, no doubt, to lose a servant of proved capacity, could give Oldcastle another chance by simply putting off the issue of the writ of execution, without openly showing favour to a heretic.¹⁰⁶ Doubtless Henry consulted Arundel before deciding on his course of leniency; but the primate must have felt too much indebted to the king for his part in the proceedings against Oldcastle to raise any objection to his wishes.

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(To be continued.)

NOTE.

The abjuration of Oldcastle, found only in the *Fasciculi Zizaniorum*,¹⁰⁷ is unsupported by any contemporary authority. It is consequently no wonder that protestant writers have considered it spurious. Bale unhesitatingly pronounces it a forgery, and has expressed his opinion in a marginal note in the manuscript of the *Fasciculi*.¹⁰⁸ This view is elaborated in his *Breve Chronycle*. Oldcastle, he says, during his imprisonment in the Tower managed to keep up correspondence with his friends outside. From them he learned that damaging reports as to his steadfastness were

¹⁰³ *Gesta Henr. V.*, p. 8; Walsingham, II, 296; Elmham, *Lib. Matr.* p. 97; Capgrave, *De Illust. Henr.* p. 118; Redmayne, p. 18. Bale, it may be noted, merely mentions that Oldcastle was kept in the Tower after his condemnation, and carefully refrains from any hint about an act of favour.

¹⁰⁴ This view is taken by the author of the *Gesta*, by Elmham, and by Capgrave, *De Illust. Henr.* It is quite likely, however, that the last named in this instance, as in many others, derived his information from Elmham.

¹⁰⁵ Redmayne, very likely borrowing from Walsingham, tells us that Oldcastle was committed to the Tower 'iussu Archiepiscopi.'

¹⁰⁶ The granting of a respite was in itself an act of favour. In cases of heresy little time was usually lost between condemnation and execution. Badby, for instance, had been burnt a few hours after he was sentenced. In Sawtre's case the writ of execution had been held over, but only for four days.

¹⁰⁷ P. 414 ff.

¹⁰⁸ 'Confota est haec abiuratio ut patet postea adhuc,' the remainder of the note being illegible (p. 414, n. 1). [The following words in the manuscript, f. 97 b, which Shirley could not read, are 'ut papista adhuc suis succurrentibus periclitantibus apud multos,' written and partly rewritten by Bale over an erasure.—Ed. E. H. B.]

being spread abroad by the bishops' servants. To counteract the effect of these he arranged that a 'little bill,' containing a denial that he had in any way altered his opinions, should be posted up in various parts of London. After this the clergy fell into very bad odour with the laity in general, who sympathised with Sir John; and to restore their own credit, and at the same time to damage Oldcastle's reputation, they forged an abjuration in his name.¹⁰⁹ In it he recognises the authority of the pope and prelates, and their right to establish and enforce ecclesiastical constitutions, renounces all his heretical beliefs, declares himself ready to undergo any penance which Arundel may think fit to impose on him, and promises to inform the clergy of any heterodox persons he may hear of.

Oldcastle can never have made such a recantation, for if he had done so he would have been set at liberty, whereas all authorities agree that he escaped from the Tower by stealth. It is just possible that he may in a moment of weakness have signed the document, and afterwards withdrawn from it, though the absence of any reference to his action in any record of the time makes the supposition highly improbable. But, granted that the abjuration never received Oldcastle's signature, it is not necessary to accuse the prelates of deliberate forgery. It is clear that no official story of an abjuration was current. No one could conceivably have hoped to discredit Oldcastle by forging a document and then concealing it. More probably the 'confession' is a mere draft, drawn up towards the close of Oldcastle's examination, or while he was in the Tower,¹¹⁰ and intended to be submitted to him for his signature, in case he should show any sign of relenting. After the prisoner's escape such a document would, of course, be useless; but Walden, it would appear, somehow got possession of it, and placed it among his papers. Possibly, indeed, he had composed it himself, with the idea that it might prove useful; we know that he was present at Oldcastle's second examination,¹¹¹ and according to Bale he played a conspicuous part in the cross-questioning to which the accused was subjected.¹¹² On Walden's death the paper was found, and inserted in the volume which has come down to us.¹¹³

¹⁰⁹ Bale, p. 81 ff.

¹¹⁰ The author of the *Gesta* has an interesting statement in this connexion: 'Intra fines Octobris solutus a vinculis tergiversator ille sub promissione quod revocaret suas opiniones hereticas et staret iudicio ecclesie, in custodia tum tentus usque ante tribunal convocandi cleri sisti posse, rupit carceres et aufugit' (p. 8).

¹¹¹ *Fasc. Zur.* p. 448.

¹¹² Bale, pp. 88-90.

¹¹³ See *Fasc. Eis. intr.* pp. lxxvii, lxxviii.